



Date: June 9, 2005

To: Honorable Mayor and Councilmembers

From: Bonnie Lowenthal, Councilmember, First District *BL*

Subject: Proposed amendment to the Noise Ordinance.

Discussion

Nearby cities have established "Loud Party Ordinances," which provides law enforcement with the capability to arrest, or issue citations to the person or persons owning or occupying the premises where the gathering is being held. In addition, it provides that if law enforcement should respond a second time within a 12-hour period, the owner or occupant of the premises will be liable for the costs and expenses incurred by the City.

Chapter 8 of the Long Beach Municipal Code (LBMC) requires that the noise control office, currently the Long Beach Health Department, administer the noise control program. It also directs all departments to cooperate with the noise control office to the fullest extent in enforcing the noise regulations of this chapter. Currently enforcement of noise control regulations shall be undertaken only upon receipt of a written sworn complaint from a resident.

Section 415 of the California Penal Code currently states that—"Any person who maliciously and willfully disturbs another person by loud and unreasonable noise shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars, or both such imprisonment and fine."

The Long Beach Police Department has been working under the auspices of both the Penal Code and the LBMC. However, there is some discrepancy in regards to actual enforcement, and the extent to which residents are willing to engage in the existing system. Attached are copies of other municipalities' ordinances, of which the City of Lynwood provides an ordinance to be modeled after.

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Recommendation:

Request the City Attorney draft an addition or revision to the LBMC that will give law enforcement the ability to cite person or persons responsible for a party or gathering that requires law enforcement to respond two or more times in one 12 hour period, and levy a fine (Loud Party Service Fee) as is done in other cities, and that this ordinance be sent to hearing before the Housing and Neighborhoods Committee for review in 30 days.

I hope my colleagues will join me in this effort.