



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: ORD 14-025

December 02, 2014

Introduced: 11/20/2014

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

Introduce, waive reading, and set December 16, 2014 at 10:30 A.M. as the date and time to consider adoption of an ordinance amending Chapter 10.60 of the Monterey County Code relating to noise control.

(Nighttime Noise Ordinance - REF140008, County-wide; exempt under CEQA)

### RECOMMENDATION:

It is recommended that the Board of Supervisors introduce, waive reading, and set December 16, 2014 at 10:30 A.M. as the date and time to consider adoption of an ordinance (Attachment A) amending Chapter 10.60 of the Monterey County Code relating to noise control.

### SUMMARY:

Supervisor Calcagno requested staff to draft regulations that would address late night noise in residential neighborhoods. Staff crafted an ordinance (Attachment A) that amends Chapter 10.60 of the Monterey County Code to add regulations for the control of nighttime noise. This ordinance establishes two new standards for nighttime noise-65 dBA (maximum noise level) and 45 Leq dBA (hourly equivalent noise level)-that apply to sound from any source with limited exceptions. It also establishes procedures for the measurement of sound. Finally, the ordinance amends existing regulations for the operation of noise-producing devices at any time of day, clarifying the class of offenders that are regulated. This ordinance applies to both the coastal and non-coastal unincorporated area of Monterey County.

### DISCUSSION:

The purpose of these proposed revisions is to protect residents from the detrimental effects of loud nighttime noises and provide a regulatory tool for law enforcement officers to respond to neighborhood complaints. The revisions are a response to a request from Supervisor Calcagno's Office to address public complaints about loud sounds from late-night gatherings in residential neighborhoods. There is no new state mandate that requires action by Monterey County. As such, the primary basis for this new regulation is Monterey County's police power to protect the public health, safety, and welfare. The proposed revisions complement but do not replace the larger effort to prepare a community noise ordinance (Item #62 of the Long Range Planning Work Program), which will be undertaken in FY 15-16.

On November 12, 2014, the Monterey Planning Commission concluded a three-part workshop on the amendment of Chapter 10.60 of the Monterey County Code to add regulations for the control of nighttime noise. The first part of the workshop was held on April 30, 2014, the second part was held on May 14, 2014, and the third part was held on November 12, 2014.

The proposed ordinance has been drafted narrowly to address the issue of nighttime noise between the hours of 10:00 p.m. and 7:00 a.m. In response to comments at the workshops, the proposed ordinance presented in May was revised (adding a new Section 10.60.040) to apply to any nighttime noise (defined as between the hours of 10:00 p.m. and 7:00 a.m.). Care was taken to include exemptions to the new regulations for:

- Bells, chimes, etc., in conjunction with religious services or public holiday celebrations
- Commercial or institutional events conducted in compliance with an issued permit or license
- Emergency work
- Commercial agricultural operations, but not including activities at farm-related housing.

The proposed regulations would also amend Section 10.60.020 (Definitions), to add a definition for "Emergency Work." It would also amend Section 10.60.030 (Operation of noise-producing devices restricted) to clarify the class of offenders that are regulated during any time of the day. No other substantive changes are proposed to the existing provisions of Chapter 10.60.

The standard proposed for nighttime noise (i.e., 45 Leq dBA/65 dBA) is tailored to be consistent with widely accepted standards used in many neighboring jurisdictions. Attachment C shows a table of comparative noise levels intended to provide a common reference to what the proposed nighttime noise standards represent.

Robert E. Brown, from Brown-Buntin Associates, and Joe Moses, from the Monterey County Sheriff's Office, will be available at the hearing to answer technical questions and to address enforcement efforts.

#### CEQA

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:

As the proposed ordinance amendments would not apply to noise from commercial agricultural operations, to daytime construction noise, or to noise from commercial events, outreach has been limited to the following agencies, which have reviewed the project, participated in the workshop series, and recommended revisions (many of which have been incorporated into the proposed draft ordinance):

Monterey County Sheriff's Office  
Monterey County Environmental Health

County Counsel has approved the ordinance as to form.

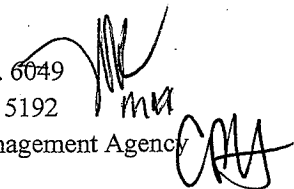
FINANCING:

Funding for staff time associated with this project is included in the FY14-15 Adopted Budget for RMA Planning.

Prepared by: Martin Carver, Management Specialist ext. 6049

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

Carl Holm, Acting Director, Resource Management Agency



This report was reviewed by Jacqueline R. Onciano.

cc: Front Counter Copy; Planning Commission (10); Environmental Health Bureau; Land Use Advisory Committees (11); Henry Gowin, District #2; Carl Holm, Acting RMA Director; Wendy Strimling, County Counsel; Jacqueline R. Onciano, RMA Services Manager; RMA Building Services; RMA Public Works; Martin Carver, Project Planner; Tamara Dooley; Lynn Learch; Luana Conley; Thomas Ponleithner; Scott Barnett; Dale Ellis; Laurie Hastings; Joe Moses, Sheriff's Office; Sheriff-Elect Bernal; Molly Hubbard, Environmental Health; Monterey County Agricultural Commission; Builders Exchange; Ernie Mills; Rob Carver; Michael Waxer; Lino Belli; Planning File REF140008.

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

- |              |   |
|--------------|---|
| Attachment A | Draft ordinance   |
| Attachment B | Draft ordinance (w/ track changes) showing changes from current County Code |
| Attachment C | Comparative Noise Levels  |