



City of Carson Report to Mayor and City Council

July 1, 2014
New Business Discussion

**SUBJECT: CONSIDER APPROVING A NOISE ORDINANCE AND FEE WAIVER FOR THE
GREATER ZION FAMILY CHURCH**

Submitted by Cedric L. Hicks, Sr.
Director of Community Services

Approved by Nelson Hernandez
City Manager

I. SUMMARY

This item is on the agenda at the request of Mayor Dear and Councilman Gipson.

The City Council is asked to consider approving a noise ordinance and fee waiver from the Greater Zion Family Church in order to hold an outdoor church service and a family picnic.

II. RECOMMENDATION

DISCUSS and PROVIDE direction to staff.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Greater Zion Family Church is scheduled to hold an outdoor church service and a family picnic on Sunday, August 31, 2014, from 10:00 AM to 5:00 PM at Mills Park. As this event will likely exceed the level of noise permissible in the City, the Church would be required to complete a variance permit from the Planning Department and pay the \$2,000.00 fee (Exhibit No. 1). However, in order to help facilitate this event, the City Council is asked to consider approving the Church's request to waive this requirement and fee.

V. FISCAL IMPACT

Should the waiver be approved, \$2,000.00 in permit fees will not be realized by the City.

VI. EXHIBITS

1. City of Carson Noise Ordinance. (pgs. 3-6)
2. Recreation Permit for Mills Park. (pg. 7-8)

Prepared by: Luchie S. Magante, Sr. Administrative Analyst
Document2

TO: Rev05-13-2014

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date _____ Action _____

CHAPTER 5 NOISE CONTROL ORDINANCE

Sections:

§ 5500 Adoption of Los Angeles County Noise Control Ordinance.

§ 5501 Definitions.

§ 5502 Amendments to Noise Control Ordinance.

§ 5503 Violation – Penalty.

§ 5500 Adoption of Los Angeles County Noise Control Ordinance.

Except as hereinafter provided, Chapter 12.08 of Title 12 of the Los Angeles County Code, entitled "Noise Control Ordinance of the County of Los Angeles," as amended and in effect on August 1, 1995, is hereby adopted by reference and shall be known as the Noise Control Ordinance of the City of Carson.

A copy of said Chapter 12.08 of Title 12 of the Los Angeles County Code, as amended, is attached and has been deposited with the office of the City Clerk of the City of Carson and shall be at all times maintained by said Clerk for use and examination by the public. (Ord. 95-1068, § 1)

§ 5501 Definitions.

Whenever any of the following names or terms are used in said Noise Control Ordinance, each such name or term shall be deemed and construed to have the meaning ascribed to it in this Section as follows:

"Board of Supervisors of the County" shall mean the City Council of the City of Carson.

"County of Los Angeles," "the County," "unincorporated areas of the County," and "unincorporated County" shall, except as provided in Section 12.08.108 as amended, mean the City of Carson.

"County Ordinance 1494, as amended" shall mean Article IX of the Carson Municipal Code. (Ord. 95-1068, § 1)

§ 5502 Amendments to Noise Control Ordinance.

Notwithstanding the provisions of CMC 5500, the Noise Control Ordinance is hereby amended as follows:

(a) By amending Section 12.08.180 to read:

12.08.180. "Health officer" means the Director of Public Safety of the City of Carson and shall be deemed to include the Director of the Department Health Services of the County of Los Angeles, or his duly authorized representatives, while performing public health services, including noise level measurements, under contract with the City.

(b) By amending subsection B of Section 12.08.390 to read:

12.08.390B. Unless otherwise herein provided, no person shall operate or cause to be operated, any source of sound at any location within the unincorporated county, or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the noise level, when measured on any other property either incorporated or unincorporated, to exceed any of the following exterior noise standards:

Standard No. 1 shall be the exterior noise level which may not be exceeded for a cumulative period of more than 15 minutes in any 30 minute period. Standard No. 1 shall be the applicable noise level from subsection A of this Section; or, if the ambient L_{50} exceeds the foregoing level, then the ambient L_{50} becomes the exterior noise level for Standard No. 1.

Standard No. 2 shall be the exterior noise level which may not be exceeded for a cumulative period of more than 7.5 minutes in any 30 minute period. Standard No. 2 shall be the applicable noise level from subsection A of this Section plus 5dB; or, if the ambient L_{25} exceeds the foregoing level, then the ambient L_{25} becomes the exterior noise level for Standard No. 2.

