

August 7, 2007

City Council Meeting
August 14, 2007

Mayor and Members
of the City Council

ORDINANCE NO. 07-1285 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE NOISE ORDINANCE AND FURTHER ESTABLISHING A PERMIT SYSTEM FOR SPECIAL EVENTS ON PRIVATE PROPERTY, AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE."

Submitted for **waiver of full reading and adoption** is Ordinance No. 07-1285, relating to the above subject.

At the meeting of July 24, 2007, the ordinance was presented to the City Council for consideration and was amended to limit amplified music and live entertainment to a maximum duration of four hours (start to finish) and to restrict the noise emanating at any time from the event to a maximum of 95 dBA at the property line. The ordinance, as amended, was then introduced by the following vote:

AYES: Bobko, Edgerton, Reviczky, Tucker
NOES: Mayor Keegan
ABSENT: None
ABSTAIN: None

Also attached for your information is the revised Residential Event Application and Permit form, amended at Council's direction to clearly state that a guest list is required and that the list will be destroyed within five days of the event.


Elaine Doerfling, City Clerk

Noted:



Stephen R. Burrell, City Manager

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ORDINANCE NO. 07-1285

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, 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 hereby 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

1 vicinity. When considering whether a noise, sound or vibration is unreasonable within the
2 meaning of this section, the following factors shall be taken into consideration:

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

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

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

19 **SECTION 4.** Chapter 9.28 of Title 9 of the Hermosa Beach Municipal Code is amended
20 to read as follows:

21 **Chapter 9.28**

22 **Parties, Events and Gatherings on Private Property**

23 **9.28.010. Parties Advertised and Open to the Public Prohibited**

24 It shall be unlawful for any person to conduct or hold in any residence any party, gathering,
25 event or dance at which live or recorded music is provided which is open to the general public
26 and: (1) for which admission is charged, or (2) for which brochures, posters or handbills
27
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1 advertising the party or dance are distributed or posted, or other advertisement made or published,
2 or (3) at which a charge is made for refreshments.

3 **9.28.020 Permits for Special Events on Private Property**

4 A resident of the City may obtain from the Police Department a maximum of two permits
5 per calendar year per household in order to conduct a special event, party or gathering at the
6 resident's residence pursuant to the provisions of this section.
7

8 A. A permit must be requested not less than ten (10) days prior to the date of the event on
9 an application form provided by the Police Department. The application form shall be
10 accompanied by a filing fee in an amount determined by resolution of the City Council to recover
11 the City's costs associated with processing the application and issuing the permit.
12

13 B. Upon receipt and review of a complete application and filing fee, the Police
14 Department shall issue the permit provided that no more than two permits are issued to the same
15 residential address in a calendar year. The Police Department may impose conditions on the
16 permit, in addition to those set forth below in this section, deemed necessary to protect against the
17 event becoming a nuisance to the surrounding neighborhood due to the number of people in
18 attendance, the amount of traffic to be generated, the type and volume of amplified music or
19 entertainment to be utilized and other similar considerations. Conditions shall take into account
20 the size of the residential property, the capacity of the street on which it is located, the availability
21 of parking and the proximity to neighbors.
22

23 C. The following mandatory requirements and conditions shall apply to all permits issued
24 pursuant to this section:
25

26 1. A permit will be issued only upon receipt of a deposit, in the form of cash or
27 cashier's check, in the amount of \$500. The deposit, or any portion thereof, shall be forfeited to
28

1 the City in order to recover any costs incurred to enforce the conditions of the permit in the event
2 of a violation of the permit or the provisions of this section. Any unused portion of the deposit
3 will be returned to the permittee within ten (10) days of the conclusion of the event. Should the
4 City's costs of enforcement exceed the amount of the deposit, the remainder shall constitute a civil
5 debt due and owing the City and recoverable in any manner provided by law.

6
7 2. Amplified music and live entertainment shall be permitted notwithstanding the
8 provisions of Chapter 8.24 for a maximum duration of four hours (start to finish) and shall cease
9 no later than 11:45 p.m. on Friday and Saturday nights, and 9:45 p.m. on Sundays. The event shall
10 conclude not later than 12:00 midnight on Friday and Saturday nights, and 10:00 p.m. on Sundays.

