



## CITY COUNCIL STAFF REPORT

DATE: May 18, 2016 LEGISLATIVE

SUBJECT: AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 6.12.030 AND 6.12.040 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE TEMPORARY SUSPENSION OF REGULATORY ORDINANCES

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will consider an amendment to Chapter 6.12 of the Palm Springs Municipal Code (PSMC) to provide that the City Council will have the authority to suspend the City's regulatory ordinances, including the noise ordinance, for special events.

### RECOMMENDATION:

- 1) Waive the reading of the ordinance text in its entirety and read by title only; and
- 2) Introduce on first reading Ordinance No.\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 6.12.030 AND 6.12.040 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE TEMPORARY SUSPENSION OF REGULATORY ORDINANCES."

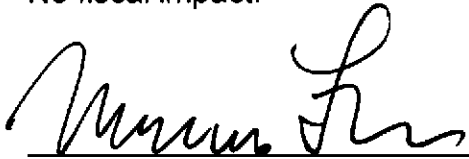
### BACKGROUND AND ANALYSIS:

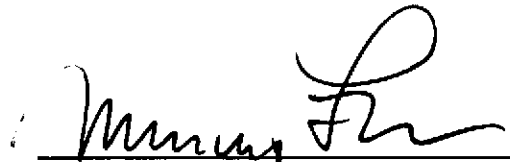
In 2009, the City Council adopted Ordinance No. 1761, which granted the authority to city staff to temporarily suspend the noise ordinance and other regulatory ordinances for special events. The ability of city staff to suspend ordinances is limited to special events that are conducted, sponsored, co-sponsored or sanctioned by the City. Previous to the adoption of this ordinance, only the City Council could act on such requests.

At the request of Mayor Moon, this ordinance is proposed to provide the City Council with the authority to temporarily suspend ordinances for special events. If adopted, any future requests for suspension of regulatory ordinances will require applicants to submit an application to the City Clerk for consideration by the City Council.


FISCAL IMPACT:

No fiscal impact.

  
for Flinn Fagg, AICP  
Director of Planning Services

  
Marcus L. Fuller, MPA, P.E., P.L.S.  
Assistant City Manager/City Engineer

Approved by:

  
David H. Ready, Esq., Ph.D.  
City Manager

Attachments:

1. Draft Ordinance
2. PSMC Chapter 6.12
3. Staff report – Ordinance No. 1761

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

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 6.12.030 AND 6.12.040 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE TEMPORARY SUSPENSION OF REGULATORY ORDINANCES.

**City Attorney Summary**

*The Palm Springs Municipal Code allows the City Manager to suspend the regulatory ordinances under certain circumstances. This Ordinance would provide that only the City Council could suspend such regulatory ordinances.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. Section 6.12.030 of the Palm Springs Municipal Code is amended to read:

**6.12.030 Authority to suspend regulatory ordinances.**

The City Council, by ordinance or resolution, may suspend the operation of any one or more regulatory ordinances to the extent that such ordinances would otherwise apply to one or more specifically designated special events conducted, sponsored, co-sponsored or sanctioned by the City. The ordinances which may be suspended include, without thereby limiting, the Noise Ordinance, the Sign Ordinance, and any other regulatory ordinances which in the judgment of the City Council would interfere with or impede the conduct of such designated special events.

SECTION 2. Section 6.12.040 of the Palm Springs Municipal Code is amended to read:

**6.12.040 Procedure.**

(a) Each applicant for suspension of any regulatory ordinance shall provide written notice to all property owners within five hundred feet of the site the subject event will be staged or occur and shall present evidence of compliance with this notice requirement prior to or at the time of submitting an application for suspension to the City.

(b) In the event the City Council denies an application for suspension of a regulatory ordinance, one-half of any fee paid for such application shall be refunded to the applicant.

(c) In suspending the operation of any regulatory ordinance, the City Council shall:

- (1) Identify the event;
- (2) Specify, in as detailed a manner as feasible, the exact date or dates and starting and ending times of such suspension;
- (3) Identify the person or persons or organizations to which such suspension shall apply;
- (4) Designate the ordinance, code section or portion thereof which is to be suspended and, if any portion thereof is to remain in effect as to such persons or event, designate such portions;
- (5) Impose such conditions, restrictions or limitations upon the conduct of such event or upon the suspension of such ordinance as are deemed necessary to protect the public health, safety and welfare;
- (6) Specifically state that, except as to the event, the time, and the persons or organizations so designated, such ordinance shall remain in full force and effect.

SECTION 3. Any applicant for suspension of any regulatory permits shall pay the City the amount of \$500.00, or such other amount as the Council may establish by resolution for the processing of the application and the monitoring of performance under the terms of any approval.

