

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTION 10-112 OF THE FRESNO MUNICIPAL CODE, RELATING TO NOISE REGULATIONS AT WOODWARD PARK AMPHITHEATER.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

WHEREAS, Objective NS-1 of the Fresno General Plan is to “Protect the citizens of the City from harmful and annoying effects of exposure to excessive noise”; and

WHEREAS, the General Plan recommends establishing a conditionally acceptable noise exposure level range for residential and other noise sensitive uses to be 65 decibels, or to require appropriate noise reducing mitigation measures as determined by site specific acoustical analysis; and

WHEREAS, Fresno Municipal Code Section 10-101 et seq. (the Noise Ordinance), including the addition thereto proposed in this Ordinance, are intended to implement General Plan Objective NS-1.

SECTION 1. Section 10-112 of the Fresno Municipal Code is added to read:

SECTION 10-112. WOODWARD PARK AMPHITHEATER REGULATIONS.

(a) For events held at the Woodward Park Amphitheater, the decibel level measurements shall not exceed 70 decibels when measured at any point on the perimeter of Woodward Park.

(b) If at any time during the event the noise level at the perimeter of the park exceeds 70 decibels, the party responsible for the

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: _____

Ordinance No.

event (the Permittee) shall be notified and must immediately lower sound levels in compliance with this section.

(c) If, after receiving notice, the noise level is not immediately decreased to a compliant level, then:

(1) The event shall be immediately terminated and the city shall have the authority to take all necessary actions to terminate the event; or

(2) The city may assess fines along the following schedule:

(i) \$1,000 for each minute or fraction of a minute for the first ten minutes after notice is first given;

(ii) \$10,000 for each minute or fraction thereof for the next twenty minutes; and

(iii) \$100,000 for each minute or fraction thereof for every minute beyond thirty minutes.

(d) Anyone found in violation of this section may be deemed denied the opportunity to host future events at any city facility for a period of five years.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Katie Doerr Date
Chief Assistant