



AGENDA REPORT

Meeting Date: September 20, 2011
Item Number: F-5
To: Honorable Mayor & City Council
From: James R. Latta, Human Services Administrator
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES
& CHARGES TO ADJUST THE ADMINISTRATIVE CITATION
PENALTIES FOR NOISE VIOLATIONS
Attachments: 1. Resolution

RECOMMENDATION

Pursuant to the Council's direction at the September 8 City Council meeting, this resolution adjusts the administrative penalties for a violation of the City's noise ordinance so that the penalties are \$250 for the first violation, and \$1000 for the second and each subsequent violation. Also pursuant to the City Council's direction, the police will continue to issue a warning before issuing administrative citations, except for egregious violations of the noise ordinance.

INTRODUCTION

At the September 8, 2011 Formal meeting, City Council updated the City's noise ordinance regulations and amended the Beverly Hills Municipal Code to resolve internal inconsistencies in the City's noise regulations. The updates:

- clarify the existing time restriction for amplified sound to prohibit amplified sound distinctly audible beyond the property line between the hours of 10:00 P.M. to 8:00 A.M. nightly;
- combine Municipal Code numbers 5-1-201 and 5-1-205;
- eliminate the need for measuring whether the sound emanating from the amplifying equipment exceeds the ambient noise level by five (5) dBA as measured from the residential property line; and
- adopt more stringent administrative penalties for violation of the City's noise regulations.

At any time if noise is considered excessive, police can enforce the General Standards Relative to Disturbance of the Peace (5-1-104).

DISCUSSION

The amended noise ordinance recommendation provides clear and objective noise standards by: 1) establishing enforceable cut off times; 2) defining easy to measure criteria and; 3) implementing a regulatory process whereby restrictions would be consistently enforced. In addition to implementing a regulatory process whereby restrictions would be consistently enforced, the police department will utilize the administrative process to enforce the noise restrictions.

The existing "comprehensive schedule of Taxes, Fees & Charges" includes administrative penalties at \$106.90 for the first violation of an ordinance, and \$214.10 for the second violation, and \$535.10 for the third and each violation thereafter. The attached resolution provides more stringent administrative penalties for a violation of the City's noise regulation (attachment 1). Exhibit A outlines the increase in administrative citation fine for a violation of any provision of Municipal Code sections 5-1-105 through 5-1-210. In combination with the increased administrative penalties, the police department's updated C.A.D. system will allow for better tracking of repeat offenders. The changes are in effect for a trial period of not less than twelve months and then reviewed for effectiveness and appropriateness. Upon reason to do so, the ordinance could be called up earlier if necessary.

FISCAL IMPACT

Staff does not foresee there to be any additional expense associated with the modified times other than those incurred by its enforcement. Staff does not presume those costs to be distinguishably different from those incurred with the enforcement of the current ordinance. In all cases, police will use their discretion in responding to a call based on higher priority needs that may exist and the availability of resources at the time that calls are received.



Scott Miller
Approved By



Steven Zoet
Approved By

Attachment 1

RESOLUTION NO. 11-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ADJUST THE ADMINISTRATIVE CITATION PENALTIES FOR NOISE VIOLATIONS

The Council of the City of Beverly Hills does resolve as follows:

Section 1. The City of Beverly Hills “Comprehensive Schedule of Taxes, Fees & Charges,” includes penalty amounts for any violation of an ordinance of the City of Beverly Hills that is punishable as a misdemeanor but prosecuted instead through an administrative process. Those administrative penalties are set at \$106.90 for the first violation of an ordinance, \$214.10 for the second violation, and \$535.10 for the third and any subsequent violation of the ordinance.

Section 2. The City Council desires to adopt more stringent administrative penalties for violation of the City’s noise regulations.

Section 3. The administrative citation penalties for a violation of any provision of Articles 1 and 2 of Chapter 1 of Title 5 of the Beverly Hills Municipal Code are hereby adjusted as set forth in Exhibit A and shall be incorporated into the Comprehensive Schedule of Taxes, Fees & Charges.

Section 4. Except for the adjustment to the administrative citation penalties set forth in Exhibit A, the taxes, fees, and charges as set forth in the Comprehensive Schedule of Taxes, Fees & Charges have not been modified by this resolution, and shall remain in full force and effect.

Section 5. This Resolution shall be effective upon adoption.

Section 6. The City Clerk shall certify to the adoption of this and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

BARRY BRUCKER
Mayor

ATTEST:

BYRON POPE
City Clerk (SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



STEVEN ZOET
Director of Community Services

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SCOTT G. MILLER
Director of Administrative Services/
Chief Financial Officer

EXHIBIT A

Administrative Citation Fine for violation of any provision of
Municipal Code sections 5-1-105 through 5-1-210

1-3.311.A	Administrative Citation Fines for violation of any provision of Municipal Code sections 5-1-105 through 5-1-210	
	First Administrative Citation	\$250.00
	Second and subsequent Administrative Citations	\$1,000.00