

Attachment A

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Chapter 10.60 - NOISE CONTROL

Sections:

10.60.010 - Findings.

This Board finds that noises generated so as to be in excess of the levels permitted in this Chapter impair hearing, impede convalescence, hinder concentrated mental effort, interfere with relaxation and sleep, depreciate property values, and cause stress and nervous tension and consequent irritability, insomnia, accident proneness, and increased risk for cardiovascular disease and hypertension.

(Ord. 2450 § 1, 1978)

(Ord. No. 5250, § 3, 12-16-2014; Ord. No. 5315, § 1, 7-23-2019)

10.60.020 - Definitions.

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.

(Ord. 2450 § 2, 1978)

(Ord. No. 5250, § 4, 12-16-2014; Ord. No. 5315, § 1, 7-23-2019; Ord. No. 5379, § 2, 6-21-2022)

10.60.030 - Operation of noise-producing devices restricted.

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 eighty-five (85) dBA measured fifty (50) feet 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.

(Ord. 2450 § 3, 1978)

(Ord. No. 5250, § 5, 12-16-2014; Ord. No. 5315, § 1, 7-23-2019)

10.60.040 - Regulation of nighttime noise.

The following regulations shall apply to nighttime noise:

- 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 9:00 p.m. to 7:00 a.m. the following morning.
- 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 I below.

Table 1: Exterior Noise Level Standards
(Nighttime Only)

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

- C. The provisions of this Section are not intended to affect and shall not apply to:
 - 1. Bells, chimes, carillons and similar devices while being used for religious purposes, or in conjunction with religious services, or for celebrations of public holidays; or
 - 2. Outdoor gatherings, public dances, shows and sporting and entertainment events, provided such gathering, dance or event is conducted on commercial or institutional premises, pursuant to applicable rules, regulations and zoning restrictions and in compliance with all permits or licenses issued by a public agency relative to the staging of the gathering, dance or event; or

3. Emergency vehicles being operated by authorized personnel or equipment used in an emergency, such as chain saws; or
 4. Commercial agricultural operations, not including activities at farm-related housing.
- D. For the purpose of evaluating conformance with the standards of this Section, noise levels shall be measured as follows:
1. The "plainly audible" standard shall be based on the sound level detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.
 2. Sound Level Meter. To determine compliance with the exterior noise level standards in Table 1 in subsection (B), noise measurement shall be made using a sound level meter meeting American National Standard Institute's Standard SI.4-1981 (or more recent revision thereof) for Type 1 or Type 2 integrating sound level meters using the A-weighted network scale, or an instrument and the associated recording and analyzing equipment that provide equivalent data, which may be or become available as industry standards change and new best practices become available. Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed at the beginning and end of the shift of the enforcement personnel responding to noise complaints. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.
 3. Measuring Noise Levels. Noise levels may be measured in any direction from the source from which the noise is emanating.

(Ord. No. 5250, §§ 2, 6, 12-16-2014; Ord. No. 5315, § 1, 7-23-2019; Ord. No. 5379, § 3, 6-21-2022)

10.60.050 - Enforcement.

- 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.

(Ord. No. 5315, § 1, 7-23-2019; Ord. No. 5379, § 4, 6-21-2022)