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, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
ROBERT MOON, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California

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## Title 6 HEALTH AND SANITATION

### **Chapter 6.12 TEMPORARY SUSPENSION OF REGULATORY ORDINANCES**

#### **6.12.010 Findings.**

- (a) The city council finds that certain special events may be useful and beneficial to the visitor-oriented economy of the city by attracting large numbers of visitors, by generating favorable publicity, and by enhancing a marketable image for the city. As examples, and not as limitation, such events may include auto races, balloon races, bicycle races, marathon or other foot races, film festivals, golf tournaments and other events of broad public interest.
- (b) The city council finds that certain regulatory ordinances which are deemed generally desirable and necessary may, nonetheless, impede the conduct of such special events; and that the operation of such regulatory ordinances should be suspended during limited periods of time, in designated locations, to facilitate certain special events.
- (c) The city council finds that the public interest in the holding of such special events and the benefits to be derived therefrom outweigh the temporary public inconvenience entailed in the suspension of such regulatory ordinances, and that the public welfare and interest will be served by such suspensions. (Ord. 1310 § 1, 1988)

#### **6.12.020 Purpose.**

The ordinance codified in this chapter is adopted for the purpose of encouraging and promoting special events of benefit to the community and its visitor-oriented economy. (Ord. 1310 § 2, 1988)

#### **6.12.030 Authority to suspend regulatory ordinances.**

The City Manager may suspend the operation of any one or more regulatory ordinances to the extent that such ordinances would otherwise apply to one or more specifically designated special events conducted, sponsored, co-sponsored or sanctioned by the City. The ordinances which may be suspended include, without thereby limiting, the Noise Ordinance, the Sign Ordinance, and any other regulatory ordinances which in the judgment of the City Manager would interfere with or impede the conduct of such designated special events. Any decision of the City Manager may be appealed to the City Council pursuant to the provisions of Chapter 2.05 of this Code. (Ord. 1874 § 2, 2015; Ord. 1873 § 2, 2015; Ord. 1761 § 1, 2009; Ord. 1310 § 3, 1988)

#### **6.12.040 Procedure.**

In suspending the operation of any regulatory ordinance, the City Manager shall:

- (a) Identify the event;
- (b) Specify, in as detailed manner as feasible, the exact date or dates and starting and ending times of such suspension;
- (c) Identify the person or persons or organizations to which such suspension shall apply;
- (d) Designate the ordinance, code section or portion thereof which is to be suspended and, if any portion thereof is to remain in effect as to such persons or event, designate such portions;
- (e) Impose such conditions, restrictions or limitations upon the conduct of such event, or upon the suspension of such ordinance as are deemed necessary to protect the public health, safety and welfare;
- (f) Specifically state that, except as to the event, the time, and the persons or organizations so designated, such ordinances shall remain in full force and effect. (Ord. 1761 § 2, 2009; Ord. 1310 § 4, 1988)



## CITY COUNCIL STAFF REPORT

DATE: July 15, 2009

LEGISLATIVE

SUBJECT: AN AMENDMENT TO CHAPTER 6.12 OF THE PALM SPRINGS MUNICIPAL CODE TO ALLOW THE CITY MANAGER TO SUSPEND CERTAIN REGULATORY ORDINANCES FOR SPECIAL EVENTS OF BENEFIT TO THE COMMUNITY AND ITS VISITOR ORIENTED ECONOMY.

FROM: David H. Ready, City Manager

BY: Director of Planning Services

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### SUMMARY

Recently, City Council member Weigel requested staff to prepare a Code amendment which would grant staff the authority to suspend certain regulatory ordinances to accommodate special events. The attached draft ordinance would authorize the City Manager (or designee) to grant such waivers for qualifying events.

### RECOMMENDATION:

1. Waive the reading of the ordinance text in its entirety and read by title only.
2. Introduce on first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS AMENDING SECTIONS 6.12.030 AND 6.12.040 OF THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO SUSPENSION OF REGULATORY ORDINANCES."

### BACKGROUND:

Recently, the City Council has acted on a number of requests for suspension of the noise ordinance for special events. In consideration of these applications, City Councilmember Weigel requested staff to prepare an amendment to Chapter 6.12 ("Temporary Suspension of Regulatory Ordinances") so that City staff might process such requests.

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ITEM NO. 3.A.

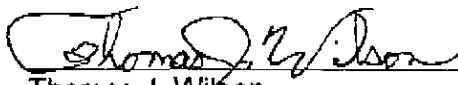
The City Attorney has prepared the attached amendment so that the City Manager (or designee) may grant such suspensions. No other changes are proposed, and the opportunity to seek a suspension of the regulations remains available only to "...designated special events conducted, sponsored, co-sponsored or sanctioned by the city" (Section 6.12.030).

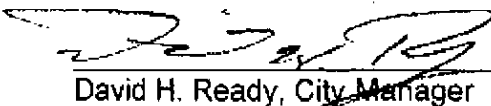
Should the City Council approve the amendment, any decision by the City Manager (or designee) may be appealed to the City Council as allowed by Chapter 2.05 ("Appeal to City Council").

**FISCAL IMPACT:**

No fiscal impact.

  
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Craig A. Ewing, AICP  
Director of Planning Services

  
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Thomas J. Wilson  
Assistant City Manager, Dev't Services

  
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David H. Ready, City Manager

**Attachments:**

1. Proposed Ordinance
2. PSMC Chapter 6.12
3. PSMC Chapter 2.05