



STATUS UPDATE

REPORT TITLE: 2022-2023 Monterey County Civil Grand Jury Final Report – Noise Ordinance: Sleepless in Monterey County”

RESPONSE BY: Sheriff Coroner’s Office and Department of Housing and Community Development

UPDATES TO: Recommendations: R2, R5, R6, R7, and R8

RECOMMENDATIONS: R2, R5, R6, R7, and R8

R2. HCD extend the hours of the noise complaint hotline beyond 10 p.m. on weekends to accommodate the extended hours of special events by July 31, 2023.

Response to R2: This recommendation will be implemented. HCD will extend the hours of the noise complaint hotline to 11 p.m. on weekends.

Update: Recommendation has been implemented. HCD has extended the hours of the noise complaint hotline to 11 p.m. weekends.

R5. HCD develop an outreach program to encourage residents to report any advertisements of planned special events and to call the hotline by September 30, 2023.

Response to R5: Recommendation has not yet been implemented, but will be implemented in the future. HCD will work with the County’s public information officer to develop and implement an outreach plan. This recommendation should be combined with R7.

Update: Recommendation has not yet been implemented, but will be implemented by December 15, 2024.

R6. MCSO develop a protocol with CHP to share information about large, possibly unpermitted events, to increase safe driving conditions in the area of the event, to be completed by September 30, 2023.

Response to R6: This recommendation requires further analysis. The Sheriff’s Office has a strong relationship with the California Highway Patrol. Analysis must be undertaken to determine what type of information should be shared for various types of events to ensure that disparate enforcement does not occur. The analysis will be completed by November, 2023. For more information, please see the Sheriff’s July 6, 2023 response to the Presiding Judge, which is attached.

Update: This recommendation will not be implemented. Please refer to attached response from the Sheriff-Coroner’s Office, dated March 18, 2024.

R7. HCD develop a public outreach program to inform residents of permit requirements for special events by December 31, 2023.

Response to R7: Recommendation has not yet been implemented, but will be implemented in the future. HCD will work with the County's public information officer to develop and implement an outreach plan. This recommendation should be combined with R5.

Update: Recommendation has not yet been implemented, but will be implemented by December 15, 2024. This will be coordinated with outreach efforts discussed in R5.

R8. Board of Supervisors impose stricter fines and penalties for repeat offenders of special event code violations by December 31, 2023.

Response to R8: This recommendation requires further analysis. Special event permits are currently required by Monterey County Code Chapter 14.04. County staff can evaluate potential amendments to this Chapter to further delineate the criteria for a special event, and to set separate fines for failure to obtain a special event permit. Likewise, staff can evaluate further amendments to Chapter 10.60 to set fines for noise violations for special events.

Update: This recommendation has been partially implemented. The Board of Supervisors modified the noise regulations to impose stricter rules for repeat offenders. (See attached)



MONTEREY COUNTY, CALIFORNIA
SHERIFF'S OFFICE
Keeping the peace since 1850

Tina M. Nieto
Sheriff-Coroner

March 18, 2024

Christine Lerable, Foreperson
Monterey County Civil Grand Jury
c/o Office of the County Counsel
Attention: Sandra Ontiveros
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

RE: Follow-Up Response by Sheriff-Coroner Tina M. Nieto to the 2022-2023 Civil Grand Jury Report Entitled, "Noise Ordinance: Sleepless in Monterey County"

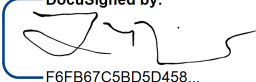
Foreperson Lerable,

This letter will serve as my response to your letter dated February 1, 2024, for an update on the following items in my official capacity as the Sheriff-Coroner of Monterey County.

Recommendation 6: MCSO develop a protocol with CHP to share information about large, possibly unpermitted events, to increase safe driving conditions in the area of the event, to be completed by September 30, 2023.

Status: This recommendation will not be implemented as there is not a need to develop a new protocol. The Sheriff's Office has a strong relationship of collaboration with the California Highway Patrol and each routinely supports the efforts of the other. The California Highway Patrol is the primary agency for addressing and enforcing traffic related issues within the unincorporated areas of the County of Monterey. The Sheriff's Office, as a matter of practice, refers traffic issues to their agency to address.

Respectfully submitted,

DocuSigned by:

F6FB67C5BD5D458...

Tina M. Nieto
Sheriff-Coroner

Cc: Sonia De La Rosa, County Administrative Officer
Nick Chiulos, Assistant County Administrative Officer
County of Monterey Board of Supervisors

ORDINANCENO. 5411

**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 noise in excess of 85 decibels when measured 50 feet from the source at any time of the day or night. Existing regulations also require that the Enforcement Officer issue a warning upon first contact and authorizes the Enforcement officer to issue a citation within a 24 hour period following the warning. This ordinance amends the regulations to reduce the maximum decibel levels from 85 to 70, and to specify that the noise may be measured at 50 feet or more from the source. Additionally this ordinance amends the warning provisions to allow the Enforcement Officer to issue an administrative citation within a 72 hour period following the warning and to issue an administrative citation if the person responsible for the noise has already received two or more warnings in a 90 day period.

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

SECTION 1. Findings and Purpose.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The Board of Supervisors recognizes the need to strengthen protection of the environment from loud and unreasonable sound. Additionally, the California Coastal Act requires protection of environmentally sensitive habitat areas and the compatibility of development adjacent to environmentally sensitive habitat areas, and the proposed regulations would further such protection and compatibility. While the ordinance would apply in both the coastal and non-coastal zones, Chapter 10.60 is not a part of the County's certified Local Coastal Program per Chapter 20.96 of Title 20 of the Monterey County Code. Accordingly, this ordinance does not need certification by the California Coastal Commission.

C. This ordinance protects the public health, safety and welfare by reducing the maximum decibel level from 85 to 70 decibels from noise-producing devices at any time of the day, and to specify that the noise may be measured at 50 feet or more from the source. The ordinance also amends the warning provisions to allow the Enforcement Officer to issue a citation within a 72 hour period following the warning, and to issue a citation if the person responsible for the noise has already received two or more warnings in a 90 day period.

D. This ordinance is exempt under the California Environmental Quality Act (“CEQA”) per CEQA Guidelines Section 15308 because the ordinance is an action taken by the County to assure the enhancement and protection of the environment and involves procedures for protection of the environment.

SECTION 2. Section 10.60.030 of the Monterey County Code is hereby amended to read as follows:

At any time of the day, it is prohibited within the unincorporated area of the County of Monterey to operate, assist in operating, allow, or cause to be operated any machine, mechanism, device, or contrivance which produces a noise level that exceeds seventy (70) dBA measured fifty (50) feet or more therefrom. The prohibition in this Section shall not apply to aircraft nor to any such machine, mechanism, device or contrivance that is operated in excess of two thousand five hundred (2,500) feet from any occupied dwelling unit.

SECTION 3. 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 9:00 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 or more 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.

Table 1: Exterior Noise Level Standards
(Nighttime Only)

	Standard
Nighttime hourly equivalent sound level (L_{eq} dBA)	45
Maximum level, dBA	65

SECTION 4. Subsection B of Section 10.60.050 of the Monterey County Code is hereby amended to read as follows:

B. The Enforcement Officer, as defined by Monterey County Code Chapter 1.22, is authorized and empowered to enforce the provisions of this Chapter. Upon first contact with a responsible person, the Enforcement Officer shall issue a verbal warning of violation. Within the proceeding seventy-two (72) hours after such verbal warning is given, the Enforcement Officer may issue an administrative citation. In the event that the responsible person has already received two (2) or more warnings within a ninety (90) day period, the Enforcement Office may issue an administrative citation without first issuing the warning described herein.

SECTION 5. 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 6. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this 6th day of February 2024 by the following vote:

AYES Supervisors Church, Askew, and Adams

NOES Supervisor Alejo

ABSENT Supervisor Lopez

ASTAIN None

Motion Passed 3 to 1



Glenn Church, Chair
Monterey County Board of Supervisors

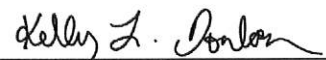
A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

By: 

Deputy Emmanuel H. Santos

APPROVED AS TO FORM BY:



Kelly L. Donlon
Assistant County Counsel

ORDINANCE NO. 5379

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

County Counsel Summary

This ordinance amends Chapter 10.60 of the Monterey County Code to modify regulations for the control of nighttime noise and enforcement mechanisms. The ordinance adds a definition of "Amplified noise" to better define impermissible nighttime noise. The ordinance also makes modifications to enforcement options when the Chapter is violated. Existing County regulations classify the first violation of this Chapter as an infraction punishable by a fine of not more than \$250, and classify 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 removes reference to criminal penalties, and provides for the enforcement of violations of Chapter 10.60 to be handled administratively pursuant to Monterey County Code Chapter 1.22 by the Enforcement Officer. The ordinance directs the Enforcement Officer to issue verbal warnings of violation upon first contact of an occurrence within a 24 hour period. After such a warning is given, the Enforcement Officer may issue an administrative citation with the first violation punishable by a civil penalty of not more than \$500, the second violation punishable by a civil penalty of not more than \$1,000, and the third violation punishable by a civil penalty of not more than \$2,000. Finally, the ordinance makes each hour such violation is committed or permitted to continue a separate offense.

