

# Noise Regulations

## Chapter 10.60 of the Monterey County Code



**Item 22**

**May 24, 2022**

**Board Referral 2015.15**

**REF220008**

# Background

- ▶ July 2019 - updated Noise Ordinance No. 5315
- ▶ August 31, 2021- Referral assigned to HCD
- ▶ September 28, 2021 - HCD presented a preliminary response on the Referral
- ▶ September 28, 2021 - Board directed HCD to work with the County Counsel's Office to strengthen the noise ordinance
- ▶ February 8, 2022 - HCD presented its recommended amendments to the Board of Supervisors and received direction
- ▶ May 10, 2022 - HCD presented refinements to the recommended amendments to the Board of Supervisors and received further direction

# Existing Regulations, Chapter 10.60

- ▶ Prohibits nighttime noise (9:00 pm to 7:00 am) that is “plainly audible” at 50 feet in any direction from the source in exceedance of 45 L eqdBA with a maximum dBA of 65.
- ▶ Prohibits at any time noise in excess of 85 dBA measured 50 feet from a machine, mechanism, device, or contrivance at any time of the day, measured 50 feet from the source

# Existing Regulations, Chapter 10.60

- ▶ First Violation - Infraction punishable by fine of \$250
- ▶ Second Violation - Misdemeanor punishable by \$1,000 up to 6 months in jail, or both fine and imprisonment

## February 8, 2022 Board Direction

- ▶ Focus on amplified noise sources
- ▶ Consider the need for criminal penalties
- ▶ Revisit the nighttime quiet hours

## May 10, 2022 Board Direction

- ▶ Maintain Nighttime hours from 9 pm to 7 am
- ▶ Retain Amplified noise definition and provision, as presented May 10, 2022
- ▶ Revisit civil penalties and add a provision for warning
- ▶ Bring back recommendations for unruly gatherings

# Proposed Regulations, Chapter 10.60

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

## Recommendation

It is recommended that the Board of Supervisors:

- a. Introduce, waive first reading, and set June 21, 2022 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 to modify regulations for the control of nighttime noise and enforcement mechanisms of the Chapter;
- b. 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
- c. Provide direction to staff as appropriate.