



## City Council Staff Report

Date: April 16, 2014

LEGISLATIVE

Subject: PROPOSED ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 11.74.041 OF, AND REPEALING EXCEPTION (5) OF SECTION 8.04.220 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION OF REGULAR MOWING OR GROOMING OF GOLF COURSES, GRASS TENNIS COURTS, GRASS CROQUET COURTS, AND LAWN BOWLING AREAS.

From: Douglas Holland, City Attorney

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### SUMMARY

The City's Noise Ordinance currently prohibits certain activities between the hours of 8:00 p.m. and 8:00 a.m. in residential zones and between 8:00 p.m. and 7:00 a.m. for all other zones, subject to certain exceptions. This Ordinance prohibits regular mowing or grooming of golf courses, grass tennis courts, grass croquet courts, and lawn bowling areas between the hours 8:00 p.m. and 5:30 a.m.

### RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and read by title only and introduce Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 11.74.041 OF, AND REPEALING EXCEPTION (5) OF SECTION 8.04.220 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION OF REGULAR MOWING OR GROOMING OF GOLF COURSES, GRASS TENNIS COURTS, GRASS CROQUET COURTS, AND LAWN BOWLING AREAS."

### STAFF ANALYSIS:

The City's Noise Ordinance contains provisions that regulate noise in the City. One of the provisions prohibits certain activities between the hours of 8:00 p.m. and 8:00 a.m. in residential zones and between 8:00 p.m. and 7:00 a.m. in all other zones. The prohibiting activities include powered model vehicles, loading and unloading oversize vehicles within 1,000 feet of a residence, domestic power tools, and gasoline and electric powered leaf blowers. The City's Building Code contains a limitation on the

hours of "construction." Under the Building Code, construction activities are prohibited between the hours of 7:00 p.m. and 7:00 a.m., Monday through Friday, 8:00 a.m. and 5:00 pm on Saturday. "Construction" activity is prohibited on Sunday. There are several exceptions to Building Code prohibition; one of the exceptions is "routine maintenance of private golf courses." This exception was added in 2000. No similar exception was added to the Noise Ordinance.

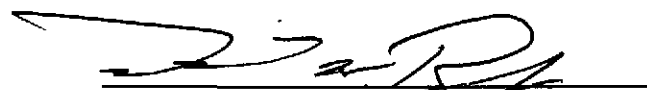
This Office has concluded that the inclusion of an exception of "routine maintenance of private golf courses" to the prohibition on construction activity is not readily understandable. The concept of "routine maintenance" is not consistent with the temporary or transitory nature of "construction." We have also concluded that the exception was intended to serve as an exception to the City's noise regulations. This Ordinance cleans up these issues by eliminating the exception to the Building Code construction regulations and incorporating a more comprehensive approach to landscaping maintenance in the City's Noise Ordinance.

The proposed Ordinance specifically prohibits certain "non-emergency exterior hardscape maintenance activities" (which includes tree trimming, re-seeding, lawn mowing, leaf blowing, dust and debris clearing) between the hours of 8:00 p.m. and 8:00 a.m. in residential zones. The Ordinance, however, expressly establishes separate hours of operation for the regular mowing or grooming of golf courses and other grass surfaced recreation areas. The prohibited hours for these separate activities would be between 8:00 p.m. and 5:30 a.m.

#### FISCAL ANALYSIS

The enforcement of this Ordinance will continue to be provided by the City's Code Enforcement officials and no additional costs to the City are anticipated.

  
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Douglas Holland, City Attorney

  
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David Ready, City Manager

Attachment: Proposed Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 11.74.041 OF, AND REPEALING EXCEPTION (5) OF SECTION 8.04.220 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION OF REGULAR MOWING OR GROOMING OF GOLF COURSES, GRASS TENNIS COURTS, GRASS CROQUET COURTS, AND LAWN BOWLING AREAS.**

***City Attorney's Summary***

*The City's Noise Ordinance currently prohibits certain activities between the hours of 8:00 p.m. and 8:00 am in residential zones and between 8:00 pm and 7:00 am for all other zones, subject to certain exceptions. This Ordinance prohibits regular mowing or grooming of golf courses, grass tennis courts, grass croquet courts, and lawn bowling areas between the hours 8:00 p.m. and 5:30 a.m.*

**The City Council of the City of Palm Springs ordains:**

**SECTION 1.** Exception (5) of Section 8.04.220 of the Palm Springs Municipal Code is repealed.

**SECTION 2.** Section 11.74.041 of the Palm Springs Municipal Code is amended to read:

**11.74.041 Controlled Hours of Operation.**

(a) It shall be unlawful for any person to operate, permit, use or cause to operate, any of the following between the hours of eight p.m. to eight a.m. in residential zones and between the hours of eight p.m. to seven a.m. in all other zones:

- (1) Powered model vehicles;
- (2) Loading and unloading vehicles such as trash collectors, fork lifts, or cranes within one thousand feet of a residence;
- (3) Domestic power tools;
- (4) Non-emergency exterior hardscape maintenance activities, including without limitation tree trimming, re-seeding, lawn mowing, leaf blowing, dust and debris clearing, and any other landscaping or nonemergency exterior hardscape maintenance activities which would utilize any motorized say, sander, drill, grinder, leaf-blower, lawn mower, hedge trimmer, edger, or any other similar tool or device.

(b) Notwithstanding the foregoing, this Section shall not prohibit the operation or use of any such equipment at any time within said zones by the city, its officers or employees, or any agent or franchisee of the city.

(c) The regular mowing or grooming of golf courses, grass tennis courts, grass croquet courts, and lawn bowling areas shall be exempt from the restrictions set forth in this Section. The allowed work hours for mowing or green preparation for golf courses, grass tennis courts, grass croquet courts, and lawn bowling areas shall be between five-thirty a.m. and eight p.m., seven days per week and during all seasons of the year.

**SECTION 3.** The City Council finds and determines that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to categorical exemptions under the CEQA Guidelines Section 15301 [Title 14 California Code of Regulations, Sections 15301]. The City Council further finds that this Ordinance ratifies the action of the City Council in 2000 with the adoption of Ordinance No. 1581 which exempted routine maintenance of private golf courses from the limitation on hours of construction.

**SECTION 4.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

**PASSED AND ADOPTED** at a regular meeting of the City Council on the \_\_\_ day of \_\_\_\_\_ 2014, by the following vote:

\_\_\_\_\_  
Stephen P. Pougnet  
Mayor

ATTEST:

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James Thompson  
City Clerk