



Staff Report

TO: City Council
FROM: Christina Taylor, Community Development Director
DATE May 3, 2022
SUBJECT: Update on Weaver Mortuary

Background and Analysis:

On February 23, 2022, City staff received a complaint of noise coming from refrigerator containers on the Weaver Mortuary property. Upon inspection of the complaint, staff observed two refrigerator containers behind the mortuary building, connected to temporary electrical power. On March 1, 2022, the Community Enhancement Officer made contact with representatives from Weaver Mortuary and advised them to contact the Planning Department.

On March 2, 2022, staff and the representative from Weaver Mortuary discussed the issue. The mortuary representative advised that they handle cremation for all of their mortuaries and anticipated having the refrigerated containers on site for a few more months. Also on March 2, 2022, Code Enforcement staff took an informal decibel reading (using an iphone app) of the noise at the location and based on that reading, the noise was in violation of the Beaumont Municipal Code. Staff took the measurement to get an idea of what the decibel level was but did not issue a citation based on this reading as the iphone app is not considered verifiable or calibrated for meter reading.

On March 3, 2022, staff was contacted by a representative from Weaver Mortuary who was apologetic and stated they are willing to comply with permits and fees as required to remedy the situation. Staff advised of the concern with noise, trash and refrigerated containers. On March 4, 2022, staff reached out to the Interim Building Official regarding concern that the containers were connected through temporary power. The Interim Building Official advised if the containers were going to be on-site for any length of time, they should be connected to a permanent power source. Staff subsequently made contact with representatives from Weaver Mortuary via phone and advised them of the need to establish permanent power if the containers were going to be in use. At that time, the mortuary representatives advised staff, that one of the containers would be removed leaving only one remaining and they would have their contractor contact

Building and Safety to file for and obtain a permit for establishing a permanent power source.

On March 23, 2022, staff received additional email correspondence via email alleging violation of the Conditional Use Permit (CUP) for Weaver Mortuary. Staff located the CUP in the archives and reviewed but found no violation of conditions. The municipal code is silent on the use of “containers” for storage or other purposes. Beaumont Municipal Code Chapter 8.32.200 Internal Combustion Engines states the following:

Any stationary internal combustion engine used, run, or otherwise operated within 300 feet of any private residence, rooming or lodging house without first obtaining the consent of all persons residing within such distance is declared a public nuisance, provided that such consent shall be unnecessary if the exhaust and noise there from is muffled so as to prevent the emission of any excessive soot, smoke or noise. This Section shall not apply to the use of generators during public emergencies.

To the best of staff’s knowledge, the containers were brought onsite during the COVID-19 pandemic and have remained. The pandemic emergency declaration is still in effect in the City and thus precludes staff from issuing a citation for this section of the code. A copy of the original staff report and conditions of approval are included as Attachment A to this report.

On March 31 and again on April 27, 2022, staff reached out to AQMD to obtain cremation permit information. AQMD staff advised the permit for cremation at Weaver Mortuary is limited to 60,000 pounds per month. Records must be kept and made available to the AQMD inspectors upon request. AQMD has no record of any violations of this permit by the mortuary.

Also on March 31, 2022, staff opened a formal code case and sent a courtesy notice to Weaver Mortuary advising a permanent power source would be needed and requesting a sound barrier be constructed to reduce the noise level emitting from the remaining refrigerator container as no formal permit application had been filed.

On April 6, 2022, staff received pictures of trash behind the mortuary facility and additional complaints about the noise from a resident. We advised the resident one trailer would be removed and a notice had been issued to address the remaining issues. On April 20, 2022, staff spoke with the contractor and provided the information needed to file for plan check.

Staff continues to have correspondence with the contractor addressing the issues on site at Weaver Mortuary as well as with the resident who provided the complaint.

Fiscal Impact:

Staff time responding to complaints, researching, and preparing this report is approximately \$1,500.

Recommended Action:

Receive and file.

Attachments:

A. Weaver Mortuary 96-CUP-03