

June 6, 2007

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
June 12, 2007

SPECIAL EVENTS ON PRIVATE PROPERTY

Recommendation:

That the City Council waive full reading and introduce revised ordinance.

Background:

The City Council reviewed the attached ordinance at the meeting of May 22, 2007 and directed staff to make several changes which have been incorporated into the ordinance. In addition, the application form has been attached. This is the form that we would use in administering this ordinance should it be adopted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "SR Burrell", written in a cursive style.

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 SPECIAL EVENTS 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 or a violation of this Code or State law due to the magnitude of the crowd, the volume of noise, 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, Events 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, event 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 Special 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 special event, party or gathering 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 and volume 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, and at least 72 hours prior to the event, 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.

7. Permits shall not be issued on St. Patrick's Day, July 4th, Cinco de Mayo and New Years Eve or on any other date where the Police Department determines that the number of permitted events or the scheduling of other activities in the City will exceed the capacity of the Department adequately to protect public safety.

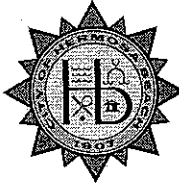
D. A permit issued pursuant to this section may be revoked and the event ordered concluded at any time during the course of the event by the highest ranking police officer on duty at the time upon determination that the event is causing a violation of State law or a determination that the event has become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

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2007.

Mayor

Attest:

City Clerk



**CITY OF HERMOSA BEACH
POLICE DEPARTMENT**

540 Pier Avenue, Hermosa Beach, CA 90254
(310) 318-0360 Fax (310) 798-8926

**RESIDENTIAL EVENT
APPLICATION and PERMIT**
(Hermosa Beach Municipal Code Chapter 9.28)

**Permit applications must be filed with the Hermosa Beach Police Department
at least ten (10) days prior to the date of event and must be accompanied by
the appropriate filing fee.**

Name of Applicant: _____

Date of Birth: _____

Event Street Address: _____

(City) (State & Zip)

Applicant Address (if different): _____

(City) (State & Zip)

Applicant Phone Number: Home: _____ Cell: _____

Brief Description of Event: _____

Date of Event: _____

Event Start Time: _____ Anticipated End Time: _____

Is there a guest list?

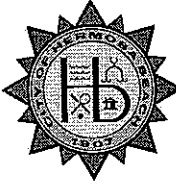
| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

Age of group:

| | | |
|---------------------------------|---------------------------------|--------------------------------|
| Adults <input type="checkbox"/> | Minors <input type="checkbox"/> | Mixed <input type="checkbox"/> |
|---------------------------------|---------------------------------|--------------------------------|

Please attach a copy of the guest list to this application.

Private Events that are open to the public or where an admission fee is charged are not permitted under the Hermosa Beach Municipal Code.



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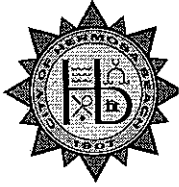
| | |
|---|---------------------------|
| Contact Name in case of emergency: _____ | |
| (Address) _____ | (City, State & Zip) _____ |
| Home: _____ | Cell: _____ |
| Landlord or Management Company: _____ | |
| (if applicable) | |
| (City) _____ | (State & Zip) _____ |
| Day Phone: _____ | Evening Phone: _____ |
| Please describe the parking arrangements for guests (valet service, street parking, etc). If using a valet company, please describe where the vehicles will be parked. USE SEPARATE SHEET IF NECESSARY | |
| | |
| | |
| Please describe any entertainment that will be provided (include information on the length of time that the entertainment will be performed, use of any amplification equipment, and number of performers). USE SEPARATE SHEET IF NECESSARY | |
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|---|--------|--------------------------|---------|--------------------------|
| Please describe sanitary facilities to be provided, if any: (number of restrooms or portable toilets) USE SEPARATE SHEET IF NECESSARY | | | | |
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| | | | | |
| Please describe the security arrangements, if any: USE SEPARATE SHEET IF NECESSARY | | | | |
| | | | | |
| | | | | |
| Is event indoor or outdoor | Indoor | <input type="checkbox"/> | Outdoor | <input type="checkbox"/> |
| Will alcohol be served? | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| | | | | |
| What is the distance to the nearest residence? _____ | | | | |
| | | | | |
| Please attach copy of notification that will be issued to neighbors. | | | | |
| <i>(At least 72 hours before the event, permittees must notify all residents within a 300 foot radius of the event location about the event, including the date, time and provide a telephone number for the permittee. Please contact the Hermosa Beach Community Development Department at 310-318-0239 for questions concerning the 300 foot radius.)</i> | | | | |



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| | |
|--|-----------------|
| Permit Conditions: | |
| Permittee must be physically present on the property during the entire duration of the event. | |
| Event must conclude at: | |
| Amplified music and/or amplified noise must conclude at: | |
| Additional Conditions: | |
| | |
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| | |
| <i>I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. ALL FEES, CHARGES AND OTHER MATERIAL WILL BE PAID AND OR FURNISHED TO THE POLICE DEPARTMENT AS SET FORTH IN THE HERMOSA BEACH MUNICIPAL CODE.</i> | |
| _____ (Signature of Applicant) | _____ (Date) |
| _____ (Police Department) | _____ (Date) |

Distribution:
Watch Commander; South Bay Regional Communications Center