11
12 3. Noise emanating from the event shall not exceed 95 dBA at the property line at
13 any time during the event.

14
15 4. Permits shall be issued for events occurring only between 5:00 p.m. Fridays
16 through 10:00 p.m. Sundays.

17
18 5. The permit will be issued only to a resident 21 years of age or older. The
19 permittee shall be physically on the property during the entire duration of the event.

20
21 6. Permits will be issued solely for events for which there is a specific invitation
22 list. In no event will a permit be issued for parties, gatherings or events open or advertised to the
23 general public.

24
25 7. Upon receipt of a permit, and at least 72 hours prior to the event, the permittee
26 shall notify all residents within a 300 foot radius of the property of the location, date and time of
27 the event and the telephone number of the permittee.

28
8. 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

1 permitted events or the scheduling of other activities in the City will exceed the capacity of the
2 Department adequately to protect public safety.

3 D. A permit issued pursuant to this section may be revoked and the event ordered
4 concluded at any time during the course of the event by the highest ranking police officer on duty
5 at the time upon determination that the event is causing a violation of State law or is violating one
6 or more conditions of approval, or a determination that the event has become a threat to public
7 safety.
8

9 **SECTION 5.** The City Clerk shall certify to the passage and adoption of this ordinance,
10 shall enter the same in the book of original ordinances of said city; shall make minutes of the
11 passage and adoption thereof in the records of the proceedings of the City Council at which the
12 same is passed and adopted.
13

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16 **PASSED, APPROVED and ADOPTED** this 14th day of August, 2007 by the following vote:

17 AYES:
18 NOES:
19 ABSENT:
20 ABSTAIN:

21
22 _____
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

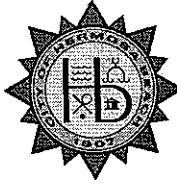
23
24 ATTEST:

APPROVED AS TO FORM:

25
26
27 _____
City Clerk

City Attorney

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**CITY OF HERMOSA BEACH
POLICE DEPARTMENT**

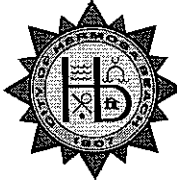
540 Pier Avenue, Hermosa Beach, CA 90254
(310) 318-0360 Fax (310) 798-8926

**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.

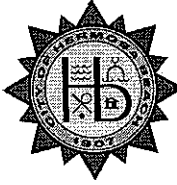
Name of Applicant: _____		
Date of Birth: _____		
Applicant Address: _____ <i>(MUST BE VENUE OF EVENT)</i>		
(City) _____	(State & Zip) _____	
Applicant Phone Number: Home: _____ Cell: _____		
Brief Description of Event: _____		
Date of Event: _____		
Event Start Time: _____ Anticipated End Time: _____		
Age of group:	Adults <input type="checkbox"/>	Minors <input type="checkbox"/> Mixed <input type="checkbox"/>
ATTACH A COPY OF THE GUEST LIST TO THIS APPLICATION. <i>(Guest list will be destroyed within 5 days of the calendared event.)</i>		
<i>Parties that are open to the public or where an admission fee is charged are <u>not</u> permitted under the Hermosa Beach Municipal Code.</i>		



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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)

Contact Name in case of emergency: _____	
_____ <small>(Address)</small>	_____ <small>(City, State & Zip)</small>
Home: _____	Cell: _____
Landlord or Management Company: _____ <small>(if applicable)</small>	
_____ <small>(City)</small>	_____ <small>(State & Zip)</small>
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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(Hermosa Beach Municipal Code Chapter 9.28)

Please describe sanitary facilities to be provided, if any:
(number of restrooms or portable toilets)
USE SEPARATE SHEET IF NECESSARY

Please describe the security arrangements, if any:
USE SEPARATE SHEET IF NECESSARY

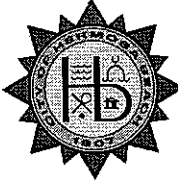
Is event indoor or outdoor

Indoor	<input type="checkbox"/>	Outdoor	<input type="checkbox"/>
Will alcohol be served?	<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.

(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.)



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**RESIDENTIAL EVENT
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(Hermosa Beach Municipal Code Chapter 9.28)

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:	
<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