Standard No. 3 shall be the exterior noise level which may not be exceeded for a cumulative period of more than 2.5 minutes in any 30 minute period. Standard No. 3 shall be the applicable noise level from subsection A of this Section plus 20dB; or, if the ambient $L_{8.3}$ exceeds the foregoing level, then the ambient $L_{8.3}$ becomes the exterior noise level for Standard No. 3.

Standard No. 4 shall be the exterior noise level which may not be exceeded for a cumulative period of more than 30 seconds in any 30 minute period. Standard No. 4 shall be the applicable noise level from subsection A of this Section plus 15dB; or, if the ambient $L_{1.7}$ exceeds the foregoing level, then the ambient $L_{1.7}$ becomes the exterior noise level for Standard No. 4.

Standard No. 5 shall be the exterior noise level which may not be exceeded for any period of time. Standard No. 5 shall be the applicable noise level from subsection A of this Section plus 20dB; or, if the ambient L_0 exceeds the foregoing level then the ambient L_0 becomes the exterior noise level for Standard No. 5.

(c) By amending subsection B1 of Section 12.08.440 to read:

12.08.440B1. Noise Restrictions at Affected Structures. The contractor shall conduct construction activities in such a manner that the maximum noise levels at the affected buildings will not exceed those listed in the following schedule:

1. At Residential Structures.

a. Mobile Equipment. Maximum noise levels for Non-scheduled, intermittent, short-term operation of twenty (20) days or less for construction equipment:

a) Maximum noise levels for non-scheduled, intermittent, short-term operations of twenty (20) days or less for construction equipment:

	Single-family Residential	Multi-family Residential
Daily, except Sundays and legal holidays, 7:00 a.m. to 8:00 p.m.	75dBA	80dBA
Daily, 8:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	60dBA	64dBA

b) Maximum noise level for repetitively scheduled and relatively long-term operation of twenty-one (21) days or more for construction equipment:

	Single-family Residential	Multi-family Residential
Daily, except Sundays and legal holidays, 7:00 a.m. to 8:00 p.m.	65dBA	70dBA
Daily, 8:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	55dBA	60dBA

(d) By amending Section 12.08.460 to read:



the offensive noise, the uses of property within the area of impingement by the noise, operations carried on under existing nonconforming rights or conditional use permit or zone variances, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of the equipment, the general public interest, health and welfare, the feasibility of plans submitted for correction, and the effect on the community if the variance were refused.

F. Notice of the Commission decision shall be given as provided in CMC 9173.32.

G. The decision of the Commission shall become effective and final fifteen (15) days after the date of its action unless an appeal is filed in accordance with CMC 9173.4.

H. An appeal shall be considered by the Council as provided in CMC 9173.4, and the fees therefor shall be as specified in CMC 9173.9 thereof.

I. After a variance has been granted, the procedure for modification of the conditions of the variance shall be as set forth in CMC 9172.22G.

J. A variance shall become automatically null and void, unless otherwise provided in this Chapter, or unless extended as provided in subsection K hereof, if any of the following occurs:

1. The variance has not been used within the time specified in the variance or, if the time is not specified, within one hundred eighty (180) days of its effective date;

2. Circumstances which terminate the variance pursuant to any termination provision included as a condition of the variance;

3. The use has been suspended or has ceased to exist for a period of one (1) year, or has been changed to another use in connection with which the variance is not required, or the deviation from the regulation which was authorized by the variance has ceased to exist for a period of one (1) year;

4. Upon a change of ordinance provisions so as to automatically permit in all respects that which was permitted by variance.

K. The procedure for extension of any variance granted hereunder shall be as set forth in CMC 9172.22H.2.

L. The applicable statute of limitations for court actions or proceedings relating to decisions, proceedings, acts or determinations pursuant to this Chapter shall be as set forth in CMC 9173.5.

(i) By deleting therefrom Sections 12.08.590, 12.08.600, 12.08.610, 12.08.620, 12.08.630, 12.08.640, and 12.08.670. (Ord. 95-1068, § 1)

§ 5503 Violation – Penalty.

