



Agenda Item #: 07/1002.13-4

## Staff Report

### City of Manhattan Beach

**TO:** Honorable Mayor Aldinger and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Rod Uyeda, Chief of Police *Uyeda*  
John Dye, Lieutenant

**DATE:** October 16, 2007

**SUBJECT:** Adoption of Ordinance No. 2107 Amending Manhattan Beach Municipal Code Section 5.48.150, Amplified Sound Permits, to Extend Time Limitations of Amplified Sound Equipment for Specifically Requested Events and to Limit the Number of Such Permits to any Individual or Location to No More than Two in a Calendar Year

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#### **RECOMMENDATION:**

Staff recommends that the City Council **ADOPT** Ordinance No. 2107.

#### **FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

#### **BACKGROUND:**

The City Council, at its regular meeting of October 2, 2007, discussed amending Manhattan Beach Municipal Code section 5.48.150 to extend the time limit for amplified sound permits for specifically requested special events to 11pm on Friday and Saturday evenings and to limit the number of such permits issued to any individual or location to no more than two in a calendar year. The City Council then **INTRODUCED** Ordinance No. 2107.

Upon adoption of this Ordinance, the time limitation for amplified sounds permits will be extended to 11pm on Friday and Saturday evenings and a limit will be placed on such extended permits to two per calendar year. It should be noted that the issuance of an amplified sound permit only allows the holder to be legally within the requirements of the City's ordinance and that permits can be revoked should sound emanating from a permitted event be deemed unreasonable.

Attachments: A. Ordinance No. 2107

ORDINANCE NO. 2107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 5.48.150 OF CHAPTER 5.48 OF THE MANHATTAN BEACH MUNICIPAL CODE TO EXTEND THE HOURS OF AMPLIFIED SOUND PERMITS AND TO LIMIT THE NUMBER OF AMPLIFIED SOUND PERMITS GRANTED EACH CALENDAR YEAR

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby finds as follows:

- A. That the peace and tranquility of the community and neighborhoods is an important ideal to maintain within our City.
- B. That there is an interest by the City to strike a balance between residents who wish to obtain amplified sound permits on Friday and Saturday nights, and other neighbors who live in close proximity to those wishing to utilize amplified sound.
- C. That the City believes extending the time limitation on amplified sound permits on Friday and Saturday night should be extended to 11 p.m.
- D. That a limitation on the number of amplified permits that may be obtained by any individual or location should be limited to two permits per calendar year.
- E. That the Police Chief or his designee will be responsible for approving or denying the permit.

SECTION 2. Section 5.48.150 of Chapter 5.48 of Title 5 of the Manhattan Beach Municipal Code is hereby amended in its entirety to read as follows:

Every user of sound amplifying equipment on public or private property shall file an application with the Chief of Police at least ten (10) days prior to the date on which the sound amplifying equipment is to be used.

**A. Restrictions.** The commercial and non-commercial use of sound amplifying equipment shall be subject to the following restrictions:

1. The only sounds permitted shall be either music or human speech, or both.
2. The operation of sound amplifying equipment shall occur only between the hours of:  
8:00 a.m. through 8:00 p.m. Monday through Thursday;  
8:00 a.m. through 11:00 p.m. Friday;  
10:00 a.m. through 11:00 p.m. Saturday;  
10:00 a.m. through 8:00 p.m. Sunday and City specified holidays.

Exempt from these hours of operation are those activities which are authorized by the City of Manhattan Beach or the public school districts serving the residents of the City, including the use of the Civic Center facilities, athletic fields and courts, community centers, and the conduct of City approved special events.

3. Notwithstanding the provisions of this chapter, sound amplifying equipment shall not be operated within one hundred (100) feet of churches, schools during school hours, hospitals, or City buildings during normal business hours.

4. Individuals or locations may only be granted up to two amplified sound permits in any one calendar year.

**B. Contents of the Application.**

1. The name, address, and phone number of both the owner and the user of the sound amplifying equipment;
2. The address where the sound amplifying equipment will be used;
3. The dates and times the sound amplifying equipment will be used;
4. The maximum sound producing power of the sound amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced,

and the approximate distance for which sound will be audible from the sound amplifying equipment;

5. The license and motor number if a sound truck is to be used;

6. A general description of the sound amplifying equipment which is to be used;

7. Whether the sound amplifying equipment will be used for commercial or non-commercial purposes;

**C. Fees.** Prior to the issuance of the permit, a fee established by the City Council shall be paid to the City.

**D. Approval of Permit.** The Chief of Police or his designee shall approve the application unless he finds that:

1. Use of the equipment would constitute a detriment to traffic safety;

2. The issuance of the permit would be otherwise detrimental to the public health, safety or welfare;

3. The issuance of the permit will substantially interfere with the peace and quiet of the neighborhood or the community;

4. The applicant would violate the provisions of this Code or any other law.

**E. Disapproval of Permit.** In the event the permit application is declined, the Chief of Police or his designee shall state the reason(s) for disapproval and return the written disapproval to the applicant.

**F. Right of Appeal.** Any person whose permit application is disapproved may appeal to the City Council within ten (10) calendar days from the date of notification of decision.

**SECTION 3.** All other provisions of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

**SECTION 4.** Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

**SECTION 5.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be 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 hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 6.** This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

**SECTION 7.** The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 18th day of October, 2007.

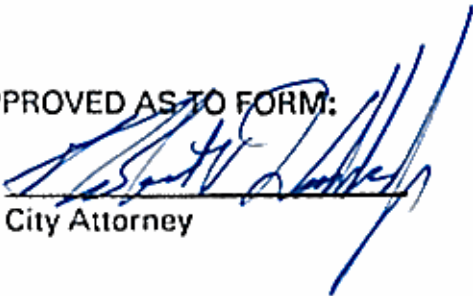
Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By   
\_\_\_\_\_  
City Attorney