

**AGENDA FOR THE REGULAR STUDY SESSION MEETING
OF THE LA MIRADA CITY COUNCIL
JULY 12, 2016 – 5 P.M.
CONFERENCE ROOM #1, CITY HALL, 13700 LA MIRADA BOULEVARD,
LA MIRADA, CALIFORNIA 90638**

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1. CALL TO ORDER
2. ROLL CALL:
Councilmember Deal
Councilmember Mowles
Councilmember Sarega
Mayor Pro Tem Eng
Mayor De Ruse
3. PUBLIC COMMENT: Any information or materials provided during Public Comment are recorded in the minutes and are subject to public disclosure under the Public Records Act. The speaker is requested, but is not required, to orally state or register his or her name and/or address on the sheet located at the podium, for purposes of recording the information accurately in the minutes. If the speaker declines to provide his or her name, address, and other relevant information, the records will so indicate.
4. REVIEW AND DISCUSSION
 - 4.1 LA MIRADA HISTORY BOOK - It is recommended the City Council review and discuss the proposed La Mirada History Book.
 - 4.2 2016 FIREWORKS ENFORCEMENT – It is recommended the City Council review and discuss the City's 2016 fireworks enforcement.
 - 4.3 PROPOSED MODIFICATIONS TO CHAPTER 9.04 OF THE LA MIRADA MUNICIPAL CODE RELATED TO UNNECESSARY OR LOUD NOISES - It is recommended the City Council review and discuss the proposed modifications to Chapter 9.04 of the La Mirada Municipal Code related to unnecessary or loud noises.
5. CITY MANAGER'S REPORT
6. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Dated this 8th day of July, 2016.



Anne Haraksin, City Clerk



REVIEW AND DISCUSSION

STUDY SESSION

City Council
July 12, 2016

TO: Mayor and City Council

FROM: Jeff Boynton, City Manager

ORIGINATED BY: Lori Thompson, Community Services Director
Lisa Montoya, Community Services Supervisor

SUBJECT: LA MIRADA HISTORY BOOK

BACKGROUND

A number of publications chronicling La Mirada's history have been released including C.W. "Bob" Camp's *La Mirada from Rancho to City*, published in 1970, Allen Carden's *La Mirada, Silver Anniversary History*, published in 1986, Diane Kanner's *The Lemon Grove Boyhood of Wallace Neff*, published in 1998, and *Reflections from McNally's Mirror*, compiled by Glen Cantrell, Raymond Fernandez, and Tony Aiello, and published in 2013. In addition, Bob Camp's unfinished manuscript, *They Walked Before Us on La Mirada Land* was written in 1986, but never released. Also, beginning in 2000, Lawrence B. de Graff drafted a book, but it was not completed.

It was proposed to the Historical Preservation Advisory Council that Allen Carden write a follow up book to his *La Mirada, Silver Anniversary History*, to chronicle La Mirada's progress since 1985.

FINDINGS

In August 2015, the Historical Preservation Advisory Council received a proposal from Allen Carden to prepare an 80 to 100 page publishable manuscript. He recently updated his proposal, which is included as Attachment A. The proposed manuscript would comprise La Mirada's growth and development from 1986 to 2015. The work would be approached with a scholarly historical rigor and, while not ignoring controversies the City has faced, the tone of the work would be positive and encouraging as La Mirada looks to an even brighter future. Mr. Carden's proposal and total estimated cost for services is \$15,000. He anticipates the work would take approximately six months to complete. Mr. Carden's curriculum vitae highlighting his experience in preparing historical publications and presentations is included as Attachment B.

In addition to the \$15,000 estimated cost for services from Mr. Carden for the manuscript, it is estimated that the cost for publication would be approximately \$5,000 or \$16.66 per book. Funds have been allocated in the Fiscal Year 2016-17 Budget for the history book, if approved.

Advertisement prior to and after completion of the book would be necessary to generate public interest. Promotional opportunities exist through the City's social media sites, City marquees, City of La Mirada website, *La Mirada Living* newsletter, and other City publications. Announcements during City programs and partnerships with local organizations including potentially Biola University and newspapers would also aid in marketing the book.

If approved, staff recommends a copy of the book be located in the display case at City Hall, and be made available for purchase at the Resource Center, Activity Center, and during City events and the Neff Estate tours.

In April 2016, the Historical Preservation Advisory Council voted to propose a La Mirada History Book be authored by Allen Carden and published by the City of La Mirada.

