



Ordinance Fact Sheet

October 21, 2024

TO: Honorable Mayor and City Council

FROM: City Attorney / City Prosecutor's Department

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA DELETING SECTIONS 9.36.130 AND 9.36.140 OF TITLE 9, CHAPTER 9.36 OF THE PASADENA MUNICIPAL CODE REGARDING NOISE RESTRICTIONS

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA DELETING SECTIONS 9.36.130 AND 9.36.140 OF TITLE 9, CHAPTER 9.36 OF THE PASADENA MUNICIPAL CODE REGARDING NOISE RESTRICTIONS

PURPOSE OF THE ORDINANCE:

As directed by the City Council on July 15, 2024, this ordinance amends the Municipal Code to delete sections 9.36.130 - Hawkers and peddlers and 9.36.140 - Drums from Chapter 9.36, the Noise Restrictions Ordinance.

REASONS WHY LEGISLATION IS NEEDED:

These deletions are needed to make the City's Noise Ordinance consistent with recent First Amendment caselaw on noise and speech restrictions. Unlike many other sections of the noise ordinance, the sections on hawkers and peddlers and drums prohibit particular noise sources, or when viewed under the most recent First Amendment analysis, certain types of speech. These sections could be viewed as "speaker-based distinctions," of which courts have, generally, come to disapprove. Other sections of the Noise Ordinance that limit the amount of noise permitted in certain locations and at certain times will still allow regulation of drums and hawkers and peddlers in the same way the City regulates noise generally.

MEETING OF 10/28/2024
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Staff from the City Manager's Office, City Attorney's Office, Planning Department and Police Department are also working on further revisions to section 9.36.050 – General Noise Sources, to create exterior noise standards. The exterior noise standards will set maximum total decibel level that will vary based on land use, recognizing that noise levels that may be appropriate for a commercial or industrial area may not be appropriate for residential or mixed-use areas. The maximum decibel level may also vary based on time of day. We will bring the proposed exterior noise standards back to the City Council once they are drafted. The process is already underway includes detailed reviews of past noise complaints and conducting noise studies to determine the appropriate maximum decibel levels.

The City Council's Economic Development & Technology Committee will consider possible changes to other provisions of the Noise Ordinance, beyond the regulations addressed in this proposed ordinance and through the creation of exterior noise standards, at a future time.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Pasadena Police Department and Planning Department (specifically code enforcement) both enforce the Noise Restriction Ordinance and will implement this ordinance by modifying their enforcement efforts to eliminate any enforcement of sections 9.36.130 – Hawkers and peddlers and 9.36.140 – Drums.

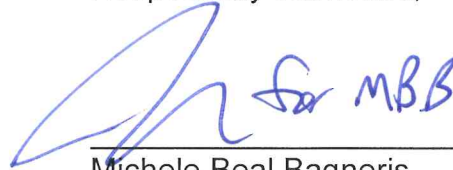
ENVIRONMENTAL DETERMINATION:

On July 15, 2024, the Council found that this ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 21065 and within the meaning of Section 15378(b).

FISCAL IMPACT:

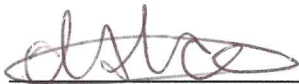
There is no fiscal impact from the proposed ordinance.

Respectfully submitted,



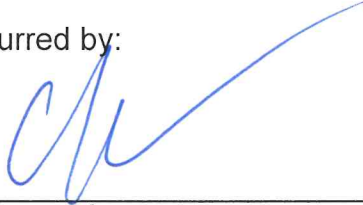
Michele Beal Bagneris
City Attorney

Prepared by:



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Concurred by:



For

MIGUEL MÁRQUEZ
City Manager

NICHOLAS G. RODRIGUEZ
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