

ORDINANCE NO. 16-0007-U

AN URGENCY ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING SECTION 5.48.060 (CONSTRUCTION) OF CHAPTER 5.48 (NOISE REGULATIONS) OF THE MANHATTAN BEACH MUNICIPAL CODE TO ALLOW CITY COUNCIL TO MODIFY CONSTRUCTION HOURS UNDER LIMITED CIRCUMSTANCES AND DECLARING THE URGENCY THEREOF

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City Council hereby amends Subsection A of Section 5.48.060 to read as follows:

“Except as provided in this Section, all construction activities shall be prohibited, except between the following hours:

Mondays through Fridays	7:30 a.m. and 6:00 p.m.
Saturdays	9:00 a.m. and 6:00 p.m.”

SECTION 2. The City Council hereby amends and re-letters Subsection 5.48.060 B 8 as Subsection 5.48.060 G to read as follows:

“G. Exceptions. The following activities may occur at hours other than those specified in Subsection A, provided such activities do not violate the noise disturbance provisions set forth in Section 5.48.140:

1. Home improvements or repairs not requiring a City permit, such as carpeting, cabinet work, or any painting not described in subsection (B)(5) of this Section, and
2. Routine maintenance or replacement of such items as, but not limited to, water heaters, dishwasher units, and garbage disposals.”

SECTION 3. The City Council hereby adds a new Subsection 5.48.060 H to read as follows:

“H. Modification of Hours.

1. Director Authorization. Upon request, the Director may modify the hours for interior construction activity on commercial property under limited circumstances. The Director shall consider the noise disturbance criteria listed in Section 5.48.140 in determining whether to modify the hours. The Director may impose conditions to mitigate or eliminate any potential adverse impacts arising from the activities and may require prior notice to persons and businesses in the vicinity. The Director may forward the request to the City Council for its consideration.
2. Council Authorization. Upon request, the City Council may modify the hours for construction activity under limited circumstances. The Council shall consider the noise disturbance criteria listed in Section 5.48.140 in determining whether to modify the hours. The Council may impose conditions to mitigate or eliminate any potential adverse impacts arising from the activities and may require prior notice to persons and businesses in the vicinity.”

SECTION 4. The City Council hereby directs the City Clerk to re-letter Subsection 5.48.060 G (Penalties) as Subsection 5.48.060 I.

SECTION 5. The City has seen an increase of commercial properties undertaking remodeling. There is a greater possibility of risk of accidents if construction takes place during the busiest part of the day, when pedestrians and vehicle drivers are present. Accordingly, the City Council hereby declares that there is a current and immediate threat to the public peace, health and safety. Pursuant to Government Code Section 36937(b), the City Council hereby adopts this ordinance on an urgency basis in order to protect the public peace, health, or safety.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

SECTION 7. This Ordinance shall take effect immediately.

PASSED, APPROVED AND ADOPTED 7th of June, 2016.

AYES: Howorth, Powell, Burton, Lesser and Mayor D'Errico.
NOES: None.
ABSENT: None.
ABSTAIN: None.



TONY D'ERRICO
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Urgency Ordinance No. 16-0007 was duly passed and adopted by the said City Council, approved and signed by the Mayor, and attested by the City Clerk, of said City, all at a regular meeting of the said Council duly and regularly held on the 7th day of June, 2016, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Howorth, Powell, Burton, Lesser and Mayor D'Errico.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 17th day of June 2016.



City Clerk of the City of
Manhattan Beach, California

(SEAL)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that Urgency Ordinance No. 16-0007 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Beach Reporter, a weekly newspaper of general circulation on the following date, to wit June 16, 2016 and in witness whereof, I have hereunto subscribed my name this 17th day of June, 2016.



City Clerk of the City of
Manhattan Beach, California