During the June 14 Study Session meeting, the City Council expressed interest in further discussing the proposed La Mirada History Book and recommended an item be placed on a future Study Session agenda.

RECOMMENDED

It is recommended the City Council review and discuss the proposed La Mirada History Book.

ATTACHMENT A

PROPOSAL TO THE HISTORICAL PRESERVATION ADVISORY COUNCIL AND THE CITY COUNCIL OF THE CITY OF LA MIRADA

by

Allen Carden, Ph.D.

Professor of History, Fresno Pacific University

JUNE 3, 2016

Introduction

It was my privilege in 1985 to be commissioned by the La Mirada City Council to author a 25th anniversary history of the city's progress since incorporation in 1960. That work was completed on schedule and was well received. I thoroughly enjoyed the process of researching and writing about our local history thirty years ago. Now as the city has developed and matured over the last 30 years since that work was published, I have again been asked to submit a proposal to research and write an updated historical narrative of this great community between 1985 and the present. If given this opportunity, I am eager to accept this challenge and responsibility, as I continue to love the City of La Mirada which gave me so many wonderful experiences during my years of residency and employment there.

Scope of Proposal

I propose to research and write a history of La Mirada covering the last 30+ years (1985-present) for which the end product will be a publishable manuscript falling within the range of 80-100 pages, including captioned photographs assisting readers to visualize the city's growth and development (somewhere between 60-75 photographs are suggested). The work will be written with a popular, rather than a scholarly, readership in mind (as was the case in the 1985 volume), although the work will be approached with scholarly historical rigor. While not ignoring controversies or problems the city has faced, the tone of the work will be positive, upbeat, and encouraging as La Mirada looks to an even brighter future.

Once the project is approved for funding by the La Mirada City Council and I receive notification of such approval, I will deliver a completed manuscript within six months of such notification. I believe that the Historical Preservation Advisory Council of the City of La Mirada should have the right, if desired, to review the manuscript once it has been submitted and to offer suggestions for revisions should any be found necessary. If revisions are suggested, I would commit to completing such revisions and resubmitting a final version of the manuscript within one month of notification of requested revisions.

My job as a professional historical researcher and writer for this project will be to provide a high quality publishable manuscript, but the actual responsibility to arrange for publication and dissemination of the volume will be in the hands of the City of La Mirada. My work will be completed with the delivery of an approved publishable manuscript.

Author's Requirements

To make this proposal a reality, I request appropriate access to public city archives including minutes of City Council and City Commission meetings, archival photographs, and other public records that would be of value in presenting a balanced history of the city between 1985 and 2016. I would also request a small, quiet place (a little corner with a table and chair and an outlet for my laptop would be all I ask) at City Hall in order to do the needed archival research. I would also request approval to interview individuals recommended by the Historical Preservation Advisory Council and/or current city officials and staff to gain further historical perspectives.

For my time and personal expenses involved in providing professional historical services of this scope, I request a lump sum payment of \$15,000 upon completion of, and acceptance by the city of, the manuscript described above. For the record, 30 years ago I received payment of \$5,000 for the La Mirada history volume I researched and wrote. Times have changed; I now live in Fresno, rather than La Mirada, and gasoline was then selling for far less than \$1 per gallon! I also have 30 years' more experience in historical research and writing, including two other books and numerous academic articles.

Itemization of Costs for this Proposal

1. Transportation between the City of La Mirada and my home in Fresno
247 miles each way; 494 miles round trip (per Mapquest)
Current IRS mileage reimbursement rate of \$.54 per mile
Each round trip = \$266.76 for mileage reimbursement
Estimated 10 round trips @ \$266.76 = **\$2,667.**

2. IRS current per diem expenses for the Los Angeles area are \$71 for meals and \$123 for lodging. I anticipate 20 days on site in La Mirada, per diem costs totaling **\$3,880.**

3. Estimated hours spent on project, including travel
Travel for 10 round trips between Fresno and La Mirada = 80 hours
Research and writing = 150 hours
Total estimated time spent on project = 230 hours
Hourly charges for total project at my professional historical services rate of \$40/hr.
=**\$9,200.**

4. Miscellaneous expenses related to project: printer and paper supplies, cell phone calls, etc. estimated to be **\$300.**

TOTAL ESTIMATED COST OF PROJECT = \$16,047.

