

ORDINANCE NO. 916

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTIONS 8.24.020 AND 8.24.040 OF THE LANCASTER MUNICIPAL CODE RELATING TO NOISE REGULATIONS AND ALLOWABLE WORKING HOURS

WHEREAS, Chapter 8.24 of the Lancaster Municipal Code declares it to be the policy of the City of Lancaster to prohibit unnecessary, excessive and annoying noises from all sources subject to its policing power; and;

WHEREAS, conflicting requirements currently exist regarding allowable working hours for work within the public right-of-way, subject to encroachment permits, under Public Works contracts, subject to building permits, and by public utilities; and,

WHEREAS, Section 8.24.040 of the Lancaster Municipal Code prohibits a person at any time on Sunday or any day between the hours of eight p.m. and sunrise from performing any construction or repair work of any kind which makes loud noises within (500) feet of any occupied dwelling, apartment, hotel, mobile home or other place of residence; and,

WHEREAS, an amendment to Section 8.24.020 of the Lancaster Municipal Code is necessary in order to more clearly define what constitutes day and night as it relates to noise regulations and working hours; and,

WHEREAS, an amendment to Section 8.24.040 of the Lancaster Municipal Code is necessary in order to remove the ambiguity of using sunrise as a starting time and to clearly define the time during which construction related noises are prohibited.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 8.24.020 of the Lancaster Municipal Code is hereby amended to read as follows:

8.24.020 Definitions

Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

“Commercial purpose” means and includes the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition or event, for the purpose of demonstrating any such sound equipment.

“Day” means the time period from seven a.m. to eight p.m.

“Impulsive sound” means a short-duration sound (such as might be produced by the impact of a drop hammer or a pile driver) with one

second or less duration.

“Motor vehicles” means and includes, but is not limited to, automobiles, trucks, motorcycles, mini-bikes and go-carts.

“Night” means the time period from eight p.m. to seven a.m.

“Noncommercial purpose” means the use, operation or maintenance of any sound equipment for other than a commercial purpose. “Noncommercial purpose” means and includes, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

“Person” means a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private, in nature.

“Sound” means the sensation perceived by the sense of hearing.

For the purpose of this chapter, the terms “sound” and “noise” shall be used synonymously.

“Sound-amplifying equipment” means any machine or device for the amplification of the human voice, music or any other sound, but shall not include:

1. Warning devices on emergency vehicles;
2. Horns, burglar and fire alarms, or other warning devices expressly authorized by law.

“Sound truck” means any motor vehicle, or any other vehicle, regardless of motive power, whether in motion or stationary, which carries, is equipped with, or which has mounted thereon or attached thereto any sound-amplifying equipment for commercial, political and charitable purposes.

Section 2. Section 8.24.040 of the Lancaster Municipal Code is hereby amended to read as follows:

Except as otherwise provided in this chapter, a person at any time on Sunday or any day between the hours of eight p.m. and seven a.m. shall not perform any construction or repair work of any kind upon any building or structure or perform any earth excavating, filling or moving where any of the foregoing entails the use of any air compressor, jack hammer, power-driven drill, riveting machine, excavator, diesel-powered truck, tractor or other earth-moving equipment, hard hammers on steel or iron or any other machine tool, device or equipment which makes loud noises within five hundred (500) feet of an occupied dwelling, apartment, hotel, mobile home or other place of residence.

Section 3. The Mayor shall sign and the City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final adoption.

Section 4. That the City Clerk shall certify to the adoption of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 27th day of January, 2009, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 916, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
