



Ordinance Fact Sheet

TO: CITY COUNCIL DATE: September 27, 2004
FROM: CITY ATTORNEY
SUBJECT: ORDINANCE AMENDING SECTION RELATED TO NOISE
GENERATED BY CONSTRUCTION PROJECTS

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 9.36.110 OF THE PASADENA MUNICIPAL CODE RELATING TO CONSTRUCTION NOISE

PURPOSE OF ORDINANCE:

The purpose of this ordinance is to establish time restrictions for the use of construction equipment and to establish time and day restriction when construction work can be performed.

REASONS WHY LEGISLATION IS NEEDED:

Pursuant to Section 505 of the City Charter, modification of an ordinance requires an amendment of the Pasadena Municipal Code.

On August 2, 2004, the City Council directed preparation of this ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

This ordinance will affect the Public Health Department, Building Department as well as residents, organizations and individuals who reside near construction sites.

73324.1

MEETING OF 9/27/2004

AGENDA ITEM NO. 9.A.1.


ENVIRONMENTAL IMPACT

The Environmental Administrator has determined that the proposed amendment to the ordinance is categorically exempt from CEQA under Guidelines Section 15328.

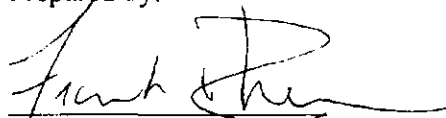
FISCAL IMPLICATIONS:

Staff does not anticipate that this ordinance amendment will impact the General Fund.

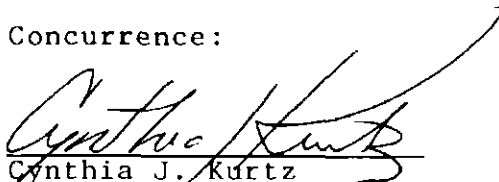
Respectfully submitted,


Michele Beal Bagnaris
City Attorney

Prepared by:


Frank L. Rhemrev
Asst. City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

Introduced by Councilmember _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS
9.36.110 OF THE PASADENA MUNICIPAL CODE REGARDING NOISE
RELATED TO CONSTRUCTION PROJECTS**

The People of the City of Pasadena ordain as follows:

SECTION 1. Subsection A of Section 9.36.110 is hereby amended read as follows:

“A. No person shall operate any pile driver, power shovel, pneumatic hammer, derrick power hoist, forklift, cement mixer or any other similar construction equipment within a residential district or within a radius of 500 feet therefrom at any time other than as listed below:

1. From 7:00 a.m. to 7:00 p.m. Monday through Friday
2. From 8:00 a.m. 5:00 p.m. on Saturday.
3. Operation of any of the listed construction equipment is prohibited on Sundays and Holidays.

SECTION 2. Subsection B of Section 9.36.110 is hereby amended to read as follows:

“B. No person shall perform any construction or repair work on buildings, structures or projects within a residential district or within a radius of 500 feet therefrom in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance at any time other than as listed below:

1. From 7:00 a.m. to 7:00 p.m. Monday through Friday
2. From 8:00 a.m. to 5:00 p.m. on Saturday
3. Performance of construction or repair work is prohibited on Sundays and Holidays.

SECTION 3. Subsection C of Section 9.36.110 is hereby amended to read as follows:

“C. The prohibition against construction on Sundays and Holidays as set forth in subsection B shall not apply under either of the following conditions:

1. The construction is actually performed by an individual who is the owner or lessor of the premises and who is assisted by not more than two individuals.
2. The person performing the construction shall have provide the building official with a petition which indicates the consent of 65% of the households residing within 500 feet of the construction site and the unanimous consent of the households adjacent to the construction site. Said petition shall be on a form

promulgated by said building official and shall be accompanied by a fee, the amount of which shall be established by resolution by the City Council.

SECTION 4. Section 9.36.110 is hereby amended by adding a subsection E which shall read as follows:

E. For purposes of this section, holidays are New Year's Day, Martin Luther King Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, and Christmas.

SECTION 5. This ordinance shall take effect thirty days from its publication.

Signed and approved this _____ day of _____, 2004.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____, 2004, by the following vote:

AYES:

NOES:

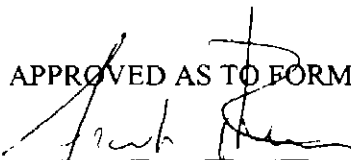
ABSTAIN:

ABSENT:

Published:

Jane Rodriguez CMC
City Clerk

APPROVED AS TO FORM:



Frank L. Rhemrev
Asst. City Attorney

Introduced by Councilmember _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS
9.36.110 OF THE PASADENA MUNICIPAL CODE REGARDING NOISE
RELATED TO CONSTRUCTION PROJECTS

The People of the City of Pasadena ordain as follows:

SECTION 1. Subsection A of Section 9.36.110 is hereby amended read as follows:

“A. No person shall operate any pile driver, power shovel, pneumatic hammer, derrick power hoist, forklift, cement mixer or any other similar construction equipment within a residential district or within a radius of 500 feet therefrom ~~between the hours of 9:00 p.m. of one day and 7:00 a.m. of the next day or between the hours of 9:00 p.m. of Saturday and 7:00 a.m. of Monday~~ **at any time other than as listed below:**

1. From 7:00 a.m. to 7:00 p.m. Monday through Friday
2. From 8:00 a.m. 5:00 p.m. on Saturday.
3. Operation of any of the listed construction equipment is prohibited on Sundays and Holidays.

SECTION 2. Subsection B of Section 9.36.110 is hereby amended to read as follows:

“B. No person shall perform any construction or repair work on buildings, structures or projects within a residential district or within a radius of 500 feet therefrom ~~between the hours of 9:00 p.m. of one day and 7:00 a.m. of the next day;~~ in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance, ~~or between the hours of 9:00 p.m. of Saturday and 7:00 a.m. of Monday~~ **at any time other than as listed below:**

1. From 7:00 a.m. to 7:00 p.m. Monday through Friday
2. From 8:00 a.m. to 5:00 p.m. on Saturday
3. Performance of construction or repair work is prohibited on Sundays and Holidays.

SECTION 3. Subsection C of Section 9.36.110 is hereby amended to read as follows:

“C. The prohibition against construction ~~between the hours of 9:00 p.m. of Saturday and 7:00 a.m. of Monday~~ **on Sundays and Holidays** as set forth in subsection B ~~of this section~~ shall not apply under either of the following conditions:

1. The construction is actually performed by an individual who is the owner or lessor of the premises and who is assisted by not more than two individuals.

2. The person performing the construction shall have provided the building official with a petition which indicates the consent of 65% of the households residing within 500 feet of the construction site and the unanimous consent of the households adjacent to the construction site. Said petition shall be on a form promulgated by said building official and shall be accompanied by a fee, the amount of which shall be established by resolution by the City Council.

SECTION 4. Section 9.36.110 is hereby amended by adding a subsection E which shall read as follows:

E. For purposes of this section, holidays are New Year's Day, Martin Luther King Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, and Christmas.

SECTION 5. This ordinance shall take effect thirty days from its publication.

Signed and approved this _____ day of _____, 2004.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Published:

Jane Rodriguez CMC
City Clerk

APPROVED AS TO FORM:

Frank L. Rhemrev
Asst. City Attorney