However, as noted above, I will accept payment of **\$15,000** as payment in full for the project with the resulting product being a publishable manuscript that meets the approval of the Historical Preservation Advisory Council; payment due upon delivery of final manuscript.

Respectfully submitted,
Allen Carden, Ph.D.

June 3, 2016

Fresno, California

ATTACHMENT B

Curriculum Vita

ALLEN CARDEN, Ph.D.

874 E. Richmond Ave. Fresno, CA 93720

Phone: 559.438.8430; cell: 559 903.0648; E-mail: acarden@aol.com

(Note La Mirada involvement highlighted in red)

Education

Graduated from La Mirada High School, La Mirada, CA (1967)

Note: I was elected as student body president 1966-67 and voted senior class male "most likely to succeed."

B.A. in History; Biola College (now University), La Mirada, CA (1971)

M.A. in History; California State University, Fullerton (1972)

Ph.D. in History; University of California, Irvine (1977)

Additional graduate study – Talbot School of Theology, La Mirada, CA (1978-1987)

Full-Time Positions Held

1971-1987 Biola University (La Mirada, CA)

- Admissions Counselor
- Registrar
- Assistant and Associate Professor of History
- Director of January Term
- Associate Dean, School of Arts and Sciences
- Associate Provost

1987 – 1997 Spring Arbor College (now University) (Spring Arbor, Michigan)

- Vice President for Academic Affairs and Professor of History
- President (1991-97)

1997-2001 Fresno Pacific University (Fresno, CA)

- President (1997-2000)
- Professor of History (2000-2001)
- Adjunct faculty (2001-2005)

2001- 2006 California State University, Fresno

- Founding Executive Director, Central Valley Higher Education Consortium
- Lecturer in History (concurrent with the above position; continuing part-time to the present)

2006- Present Fresno Pacific University

- Director, Liberal Arts Program, 2006-2012
- Professor of History

Additional Adjunct Faculty Positions

- Fresno City College, 2000 – 2015present
- University of California, Merced, summer sessions 2001 and 2002; credit given through UC Davis as UC Merced did not yet exist as a separate accredited campus
- California State University, Fresno 2000; 2007 – present
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Civic and Professional Involvement

City of La Mirada (CA) Parks and Recreation Commissioner, 1976-78

City of La Mirada (CA) Planning Commissioner, 1979-1985

Council of Presidents, National Association of Intercollegiate Athletics (NAIA), 1991-2000

Board of Directors, Greater Jackson (MI) Chamber of Commerce, 1995-1997

Board of Directors, Mid-Michigan Education Coalition, 1994-1997

Member – Jackson (MI) chapter of NAACP 1993-97

Board of Directors, Jackson Symphony Orchestra, Jackson, Michigan, 1995-97

Member of Rotary International, Jackson (MI) and Fresno (CA) 1988 – 2006

Greater Fresno (CA) Regional Jobs Initiative, 2000 – 2005

American MENSA, San Francisco chapter, 2003 – present

Member, Conference on Faith and History, 1980 – present

Phi Alpha Theta history honor society, 1972 – present

San Joaquin Valley Civil War Roundtable, 2003 – 2010

Member, Board of Directors, California Teaching Fellows Foundation, 2007- present

Member, American Historical Association, 2010 - present

Member, Riverpark Bible Church, Fresno, CA

International Travel to over 30 countries; have directed and/or participated in numerous overseas student study tours since 1982, including 16 trips to Europe with college/university students (including entire semester in Europe, fall 1996).

Domestic Travel with students from California State University, Fresno to the East Coast (Boston, Philadelphia, Washington, DC, Richmond, etc.) for historical studies on the Civil War, American Presidency, and American Revolution, 2001-2016.

List of Publications and Selected Scholarly Activities

Publications

Books:

Carden, Allen. *Freedom's Delay – America's Struggle for Emancipation, 1776-1865*. (University of Tennessee Press, 2014) Note: this volume was nominated for, but did not receive, a Pulitzer Prize in history. One contributing factor: the previous year's winner was also a book on American slavery.

Carden, Allen. *Puritan Christianity in America: Religion and Life in Seventeenth-Century Massachusetts* (Baker Book House, Grand Rapids, MI, 1990). Also published in Korean by The Christian Literature Crusade, Seoul, 1993.

Carden, Allen. *The City of La Mirada: A Silver Anniversary History, 1960-1985* (Beacon Press, Whittier, CA, 1985).

