

ORDINANCE NO. 5-07 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING SECTION 9.52.040 OF THE CITY OF RICHMOND MUNICIPAL CODE TO INCLUDE TRAIN BELLS, SIRENS, WHISTLES AND SIMILAR AUDIBLE WARNING DEVICES AS PERMISSIBLE EXCEPTIONS TO CHAPTER 9.52 AND CLARIFYING TO WHAT EXTENT TRAIN BELLS, SIRENS, HORNS, WHISTLES OR OTHER SIMILAR AUDIBLE WARNING DEVICES ARE EXEMPTED FROM CHAPTER 9.52

Now, therefore, the City Council of the City of Richmond do ordain as follows:

SECTION 1. Section 9.52.040 of the City of Richmond Municipal Code is hereby amended to read as follows:

(a) The provisions of this chapter shall apply generally to all property throughout the City wherein any of the conditions, hereinafter specified, are found to exist, except that the provisions of this chapter shall not apply to:

- 1) the emission of sound for the purpose of alerting persons to the existence of an emergency;
- 2) the emission of sound in the performance of emergency work; and
- 3) the emission of sound by warning devices necessary for the protection of public safety, as, for example, police, fire, ambulance, and hazardous materials emergency response sirens, and train **bells, sirens, horns, whistles or similar audible warning devices.**

Train bells, sirens, horns, whistles or similar audible warning devices shall be exempt from the provisions of this chapter only to the extent that Federal or State law permits or requires their use and such use is strictly limited to Federal or State sounding standards, including, but not limited to, the sound level and the pattern or frequency of use.

(b) The provisions of this chapter are to be supplementary and complementary to all of the provisions of this Code, **Federal Law**, State law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Richmond to abate any and all nuisances.

SECTION 2. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be effective 30 days after passage and adoption.

First introduced at a regular meeting of the City Council of the City of Richmond held on February 6, 2007 and finally passed and adopted at a regular meeting held on February 20, 2007 by the following vote:

AYES: Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSTENTIONS: Vice Mayor Bates and Councilmember Marquez

ABSENT: None

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

JOHN EASTMAN
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is true copy of Ordinance No. 5-07 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on February 20, 2007, and published in accordance with law.