



# STAFF REPORT

## SAUSALITO CITY COUNCIL

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### AGENDA TITLE:

Adoption of an Ordinance Amending Section 12.16.140 of the Sausalito Municipal Code regarding Time Limits on Operating Construction Devices in Residential Zones

### RECOMMENDED MOTION:

Waive second reading, read by title only and adopt an Ordinance of the City Council of the City of Sausalito Amending Section 12.16.140 of the Sausalito Municipal Code Regarding Time Restrictions on Operating Construction Devices in Residential Zones

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### SUMMARY/BACKGROUND

At its regularly scheduled meeting on October 6<sup>th</sup> the City Council introduced and gave first reading of an Ordinance Amending Chapter 12,16.140 of the Sausalito Municipal Code regarding hours of operation of construction devices in residential zones – and a 500' radius of such zones.

The modifications to the hours are as follows:

Weekdays: between 8:00 am - 7:00 p.m.

Saturdays: between 9:00 am - 5:00 p.m.

Sundays: prohibited

Holidays officially recognized by the City of Sausalito not including Sundays:  
~~between 9:00 a.m. and 7:00 p.m. prohibited.~~

As directed by the Council on October 6<sup>th</sup> the proposed ordinance also modifies Section 12.16.140B of the Sausalito Municipal Code to extend the exception granted to residents allowing construction activity on Sundays to holidays. As modified this section reads as follows:

B. Homeowners currently residing on the property and all other legal residents may operate construction, demolition, excavation, alteration or repair devices and equipment themselves on their own property on Sundays and holidays officially recognized by the City provided that such operations occur between 9:00 am and 7:00 pm and otherwise comply with the city's laws regulating noise

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Item #: 482  
Meeting Date: 10-20-09  
Page #: 1

Finally, a new Section 12.16.140C was added as directed by the Council to define "holidays officially recognized by the City" as those set forth on the official City Calendar adopted by the Council and posted to the City's website as it currently exists or may be amended.

## FISCAL IMPACT

None.


## STAFF RECOMMENDATIONS

Waive second reading, read by title only and adopt an Ordinance of the City Council of the City of Sausalito Amending Section 12.16.140 of the Sausalito Municipal Code Regarding Time Restrictions on Operating Construction Devices in Residential Zones


## ATTACHMENTS

1. Ordinance of the City Council of the City of Sausalito Amending Section 12.16.140 of the Sausalito Municipal Code Regarding Time Restrictions on Operating Construction Devices in Residential Zones
2. Redline version of Ordinance highlighting revisions directed by the City Council on October 6th.

PREPARED BY:

  
Mary Wagner  
City Attorney

SUBMITTED BY:

  
Adam Politzer  
City Manager

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO  
AMENDING SECTION 12.16.140A OF THE SAUSALITO MUNICIPAL CODE  
REGARDING TIME RESTRICTIONS ON OPERATING CONSTRUCTION  
DEVICES IN RESIDENTIAL ZONES**

THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 12.16.140 of the Sausalito Municipal Code is hereby amended to read as follows:

- A. The operation of construction, demolition, excavation, alteration or repair devices and equipment shall only take place during the following hours:
1. Weekdays - Between eight a.m. and six p.m.
  2. Saturdays - Between nine a.m. and five p.m.
  3. Sundays - Prohibited.
  4. Holidays officially recognized by the city of Sausalito, not including Sundays - Between nine a.m. and seven p.m.

B. Homeowners currently residing on the property and all other legal residents may operate construction, demolition, excavation, alteration or repair devices and equipment themselves on their own property on Sundays and holidays officially recognized by the City provided that such operations occur between 9:00 am and 6:00 pm and otherwise comply with the city's laws regulating noise.

C. For purposes of this Section 12.16.140 "holidays officially recognized by the City" are those holidays indicated on the official City Calendar which is adopted by the City Council as it currently exists and may hereinafter be amended.

**Section 2.** The adoption of this ordinance is exempt from the application of the California Environmental Quality Act, Public Resources Code section 21000, *et seq.*, in accordance with section 15305 (Minor Alterations in Land Use Limitations).

**Section 3.** This ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

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**Section 4.** This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

**Section 5.** This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

**THE FOREGOING ORDINANCE** was read at a regular meeting of the Sausalito City Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2009, and was adopted at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the following vote:

AYES:	COUNCILMEMBER:
NOES:	COUNCILMEMBER:
ABSENT:	COUNCILMEMBER:
ABSTAIN:	COUNCILMEMBER:

\_\_\_\_\_  
Jonathan Leone, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Pagliaro, City Clerk

432  
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**ORDINANCE NO. 1199**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO  
AMENDING SECTION 12.16.140 OF THE SAUSALITO MUNICIPAL CODE  
REGARDING TIME RESTRICTIONS ON OPERATING CONSTRUCTION  
DEVICES IN RESIDENTIAL ZONES**

THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 12.16.140 of the Sausalito Municipal Code is hereby amended to read as follows:

- A. The operation of construction, demolition, excavation, alteration or repair devices and equipment shall only take place during the following hours:
  - 1. Weekdays - Between eight a.m. and six p.m.
  - 2. Saturdays - Between nine a.m. and five p.m.
  - 3. Sundays - Prohibited.
  - 4. Holidays officially recognized by the city of Sausalito not including Sundays - Between nine a.m. and seven p.m.
- B. Homeowners currently residing on the property and all other legal residents may operate construction, demolition, excavation, alteration or repair devices and equipment themselves on their own property on Sundays and holidays officially recognized by the City provided that such operations occur between 9:00 am and 6:00 pm and otherwise comply with the city's laws regulating noise
- C. For purposes of this Section 12.16.140 "holidays officially recognized by the City" are those holidays indicated on the official City Calendar which is adopted by the City Council as it currently exists and may hereinafter be amended.

**Section 2.** The adoption of this ordinance is exempt from the application of the California Environmental Quality Act, Public Resources Code section 21000, *et seq.*, in accordance with section 15305 (Minor Alterations in Land Use Limitations).

**Section 3.** This ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section 4.** This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

482  
5

**Section 5.** This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

**THE FOREGOING ORDINANCE** was read at a regular meeting of the Sausalito City Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2009, and was adopted at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the following vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

ABSTAIN: COUNCILMEMBER:

\_\_\_\_\_  
Jonathan Leone, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Pagliaro, City Clerk