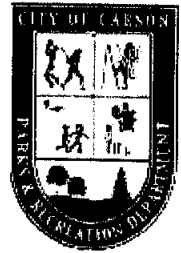
Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or be imprisoned in the County Jail for a period not exceeding six (6) months or by both such fine and imprisonment. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 95-1068, § 1)



Corporate Yard

2400 East Dominguez Street
Carson, CA 90810

(310) 847-3570



Greater Zion Family Church
20238 Campaigne Dr
Carson, CA 90746

Facility Permit

Status: Approved

Customer Type: Rental / Regular

Authorized Agent: Pastor Michael Fisher

Work: (323) 369-2531 Home: (310) 720-7602

DATE	PERMIT NUMBER	AMOUNT	DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
06/10/2014 Colleen Ungos	21920	\$2429.18	\$0.00	\$0.00	\$0.00	\$0.00	06/17/2014	\$2429.18

EVENT NAME	FACILITY	CENTER
Church Picnic Attendance: 500	TMP Picnic Grass Area 1	Mills Park 1340 East Dimondale Drive Carson, CA 90746

Type: Picnic / B.B.Q

DATES RESERVED	HRS
Sunday - 08/31/2014	10:00 AM to 05:00 PM 7

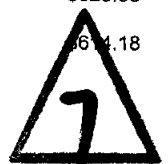
Total Number of Dates: 1

Total Number of Hours: 7

NOTES: Customer has been given liability disclaimer, rules and regulation. Please leave picnic grass area clean. No moon bounce. Will bring extra tables, chairs, stage, vendors, generator, 2 Portable toilets, 2 Hand washing sinks, 2 Sheriffs.

Need to contact Sheriffs/Second Contact; Aquyla Walker # 323-369-2531

CHARGE DESCRIPTION	FACILITY/EVENT	UNIT FEE	QTY	TAX	TOTAL CHARGED	DISCOUNTED/ PAID	BALANCE DUE
1 Staff (8am-5pm)	TMP Picnic Grass Area 1 - Church Picnic	\$15.00	7.00	\$0.00	\$105.00	\$0.00	\$105.00
2 Staff (9am-5pm)	TMP Picnic Grass Area 1 - Church Picnic	\$30.00	7.00	\$0.00	\$210.00	\$0.00	\$210.00
Equipment Rental	TMP Picnic Grass Area 1 - Church Picnic	\$70.00	2.00	\$0.00	\$140.00	\$0.00	\$140.00
Equipment Rental	TMP Picnic Grass Area 1 - Church Picnic	\$60.00	2.00	\$0.00	\$120.00	\$0.00	\$120.00
Picnic Area Deposit 501 - 1000	TMP Picnic Grass Area 1 - Church Picnic	\$300.00	1.00	\$0.00	\$300.00	\$0.00	\$300.00
Picnic Area Deposit 501 - 1000	TMP Picnic Grass Area 1 - Church Picnic	\$300.00	1.00	\$0.00	\$300.00	\$0.00	\$300.00
Picnic/Grass Area 501-1000	TMP Picnic Grass Area 1 - Church Picnic	\$320.00	1.00	\$0.00	\$320.00	\$0.00	\$320.00
Picnic/Grass Area 501-1000	TMP Picnic Grass Area 1 - Church Picnic	\$320.00	1.00	\$0.00	\$320.00	\$0.00	\$320.00
Sheriffs Deputies	TMP Picnic Grass Area 1 - Church Picnic	\$87.74	7.00	\$0.00	\$614.18	\$0.00	\$614.18



PAYMENTS AND REFUNDS

RECEIPT NUMBER	DATE	CHARGE DESCRIPTION	FACILITY/EVENT	AMOUNT
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DISCLAIMERS

We hereby certify that we shall be personally responsible on behalf of our organization, for any damage or unnecessary abuse of parks, pools, buildings, grounds or equipment growing out of occupancy of said premises by our organization. We agree to abide by and enforce the rules and regulations of the City of Carson, Parks and Recreation Department, governing the use of facilities and hereby acknowledge that we have read the rules and regulations of this application. Any information not contained herein will be provided in the copy of the facility rules and regulations. We also agree to indemnify and hold harmless the City of Carson, its officers, agents and employees, from any liability or claim or action for damages which in anyway arise out of use of the facility.

Signature _____ Date _____

Fees are subject to change without notice.

