

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:

- a. 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
- b. 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. 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 _____, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

TONY D'ERRICO
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney