



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ORD 22-026

June 21, 2022

Introduced: 6/2/2022

Current Status: Agenda Ready

Version: 2

Matter Type: Ordinance

- a. Find that an ordinance amending Chapter 10.60 of the Monterey County Code to modify regulations for the control of nighttime noise and enforcement mechanisms of the Chapter is exempt 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; and
- b. Adopt an ordinance amending Chapter 10.60 of the Monterey County Code to modify regulations for the control of nighttime noise and enforcement mechanisms of the Chapter.

RECOMMENDATION

It is recommended that the Board of Supervisors:

- a. Find that an ordinance amending Chapter 10.60 of the Monterey County Code to modify regulations for the control of nighttime noise and enforcement mechanisms of the Chapter 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; and
- b. Adopt an ordinance amending Chapter 10.60 of the Monterey County Code to modify regulations for the control of nighttime noise and enforcement mechanisms of the Chapter

SUMMARY

On May 24, 2022, the Board of Supervisors introduced the ordinance and advanced the ordinance for adoption at the meeting on June 21, 2022 at 10:30 am.

DISCUSSION

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

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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.

ENVIRONMENTAL REVIEW:

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.

OTHER AGENCY INVOLVEMENT:

The County Counsel’s Office approved the ordinance as to form. Also, HCD coordinates with the Sheriff’s Office on noise complaints and compliance matters regarding noise. Finally, HCD consults County Counsel on code compliance cases.

FINANCING:

The adoption of the Ordinance does not have a negative financial impact to the Departmental budgets since staffing resources and equipment needs are not expected to increase resulting from the adoption of the Ordinance. Staff will work alternative schedules to cover weekend and evening hours. However, the Departments may see an increase in revenue generated through the active enforcement of noise violations due to the hours and increased in penalties.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The ordinance would continue to support the Board of Supervisors Strategic Initiatives by enhancing the health and safety of Monterey County residents.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared and Approved by: Erik Lundquist, AICP, Housing and Community Development Director,

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The following attachments on file with the Clerk of the Board:

Attachment A - Draft Ordinance (clean-signed)

Attachment B - Draft Ordinance (redlined)