

ORDINANCE NO. 2012-001

AN ORDINANCE OF THE ISLA VISTA RECREATION AND PARK DISTRICT REGULATING AMPLIFIED SOUND ON DISTRICT PROPERTY

THE BOARD OF DIRECTORS OF THE ISLA VISTA RECREATION AND PARK DISTRICT ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 1989-1 as amended on August 1, 2002, is hereby repealed in its entirety.

Section 2. Declaration of Policy. It is the policy of the Isla Vista Recreation and Park District (“District”) to prohibit and control unnecessary and excessive noise and vibration on District property to preserve tranquility and protect the use and enjoyment of District property. Above certain levels and at certain times, noises are detrimental to the health, safety, comfort and welfare of the community and, in the public interest, shall be proscribed.

Section 3. Definitions. For the purposes of this Ordinance, the following definitions shall govern unless the context clearly requires otherwise:

“District Property” means the recreation facilities and other District owned property located at Anisq’Oyo’ Park, Perfect Park, People’s Park, Little Acorn Park, Greek Park, Pardall Gardens, Sueño Park, Trigo Pasado Park, Estero Park, Tierra De Fortuna Park, Sueño Orchard, Children’s Park, Rottapel, Window to the Sea Park, Camino Pescadero Park, District Offices & District owned open spaces.

“Downtown District Parks” means the following District Properties located at Anisq’Oyo’ Park, Perfect Park, People’s Park, Little Acorn Park, Greek Park & Pardall Gardens.

“Park Use Permit” means a permit issued by the District pursuant to the District policies for use of District Property.

“Person” means any individual, firm, partnership, association, corporation, company or organization of any kind.

“Sound amplifying equipment” is any machine or device for the amplification of the human voice, music or any other sound, or by which the human voice, music or any other sound is amplified.

Section 4. Use of Sound Amplifying Equipment on District Property.

a. **Prohibited Sound Levels.** It is unlawful for any person to cause, allow, permit, use or operate sound amplifying equipment on District Property. Notwithstanding, any person may use sound amplifying equipment at Downtown District Parks if the person complies with the provisions of Section 5.

b. **Sound Measurements.** All sound measurements shall be performed using a sound level meter reading in decibels (dBc).

c. **Location of Measurements.** Sound measurements shall be taken on the closest property line of the property where amplified sound is being created.

Section 5. Use of Sound Amplifying Equipment at Downtown District Parks.

Sound amplifying equipment may be used at Downtown District Parks if all the following requirements are met:

- a. The use of sound amplifying equipment is in conjunction with a use for which a District park use permit has been duly executed and issued in accordance with District policies.
- b. The use of sound amplifying equipment is not permitted at any other day and time except those days and times listed herein.
- c. The sound emitted from the sound amplifying equipment may not exceed the following standards:

Sunday & Weekday Holidays	12:00 noon to 10:00 p.m.	80 dBc
Monday to Thursday	5:00 p.m. to 10:00 p.m.	80 dBc
Friday	5:00 p.m. to 12:00 midnight	85 dBc
Saturday	12:00 noon to 12:00 midnight	85 dBc

The maximum number of park use permits that may be issued for a use with sound amplifying equipment is limited to four (4) permits in one calendar week (i.e. Monday through Sunday) if such use occurs after 5:00 p.m.

Section 6. Park Use Permit. The park use permit shall include the following information related to sound amplifying equipment: (i) the permit will notify the signatory of the provisions of Ordinance No. 2012-001 with regard to the use of amplified sound on District Property; (ii) the permit will notify the signatory that if Ordinance No. 2012-001 is violated, the District will cause the immediate termination of the use; (iii) the permit will notify the signatory that if Ordinance No. 2012-001 is violated, the use of sound amplifying equipment by the signatory and those listed as responsible for the event/performance under the permit will be suspended for a period of one-year from the date of the violation; and (iv) the permit will require that the signatory list the names, addresses and phone numbers of all persons responsible for the use under the permit.

Section 7. Exceptions. This ordinance does not apply to uses of sound amplifying equipment on District Property by the following: (i) the District and its employees and/or contractors; (ii) public safety personnel in the course of executing their official duties, including but not limited to, sworn peace officers, emergency personnel and public utility personnel, Isla Vista Foot Patrol, the Santa Barbara County Sheriff’s Department, the California Highway Patrol, and the University of California Campus Police; and (iii) third parties who utilize sound amplifying equipment in conjunction with a District sponsored event.

Section 8. Penalty. Any person violating any provision of this ordinance will be issued a verbal warning for first violation. Any person violating any provision of this Ordinance shall be guilty of an infraction which is punishable by a fine not to exceed \$100. Any person violating any variance granted by the Board of Directors will incur a fine of \$250.

Section 9. Enforcement. Any uniformed District employee, peace officer, including but not limited to, members of the Isla Vista Foot Patrol, the Santa Barbara County Sheriff's Department, the California Highway Patrol, and the University of California Campus Police, shall enforce this Ordinance. Furthermore, the General Manager and District staff shall have the authority to deny use of sound amplifying equipment at Downtown District Parks to individuals and groups who fail to comply with this Ordinance for a period of one year from the date of violation.

Section 10. Variances. Variances from the time and noise level restrictions of this Ordinance may be granted by the District Board by motion or written resolution if it finds that the variance promotes a program, function or purpose of the District, and that the benefit of the variance outweighs the detriment to the Isla Vista community. Persons seeking a variance shall submit an application and applicants may be required to submit such information as the District may reasonably require. A hearing on the variance shall be noticed as required by Brown Act and the Board may condition the variance, including the placement of a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. In granting or denying a request, the District shall keep on public file a copy of the decision and the reasons for denying or granting the variance. The decision of the Board shall be final. Variances will require an increased security deposit of \$300.

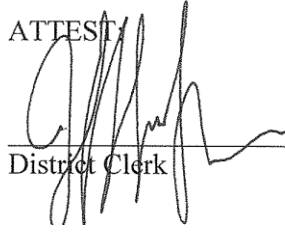
Section 11. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The Board of Directors of the Isla Vista Recreation and Park District hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 12. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage the ordinance, or a summary of it, shall be published once in a newspaper of general circulation, published in the County of Santa Barbara.


PASSED, APPROVED AND ADOPTED this 8th day of March, 2012


Chairperson, Bruce Murdock

ATTEST


District Clerk

APPROVED AS TO FORM


Roxanne M. Diaz, Co-General Counsel

I, Jeff Lindgren, Interim-District Clerk of the Isla Vista Recreation and Park District, do hereby certify that the foregoing Ordinance No. 2012-001 relating to the regulation of sound amplifying equipment on district property was duly adopted and passed at a regular meeting of the Isla Vista Recreation and Park District on the 8th day of March, 2012 by the following vote:

AYES: MURDOCK, DREIZLER, LAGERQUIST, WARFIELD

NOES:

ABSTAIN:

ABSENT: BUDA