Manuscript currently in preparation for the University of Missouri Press on a book tentatively titled *Full Measure of Devotion – Lincoln's Presidential Secretary John G. Nicolay*. With co-author Thomas J. Ebert, anticipate manuscript completion in early 2017.

Contributions to Books:

"La Bible dans les sermons en Amerique du Nord," chapter 31 in volume 7 (Le Siecle des Lumieres et la Bible) of an 8-volume series, Yvon Belaval and Dominique Bourel, eds., *Bible de Tous les Temps* (Beauchesne, Paris, 1986), pp. 545-561.

Six articles in Daniel G. Reid, et al, eds., *Dictionary of Christianity in America* (InterVarsity Press, Downers Grove, IL, 1990). Articles include "California, Christianity in," Pemberton, Ebenezer," "Pierson, Abraham," Stewart, Lyman and Milton," Strong, Nathan," and "Wise, John."

"Mobilizing a Region in Crisis to Build a College-Going Culture," chapter 3 in Lawrence G. Dotolo and Anneke J. Larrance, eds., *Access to Higher Education Through Consortia* (Jossey-Bass, San Francisco, 2007).

Articles:

Carden, Allen. "The Word of God in Puritan New England: Seventeenth-Century Perspectives on the Nature and Authority of the Bible." *Andrews University Seminary Studies*, vol. 18 (Spring, 1980), 1-16.

Carden, Allen. "A Promise Kept: the Spiritual Life of Abraham Lincoln." *Decision Magazine* (Billy Graham Evangelistic Association), September, 1982.

Carden, Allen. "Biblical Texts and Themes in American Puritan Preaching, 1630-1700." *Andrews University Seminary Studies*, vol. 21 (Summer, 1983), 113-128.

Carden, Allen. "The Communal ideal In Puritan New England, 1630-1700." *Fides et Historia*, vol. 17 (fall-winter, 1984), 25-38.

Carden, Allen. "Lyman Stewart: Zealot in Fields of Oil and the Fields of the Lord." *The Californians*, vol. 3 (Jan.-Feb., 1985), 28-32. Along with this article is a "sidebar" article entitled "Christian Fundamentalism and Creative Achievement: Some Historical Considerations," p. 31.

Carden, Allen. "Religious Schism as a Prelude to the American Civil War: Methodists, Baptists, and Slavery." *Andrews University Seminary Studies*, vol. 24 (Spring, 1986), 13-29.

Carden, Allen. "God's Church and a Godly Government: A Historiography of Church-State Relations in Puritan new England." *Fides et Historia*, vol. 19 (Feb., 1987) 51-65.

Book Reviews:

Review of Edward J. Larson, *Trial and Error: The American Controversy over Creation and Evolution* in *Journal of Library History* (University of Texas), vol. 22 (Spring, 1987).

Review of Charles Leslie Glenn, Jr., *The Myth of the Common School in Libraries and Culture* (University of Texas), vo. 24, (Summer, 1989).

Scholarly Presentations and Participation

Presented a lecture on Historic Preservation of Phoenix, AZ at the National Conference on Public History, Arizona State University (1985).

Presented a series of lectures as the Lyman Stewart Lecturer at Talbot School of Theology (La Mirada, CA) in Oct., 1987: "Profiting from the Puritans: A Paradigm of Piety and Pitfalls."

Presented the Staley Lectures at Central College, McPherson, KS in Feb., 1993 on the topic of American Puritanism.

Presented the after-dinner speech at the West Coast meeting of the Conference on Faith and History, spring 2000 (Fresno, CA) on the topic: "The Puritans as a Case Study of Early American Immigration."

Speaker for an endowed lectureship at Indiana Wesleyan University (Marion, IN), Feb. 2000, on the topic of "American Puritanism."

Speaker at the San Joaquin Valley Civil War Roundtable, "Abraham Lincoln and the Women in His Life," Fresno, CA, 2002.

Speaker at the Fresno County (CA) Bar Association Annual Law Day Lunch, "Lincoln's Legacy of Liberty," May, 2009.

I have been a presenter for the Spring Arbor College (MI) Elderhostel Program for numerous topics in American History from 1989-1996.