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

SECTION 1. FINDINGS

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The Board of Supervisors recognizes the need to strengthen protection of the environment from loud and unreasonable nighttime sound. Additionally, the California Coastal Act requires protection of environmentally sensitive habitat areas and the compatibility of development adjacent to environmentally sensitive habitat areas, and the proposed regulations would further such protection and compatibility. While the ordinance would apply in both the coastal and non-coastal zones, Chapter 10.60 is not a part of the County's certified Local Coastal Program per Chapter 20.96 of Title 20 of the Monterey County Code. Accordingly, this ordinance does not need certification by the California Coastal Commission.

C. This ordinance protects the public health, safety and welfare by increasing protections from loud and unreasonable sounds by defining amplified noise to better define impermissible nighttime noise, and provides for the enforcement of violations of Chapter 10.60 to be handled administratively pursuant to Chapter 1.22 by the Enforcement Officer.

D. This ordinance is exempt under the California Environmental Quality Act ("CEQA") per CEQA Guidelines Section 15308 because the ordinance is an action taken by the County to assure the enhancement and protection of the environment and involves procedures for protection of the environment.

SECTION 2. Section 10.60.020 of the Monterey County Code is hereby amended to read as follows:

For the purpose of this Chapter, the terms set forth in this Section shall have the following meanings:

"Amplified noise" means any sound which is enhanced or amplified by any means or device whatsoever, including but not limited to an amplifier, loudspeaker, megaphone, or speaker unit.

"dBA" means decibels on the A scale.

"Person" means any individual, firm, partnership, association, corporation, organization, or business trust.

"Plainly audible" means any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.

"Emergency" means a situation arising from fire, explosion, act of God or act of public enemy which, if not corrected immediately, will potentially result in the loss of life, property or substantial environmental resources.

SECTION 3. 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 9:00 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, including but not limited to Amplified noise, 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.

Table 1: Exterior Noise Level Standards
(Nighttime Only)

	Standard
Nighttime hourly equivalent sound level (L_{eq} dBA)	45
Maximum level, dBA	65

SECTION 4. Section 10.60.050 of the Monterey County Code is hereby amended to read as follows:

A. In the event of a violation of this Chapter or any requirement imposed pursuant to this Chapter, the County may, in its discretion take such enforcement action pursuant to Monterey County Code Chapter 1.22.

B. The Enforcement Officer, as defined by Monterey County Code Chapter 1.22, is authorized and empowered to enforce the provisions of this Chapter. Upon first contact with a responsible person, the Enforcement Officer shall issue a verbal warning of violation. Within the proceeding twenty-four (24) hours after such verbal warning is given, the Enforcement Officer may issue an administrative citation.

C. The Enforcement Officer may issue an administrative citation for the violation of this Chapter as a civil penalty as follows:

1. The first violation of the provisions of this Chapter shall be punishable by a fine of not more than five hundred dollars (\$500).
2. The second violation of the provisions of this Chapter during a twelve (12) month period shall be punishable by a fine of not more than one thousand dollars (\$1,000).
3. The third, and any subsequent, violation of the provisions of this Chapter during a twelve (12) month period shall be punishable by a fine of not more than two thousand dollars (\$2,000).

D. Each hour such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

SECTION 5. SEVERABILITY. 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 6. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

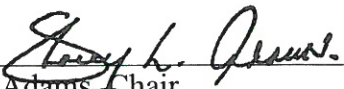
PASSED AND ADOPTED on this 21 day of June, 2022, by the following vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew, and Adams

NOES: None

ABSENT: None

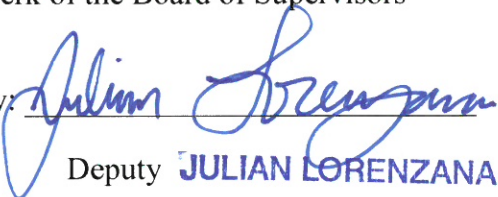
ABSTAIN: None




Mary Adams, Chair
Monterey County Board of Supervisors

ATTEST:

Valerie Ralph
Clerk of the Board of Supervisors

By: 
Deputy **JULIAN LORENZANA**

APPROVED AS TO FORM BY:


Kelly L. Donlon
Assistant County Counsel