

**CITY OF HAWAIIAN GARDENS
ORDINANCE 483**

AN ORDINANCE OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING CHAPTER 9.29 (NOISE CONTROL) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.

WHEREAS, the California Constitution, under Article XI, Section 5 (A), allows municipalities to enforce within its limits all police, sanitary, and other ordinances and regulations, not in conflict with general laws; and

WHEREAS, the City Council finds and declares that excessive noise is a serious hazard to the public health and welfare, and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. The City of Hawaiian Gardens has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise. All residents of the City are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare; and

WHEREAS, Staff has prepared an exemption from the requirements of CEQA, under Section 15061(b)(3), as the project is covered under the general rule that CEQA only applies to projects that have the potential to cause a significant impact to the environment, and that no environmental impacts are expected of this action; and

NOW, THEREFORE, the City Council of the City of Hawaiian Gardens **DOES HEREBY ORDAIN** as follows:

Section 1. The City Council of the City of Hawaiian Gardens HEREBY FINDS AND DETERMINES that Ordinance No. 483 (Case No. 03-44MCA) is not subject to the California Environmental Quality Act (CEQA) because Section 15061(b)(3) of CEQA states that as part of preliminary review, a public agency shall determine whether a particular activity is exempt from CEQA. Therefore, it has been determined this Ordinance is not subject to review and is exempt because CEQA applies only to projects which have a potential for causing a significant effect on the environment and there is no question this ordinance will not have a significant effect on the environment, therefore the activity is not subject to review from CEQA, as stated in the CEQA guidelines Section 15061(b)(3).

Section 2. Section 9.29.020 (Enforcement) is amended to read as follows:

The provisions of this chapter shall be enforced jointly by the chief of police **or Los Angeles County Sheriff's Department** and the Director of Planning and Community Development or their designees.

Section 3. Section 9.29.030 (Definitions) is amended by adding the following definition, to read as follows:

"City Enforcement Officer" means any authorized employee or designee of the Chief of Police, Los Angeles County Sheriff's Department or Community Development Director.

Section 4. Section 9.29.120.A.1 (Radios and Televisions) is deleted in its entirety, and replaced with the following:

9.29.120.A.1. Radios and Televisions. *The using, operating, or permitting to be used or operated, any radio, receiving set, television set, musical instrument, phonograph, juke box or other machine or device for producing or reproducing sound in such a manner as to unreasonably disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or person who is in the room or chamber in which such machine or device is located and operated is declared to be a public nuisance. The operation of any such set, instrument, stereo, machine or device in any such a manner as to be plainly audible at the following thresholds shall be prima facie evidence of a violation of this section:*

*from 7:00AM to 10:00PM - One Hundred Feet (100'0")
from 10:00PM to 11:00PM - Fifty Feet (50'0")
from 11:00PM to 7:00AM - At the Property Line*

Section 5. Section 9.29.120.A.2 (Yelling and Shouting), is deleted in its entirety, and replaced with the following:

9.29.120.A. 2. Yelling and Shouting. *Yelling, shouting, hooting, whistling, or singing on the public streets or private property so as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence is declared to be a public nuisance. The yelling and shouting in any such manner as to be plainly audible at the following thresholds shall be prima facie evidence of a violation of this section:*

*from 7:00AM to 10:00PM - One Hundred Feet (100'0")
from 10:00PM to 11:00PM - Fifty Feet (50'0")
from 11:00PM to 7:00AM - At the Property Line*

Section 6. Section 9.29.120 (Prohibited Noise) is amended by adding Sub-Paragraph 5, to read as follows:

5. Stationary Vehicles. *The using, operating, or permitting to be used or operated, any radio, receiving set, television set, musical instruments, phonograph, juke box or other machine or device for producing or reproducing sound emanating from a stationary vehicle in such a manner as to unreasonably disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or person who are in the stationary vehicle is declared to be a public nuisance. The operation of any such set, instrument, stereo, machine or device in such a manner as to be plainly audible at the following thresholds from the stationary vehicle shall be prima facie evidence of a violation of this section:*

*from 7:00AM to 10:00PM - Fifty Feet (50'0")
from 10:00PM to 11:00PM - Twenty-Five Feet (25'0")
from 11:00PM to 7:00AM - At the nearest Property Line*

Section 7. Section 9.29.130 (Liability Cost for City Enforcement Response), Subsection A, is amended by adding the following text at the end of the subsection:

Notification may also be provided by use of an alternative form, provided such form contains text substantially the same as that found in this subsection.

Section 8. Section 9.29.170 (Closure of Noise Generation Activities) is deleted in its entirety.

Section 9. Severability If any section, subsection, sentence, clause, phase, or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Hawaiian Gardens hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more section, subsection, sentence, clause, phrase, or portion may be declared invalid or unconstitutional.

Section 10. This Ordinance shall become effective thirty (30) days after the final passage thereof.

Section 11. The City Clerk shall certify to the passage of this Ordinance and prior to the expiration of fifteen (15) days from the adoption hereof the City Clerk shall cause this ordinance to be published in the manner described by law.

PASSED, APPROVED, AND ADOPTED by the Hawaiian Gardens City Council on this 10th day of June 2003.

ATTEST:


SUZANNE UNDERWOOD
CITY CLERK


MICHIKO A. OYAMA-CANADA
MAYOR

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**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

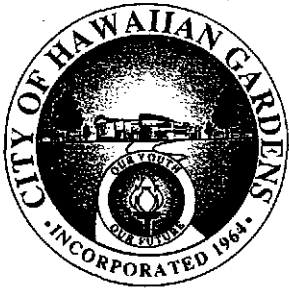
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, LUCIE COLOMBO, ASSISTANT CITY CLERK, of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 483** was duly and regularly introduced and placed upon its first reading at a regular meeting of the City Council on the **27th day of May 2003**, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on this **10th day of June, 2003** by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: PRIDA, CHAIDEZ, SCHULTZE, OYAMA-CANADA
NOES: NONE
ABSENT: HECKERMAN
ABSTAIN: NONE



LUCIE COLOMBO
ASSISTANT CITY CLERK



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

Agenda Item No.: B-6
Meeting Date: 6/10/2003
City Administrator: [Signature]

CITY OF HAWAIIAN GARDENS

ACTION:

☒ **Approved**
☐ **Denied**
☐ **Amended**
☐ **Receive & File**
☐ **Other**

VOTE:

4-0 *Resent Heckman*

DATE:

6/10/2003

TO: Honorable Mayor and City Council Members
THRU: Raul Romero, Interim City Administrator
FROM: Joseph Colombo, Director of Community Development
SUBJECT: **SECOND READING - -ORDINANCE 483**
AN ORDINANCE OF THE CITY OF HAWAIIAN GARDENS AMENDING CHAPTER
9.29 (NOISE CONTROL) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.
DATE: June 3, 2003

I. SUMMARY

The City of Hawaiian Gardens City Council heard and approved this Ordinance on May 27, 2003. This ordinance is being brought back for its second reading. Upon its approval by the City Council, Ordinance 483 will become effective thirty (30) days after its approval. The effective date of the ordinance will be July 10, 2003.

II. RECOMMENDATION

1. The Community Development Department recommends the City Council approve Ordinance Number 483.

Attachments:

1. Ordinance Number 483

JC/JRT:

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