I have been a lecturer for fifteen short courses for the Osher Institute for Lifelong Learning at California State University, Fresno between 2007 and the present on the topics of American Presidential Couples, Great Presidential Elections, Abraham Lincoln, Ronald Reagan, The American Puritans, and the American Revolution, the history of Congress, the anti-slavery movement in America, the Tudor-Stuart monarchy, and the Louisiana Purchase, the Lewis and Clark Expedition, American VP's Becoming President, FDR, etc.

I was selected as a postdoctoral participant in the National Endowment for the Humanities Seminar in Public History held in the summer of 1984 at Arizona State University, Tempe, AZ.

NOTE: I have made numerous other presentations on historical and educational topics at Rotary Club meetings throughout California, at annual meetings of the Conference on Faith and History (Dallas, TX), the National Conference on Faculty Development (Kansas City, MO), and the Pacific Coast Branch of the American Historical Association (San Francisco). I have also lectured on American higher education at universities in Wuhan and Chengdu, China, and St. Petersburg, Russia. Unfortunately, my only exact record of these presentations and dates was on a computer disc that was inadvertently destroyed some time ago.

ADDITIONAL CONNECTIONS TO THE CITY OF LA MIRADA:

I was a resident of the City of La Mirada from 1965 until our marriage in 1970, when my wife and I rented an apartment in nearby La Habra. We eagerly returned to La Mirada to purchase our first home in 1972. We purchased another home in La Mirada in 1975 and were residents of the city, along with our two children, until I accepted a job in Michigan in 1987. After returning to California (Fresno) in 1997, we were in La Mirada usually at least once a month visiting with my father and step-mother (both retired from Biola University) who continued to live in La Mirada until their move to a retirement community in Fullerton about 2004. I continue to follow with interest the progress of La Mirada and also Biola University, where my wife and I are members of the President's Circle of donors.

STUDY SESSION

City Council
July 12, 2016

TO: Mayor and City Council
FROM: Jeff Boynton, City Manager
INITIATED BY: Mark Rounds, Senior Administrative Analyst
SUBJECT: **2016 FIREWORKS ENFORCEMENT**

BACKGROUND

Chapter 16.12 of Title 16 of the La Mirada Municipal Code (LMMC) authorized the use of 'safe and sane' fireworks on July 4, 2016 from 3 p.m. to 10 p.m. within residential areas. Title 16 of the LMMC also prohibits any person to sell, possess, keep, store, use, or discharge or permit another to sell, possess, keep, store, use or discharge, any dangerous fireworks in the City of La Mirada.

FINDINGS

On July 4, 2016, the City's Public Safety Team proactively enforced fireworks regulations by canvassing the community. Regular Public Safety deployment was enhanced to proactively enforce fireworks regulations. The deployment consisted of eight deputies, three Public Safety Officers, and three Code Enforcement Officers. This year, the number of vehicles deployed to enforce fireworks decreased from 11 vehicles to six to allow for deputies to work in pairs for officer safety purposes. Incidents involving unruly parties in previous years necessitated this change to the deployment.

During this year's Fourth of July holiday, the City received calls for service related to fireworks. From 5 p.m. to 11 p.m. on July 4, 23 calls were dispatched for fireworks violations. In 2015, 37 calls were received for fireworks violations during this time.

This year, the Public Safety team issued 31 administrative citations for fireworks violations. All of the citations were issued for possession or discharge of illegal fireworks. In 2015, the Public Safety team issued 39 administrative citations for fireworks violations. The decrease in administrative citations from the prior year may be party attributed to the reduced number of vehicles from the modified deployment.

Field observations indicated that the number of individuals celebrating the Fourth of July with fireworks had slightly decreased in some areas and increased in others compared to 2015. Calls for service were consistent throughout the night and subsided at

approximately 10:30 p.m. The Fire Department reported there were no injuries or structure fires related to fireworks.

In anticipation of the Fourth of July celebrations, the City continued its robust fireworks education campaign that included an article in the recent *La Mirada Living* newsletter. Information was also included in *E-Watch*, on the City's website, and on City marquees.

RECOMMENDED ACTION

It is recommended the City Council review and discuss the City's 2016 fireworks enforcement.

