

May 15, 2007

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
May 22, 2007

**PROPOSED AMENDMENTS TO NOISE ORDINANCE AND ADDING A
PERMIT SYSTEM FOR PARTIES ON PRIVATE PROPERTY**

Recommendation:

That the City Council approve the attached ordinance amending the noise ordinance and adding a permit system for parties on private property.

Background:

Mayor Edgerton brought forward a proposal of adding a permit system for parties, twice a year, on private property for residents. The proposal would allow a resident to get a permit from the Police Department for a party, gathering or event to be held at a residence on a Friday, Saturday or Sunday only. A \$500 deposit will be required to cover any City costs to enforce the conditions of the permit. Amplified music and live entertainment shall be permitted but must cease no later than 11:45 p.m. on Friday and Saturday and 9:45 p.m. on Sundays. Events shall conclude at 12:00 a.m. on Friday and Saturday and 10:00 p.m. on Sunday.

The attached ordinance goes into the permit details for the program.

The proposed ordinance also makes some minor improvements to a couple of sections of the noise ordinance making them more specific. In addition, the proposal eliminates the charitable exception to parties open and advertised to the public.

Respectfully submitted,



Stephen R. Burrell
City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HERMOSA
BEACH AMENDING THE NOISE ORDINANCE,
AND FURTHER ESTABLISHING A PERMIT
SYSTEM FOR PARTIES ON PRIVATE PROPERTY
AND AMENDING THE HERMOSA BEACH
MUNICIPAL CODE

The City Council of the City of Hermosa Beach does ordain as follows:

Section 1. Section 8.24.010 of Title 8, Chapter 8.24 of the Hermosa Beach Municipal Code is amended to read as follows:

8.24.010 Purpose and Findings.

The City is a densely developed community. Residential dwelling units are located in close proximity to one another and commercial activities often adjoin residential housing. This pattern of land use development makes it almost inevitable that everyday noise will be audible to one degree or another. The purpose of this Chapter is to strike a balance between normal, everyday noises that are unavoidable in an urban environment and those noises that are so excessive and annoying that they must be curtailed in order to protect the comfort and tranquility of all persons who live and work in the City.

Section 2. Section 8.24.030 of Title 8, Chapter 8.24 of the Hermosa Beach Municipal Code is amended to read as follows:

8.24.030 Prohibited Noises – General Standard.

Unless otherwise permitted in this Chapter, no person shall make, permit to be made or cause to suffer any noises, sounds or vibrations that in view of the totality of the circumstances are so loud, prolonged and harsh as to be physically annoying to reasonable persons of ordinary sensitivity and to cause or contribute to the unreasonable discomfort of any persons within the vicinity. When considering whether a noise, sound or vibration is unreasonable within the meaning of this section, the following factors shall be taken into consideration:

- A. The volume and intensity of the noise, particularly as it is experienced within a residence or place of business;
- B. Whether the noise is prolonged and continuous;
- C. How the noise contrasts with the ambient noise level;
- D. The proximity of the noise source to residential and commercial uses;
- E. The time of day; and
- F. The anticipated duration of the noise.

Section 3. The first paragraph of Section 8.24.070 of Title 8, Chapter 8.24 of the Hermosa Beach Municipal Code is amended to read as follows:

The following provisions apply to any party or other gathering of people on private property that is determined by a law enforcement officer at the scene to constitute a threat to public peace, health and safety due to the magnitude of the crowd, the level of disturbance to the surrounding neighborhood, unruly behavior, excessive traffic or destruction of property generated by the party or gathering. The provisions of this section are inapplicable to a party or gathering authorized by a permit issued pursuant to Section 9.28.020.

Section 4. Chapter 9.28 of Title 9 of the Hermosa Beach Municipal Code is amended to read as follows:

Chapter 9.28

Parties and Gatherings on Private Property

9.28.010. Parties Advertised and Open to the Public Prohibited

It shall be unlawful for any person to conduct or hold in any residence any party, gathering or dance at which live or recorded music is provided which is open to the general public and: (1) for which admission is charged, or (2) for which brochures, posters or handbills advertising the party or dance are distributed or posted, or other advertisement made or published, or (3) at which a charge is made for refreshments.

9.28.020 Permits for Parties and Events on Private Property

A resident of the City may obtain from the Police Department a maximum of two permits per calendar year per household in order to conduct a party, gathering or event at the residence pursuant to the provisions of this section.

A. A permit must be requested not less than ten (10) days prior to the date of the event on an application form provided by the Police Department. The application form shall be accompanied by a filing fee in an amount determined by resolution of the City Council to recover the City's costs associated with processing the application and issuing the permit.

B. Upon receipt and review of a complete application and filing fee, the Police Department shall issue the permit provided that no more than two permits are issued to the same residential address in a calendar year. The Police Department may impose conditions on the permit, in addition to those set forth below in this section, deemed necessary to protect against the event becoming a nuisance to the surrounding

neighborhood due to the number of people in attendance, the amount of traffic to be generated, the type of amplified music or entertainment to be utilized and other similar considerations. Conditions shall take into account the size of the residential property, the capacity of the street on which it is located, the availability of parking and the proximity to neighbors.

C. The following mandatory requirements and conditions shall apply to all permits issued pursuant to this section:

1. A permit will be issued only upon receipt of a deposit, in the form of cash or cashier's check, in the amount of \$500. The deposit, or any portion thereof, shall be forfeited to the City in order to recover any costs incurred to enforce the conditions of the permit in the event of a violation of the permit or the provisions of this section. Any unused portion of the deposit will be returned to the permittee within ten (10) days of the conclusion of the event. Should the City's costs of enforcement exceed the amount of the deposit, the remainder shall constitute a civil debt due and owing the City and recoverable in any manner provided by law.

2. Amplified music and live entertainment shall be permitted, notwithstanding the provisions of Chapter 8.24, but shall cease no later than 11:45 p.m. on Friday and Saturday nights, and 9:45 p.m. on Sundays. The event shall conclude not later than 12:00 midnight on Friday and Saturday nights, and 10:00 p.m. on Sundays.

3. Permits shall be issued for events occurring only between 5:00 p.m. Fridays through 10:00 p.m. Sundays.

4. The permit will be issued only to a resident 21 years of age or older. The permittee shall be physically on the property during the entire duration of the event.

5. Permits will be issued solely for events for which there is a specific invitation list. In no event will a permit be issued for parties, gatherings or events open or advertised to the general public.

6. Upon receipt of a permit, the permittee shall notify all residents within a 300 foot radius of the property of the location, date and time of the event and the telephone number of the permittee.

D. A permit issued pursuant to this section may be revoked and the event ordered concluded at any time during the course of the event by highest ranking police officer on duty at the time upon a determination that the event has become a threat to public safety.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2002.

Mayor

Attest:

City Clerk