ORDINANCE NO. 684

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING TO NOISE VIOLATIONS AND ENFORCEMENT

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.06.030(a) of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.030 Sound level measurement – General.

(a) Use of Sound Level Meter. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 9.06.020. If the sound standard applied pursuant to this chapter is not measured in decibels, then sound level measurements are not required to establish a violation of this Chapter."

SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of 10:00 p.m. to 7:00 a.m. for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary sensibilities from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates."

SECTION 3. Section 9.06.051 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.051 Declaration of certain acts constituting excessive noise.

The following activities are deemed to cause disturbing, excessive or offensive noises when they disturb the peace and quiet of any neighborhood or cause discomfort or annoyance to any reasonable person of ordinary sensibilities, and subject to the foregoing any of the following shall constitute prima facie evidence of a violation.

A. Horns, signaling devices, muffler systems, car alarms, etc. intentionally or negligently initiated and unnecessary use or operation of horns, signaling devices, uncontrolled

muffler noises, car alarms on vehicles of all types including motorcycles, and other equipment.

B. The operation of any sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker or sound amplifier or similar machine or device in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, including without limitation emanating from any building, structure or vehicle in which it is located, or from the specific place on that property on which the source is resting, or moving at any one moment.

C. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, audible generating device or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, or from the specific place on which the source is resting, or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.

D. The playing, use or operation of, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeaker or sound amplifiers or other machine or device for the producing or reproducing of sound."

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations – Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or applicable City Code Section 8.08.060, provided that the first citation shall be a fine of $250 and each subsequent citation shall be a fine of $500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance, or a summary thereof, in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting of the City Council held on 19th day of February, 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. 684

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 684, having been regularly introduced at the meeting of February 5, 2015, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on this 19th day of February, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Balocco, Hanson, Mertens, Peabody, Reed
NOES: None

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

Stephen P. Deitsch

STEPHEN P. DEITSCH
CITY ATTORNEY