STUDY SESSION

City Council
July 12, 2016

TO: Mayor and City Council

FROM: Jeff Boynton, City Manager

INITIATED BY: Mark Rounds, Senior Administrative Analyst

SUBJECT: PROPOSED MODIFICATIONS TO CHAPTER 9.04 OF THE LA MIRADA MUNICIPAL CODE RELATED TO UNNECESSARY OR LOUD NOISES

BACKGROUND

In 1979, the City Council adopted Ordinance No. 279 amending La Mirada Municipal Code (LMMC) Section 9.04.010 related to the prohibition of unnecessary or loud noise. LMMC Section 9.04.010(c) prohibits sound levels beyond the boundaries of any lot or parcel of land of any residential or commercially zoned property from exceeding 45 decibels (Attachment A). This section contradicts performance standards applicable to land use designations and zoning guidelines contained in Title 21 of the LMMC (Attachment B).

FINDINGS

In 2007, the City Council adopted Ordinance No. 612 revising zoning provisions contained in Title 21 of the LMMC. Included in the revision were performance standards contained in Section 21.70.080 which established 60 decibels as the maximum noise levels for residential and 70 decibels the maximum noise levels for commercially zoned uses.

During a recent analysis of Chapter 9.04 of the LMMC, staff discovered regulations pertaining to a prohibition of noise generated by construction or repairs on Sundays. Section 9.04.010(b)(4) prohibits persons from using any tool, device, or equipment that produces unnecessary noise on Sundays or any other day between the hours of 8 p.m. and 7 a.m. , such as mowing a lawn, or using many similar kinds of tools for yard work or home repair. The time regulations contained in the section are reasonable and are enforced regularly. However, the Sunday prohibition is more difficult to enforce as it is sometimes the only day off for some residents and provides the only time to complete these noise generating tasks.

Staff has consulted the City Attorney's office regarding the inconsistencies in the LMMC and the Sunday noise prohibition. In an effort to keep the LMMC consistent with current regulations, staff recommends the City Council consider adopting an ordinance amending Section 9.04.010(b)(4) to allow for minor home repairs and maintenance work on Sundays and repealing Section 9.04.010(c) of Title 9 of the LMMC. Section

21.70.080, which established 60 decibels as the maximum noise levels for residential and 70 decibels the maximum noise levels for commercially zoned uses, would be enforced. A maximum noise level of 60 decibels would be more appropriate because a preponderance of many activities that take place in a residential neighborhood exceed 45 decibels. The level of a normal conversation is 45 decibels.

RECOMMENDED ACTION

It is recommended the City Council review and discuss the proposed modifications to Chapter 9.04 of the La Mirada Municipal Code related to unnecessary or loud noises.

ATTACHMENT A

La Mirada Municipal Code Chapter 9.04 Noise – Disorderly Conduct

Sections:

9.04.010 Unnecessary or loud noises prohibited.

9.04.050 Disturbing the peace with noisy or smoky vehicle.

9.04.010 Unnecessary or loud noises prohibited.

(a) It is unlawful for any person to make or continue to cause to be made or continued, within the city, any loud or unnecessary noise or any noise which may reasonably be anticipated to annoy, disturb, injure or endanger the comfort, repose, peace, health or safety of others.

(b) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be inclusive, namely:

(1) Radios, Phonographs, etc. The using, operating, or permitting playing, using or operating of any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of residential inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operating of any such set, instrument, phonograph, machine or device between the hours of ten p.m. and six a.m. in such a manner as to be plainly audible at a distance of fifty feet from the residential property line, or vehicle, in which it is located shall be prima facie evidence of a violation of this section;

(2) Loudspeakers, Amplifiers for Advertising. The using, operating or permitting playing, using or operating of any radio receiving set, television set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

(3) Yelling, Shouting, etc. Yelling, shouting, whistling or singing on the public streets between the hours of ten p.m. and six a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, or other type of residence, or of any persons in the vicinity;

(4) Construction or Repair. The performance of any construction or repair work of any kind upon, or excavating for, any building or structure, where any such work entails the use of any air compressor, jackhammer, power-driven drill, riveting machine, excavator, hand hammer on steel or iron, or any other machine, tool, device, or equipment which makes loud noises to the disturbance of persons occupying sleeping quarters in a dwelling, hotel, or apartment or other place of residence. The above use of machinery or equipment that produces such unnecessary noise shall be prohibited on any Sunday or any other day between the hours of eight p.m. and seven a.m. The provisions of this section do not apply to any person who performs any construction,

repair, or excavation pursuant to the express written permission of the city engineer. Upon receipt of an application in writing therefor, stating the reasons of the request and the facts upon which such reasons are based, the city engineer may grant such permission if he finds that:

(A) The work proposed to be done is in the public interest; or

(B) Hardship, or injustice or unreasonable delay would result from the interruption thereof during the hours and days specified above; or

(C) The building or structure involved is devoted or intended to be devoted to a use immediately incident to the public defense. Any person dissatisfied with the decision of the city engineer may forthwith appeal to the city council.

