

Attachment 2

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 10.60 OF THE MONTEREY COUNTY CODE REGULATING
NOISE**

County Counsel Summary

This ordinance amends Chapter 10.60 of the Monterey County Code, which regulates noise control. Existing County regulations prohibit the making of loud and unreasonable sounds between the hours of 9:00 p.m. and 7:00 a.m. This ordinance amends the hours to between 7:00 p.m. and 7:00 a.m. Existing County regulations classify the first violation of this Chapter as an infraction punishable by a fine of not more than \$250, and classifies all subsequent violations as a misdemeanor punishable by a fine of not more than \$1,000, by imprisonment in the County jail or both. This ordinance amends the first violation as a misdemeanor punishable by a fine of not more than \$1,000, by imprisonment in the County jail or both. Alternatively, this ordinance allows for the issuance of an administrative citation for the violation of this Chapter with the first violation punishable by a fine of not more than \$1,000, the second violation punishable by a fine of not more than \$2,500, and the third violation punishable by a fine of not more than \$5,000.

The Board of Supervisors of the County of Monterey hereby ordains as follows:

SECTION 1. Subsection (A) of Section 10.60.040 of the Monterey County Code is hereby amended to read as follows:

A. It is prohibited within the unincorporated area of the County of Monterey to make, assist in making, allow, continue, create, or cause to be made any loud and unreasonable sound any day of the week from 7:00 p.m. to 7:00 a.m. the following morning.

SECTION 2. Subsection (B) of Section 10.60.040 of the Monterey County Code is hereby amended to read as follows:

B. Within the time period from 7:00 p.m. to 7:00 a.m. the following morning, and for the purposes of this Section, a loud and unreasonable sound shall include any sound that is plainly audible at a distance of fifty (50) feet in any direction from the source of the sound or any sound that exceeds the exterior noise level standards set forth in Table 1 below.

SECTION 3. Section 10.60.050 of the Monterey County Code is hereby amended to read as follows:

A. It shall be unlawful for any person to violate any provision of this Chapter. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

B. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for civil penalty pursuant to Chapters 1.20 and 1.22 of the Monterey County Code, and any other action authorized by law.

C. The Enforcement Officer, as defined by Chapter 1.22 of the Monterey County Code, may issue a citation for the violation of the Chapter as follows:

1. Violation of the provisions of this Chapter shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the Monterey County Jail for a period of not more than six (6) months, or by both such fine and imprisonment.

D. The Enforcement Official, as defined by Chapter 1.22 of the Monterey County Code, may issue an administrative citation(s) for the violation of this Chapter as a civil penalty as follows:

1. The first violation of the provisions of this Chapter shall be ~~an infraction~~ punishable by a fine of not more than ~~two hundred and fifty~~ one thousand dollars (~~\$251,000.00~~).

~~B2.~~ The second, ~~and any subsequent,~~ violation of the provisions of this Chapter shall be ~~a misdemeanor~~ punishable by a fine of not more than ~~one~~ two thousand and five hundred dollars (~~\$21,0500.00~~) ~~or by imprisonment in the Monterey County Jail for a period of not more than six months or by both such fine and imprisonment.~~

3. The third, and any subsequent, violation of the provisions of this Chapter shall be punishable by a fine of not more than five thousand dollars (\$5,000.00).

E. Under no circumstances shall any individual violator of this Chapter be charged both criminally and civilly.

F. In the event of a violation of this Chapter or any requirement imposed pursuant to this Chapter, the County may, in its discretion, in addition to all other remedies, take such enforcement action as is authorized under the Monterey County Code and any other action authorized by law.

G. Each and every day during any portion of which any violation of this Chapter is committed or permitted and continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of penalties pursuant to this Section.

SECTION 4. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors 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.

SECTION 5. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ___ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Adams, Chair
Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM BY:

Kelly L. Donlon
Chief Deputy County Counsel

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