(i) The provisions of this section do not apply to the construction, repair, or excavation during prohibited hours as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of the city are closed or where such necessity requires immediate action prior to the time at which it would be possible to obtain the aforementioned permits; provided, that the persons doing such construction, repair, or excavation obtain a permit therefor within one day after the office of the city engineer is first opened subsequent to the making of such construction, repair, or excavation.

(ii) The provisions of this section do not apply to construction, repair, or excavation by a public utility which is subject to the jurisdiction of the public utilities commission and where such work is necessary for the immediate preservation of the public health, safety or welfare and where such necessity makes it necessary to construct, repair or excavate during the prohibited hours.

(iii) The provisions of this section do not apply in any territory which is not a zone classified by the city's zoning ordinances as a manufacturing zone (M zone) and is not less than five hundred feet from any territory in any zone classified by the city's zoning ordinances as a residential zone (R zone).

(5) Rubbish Collection. The performance of any rubbish collection utilizing any mechanical equipment in any residential zone (R zone) or within five hundred feet of any residential zone between the hours of eight p.m. and six a.m.

(c) It is unlawful for any person to make or continue to cause to be made or continued, within the city, any noise which creates a sound level beyond the boundaries of any lot or parcel of land of any residentially or commercially zoned property in excess of forty-five decibels. Sound level shall be measured with an instrument which is in accordance with the American Standard for Sound Level Meters, Z 23.4, and the response curve "A" given in this standard shall be used.

(Ord. 360 § 1, 1984; Ord. 279 § 1, 1979; Ord. 141 § 1, 1968; prior code § 4301).

9.04.050 Disturbing the peace with noisy or smoky vehicle.

A person shall not operate any motor vehicle (including any motorcycle, trail bike, dune buggy, motor scooter, or jeep) or the motor thereof on any place other than a highway so as to disturb the peace or quiet of any neighborhood or person by noise, dust, smoke or fumes caused by such motor vehicle.

(Ord. 162 § 1, 1970; prior code § 4108).

ATTACHMENT B

La Mirada Municipal Code Section 21.70.080 Noise and Vibration

(a) Purpose. Certain noise levels have been scientifically demonstrated to be detrimental to the health and welfare of individuals. A goal of the city is to minimize noise in residential areas and to prevent excessive exposure of all persons to harmful noise. This chapter establishes regulations that prohibit unnecessary, excessive, and annoying noises and vibration from all sources.

(b) Applicability and Exemptions. The standards provided in this chapter apply to all land uses in all zoning districts unless otherwise specified. The following are exempted from the maximum noise standards specified in this section:

(1) Sporting events, festivals, and other events which otherwise conform with applicable zoning requirements and have appropriate temporary use and/or noise permits.

(2) Sounds emanating from the operation of mobile and stationary equipment, including motor vehicles on a public highway; aircraft; outdoor implements such as power lawn mowers, power hedge clippers, and power saws; and pile drivers or jackhammers and other construction equipment.

(3) Sounds emanating from lawful and proper activities on school grounds, playgrounds, parks, or places wherein athletic contests take place are exempt from the provisions of this title.

(4) Sounds emanating from emergency equipment, air raid sirens, and other apparatus used solely for public purposes.

(c) Noise Measurement. Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute (ANSI Section S1.4-1979, Type 1 or Type 2). Noise levels shall be measured in decibels at the property line of the receptor property, and at least four feet above the ground and five feet from the nearest structure or wall. The unit of measure shall be designated as dBA. A calibration check shall be made of the instrument at the time any noise measurement is made.

(d) Maximum Noise Level.

(1) Residential areas. Noise levels from any property or any use shall not exceed sixty dBA as measured in any portion of any surrounding or adjacent residentially zoned property.

(2) Non-residential areas. Noise levels generated within any property by any use shall not exceed seventy dBA in any portion of any surrounding or adjacent property with nonresidential zoning.

(e) Vibration. Any use on any property within the city that generates vibration that is discernable without instruments at any lot line adjacent to an area with a residential use or residential zoning district is prohibited. The ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted.

(Ord. 612 Exhibit A (part), 2008).