



Monterey County

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Board Report

Legistar File Number: ORD 14-027

December 16, 2014

Introduced: 12/4/2014

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

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 adopt an ordinance (Attachment B) amending Chapter 10.60 of the Monterey County Code relating to Noise control.

SUMMARY:

On December 2, 2014, the Board of Supervisors introduced, waived reading and set December 16 at 1:30 p.m. to consider adoption of an ordinance that amends Chapter 10.60 of the Monterey County Code to add regulations for the control of nighttime noise. (Attachment B). It 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. If the ordinance remains as introduced, it can be adopted on December 16.

Since December 2, staff received comments on the ordinance regarding outdoor gatherings and events conducted on commercial or institutional premises and animal noise. Staff finds that the ordinance, as drafted, can be interpreted to address the issues. However, staff could work with these stakeholders to develop language that is more explicit. If the Board would like to consider potential revisions to the ordinance staff requests the Board provide direction to staff as to the revisions and staff will return to the Board, as per state law, with an amended ordinance.

DISCUSSION:

The purpose of the proposed ordinance 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. This item was initiated through a referral from Supervisor Calcagno's Office to address public complaints about loud sounds from late-night activities in residential neighborhoods. The primary basis for this new regulation is Monterey County's police power to protect the public health, safety, and welfare. This ordinance would complement, but not replace, the larger effort to prepare a community noise ordinance, per Safety Element Policy S-7.1, which will be undertaken in FY 15-16.

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. For further discussion see Attachment A. An underline/strikeout version of the current proposed ordinance is presented in Attachment C.

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. These departments 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 

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

Carl Holm, Acting Director, Resource Management Agency 

This report was reviewed by Jacqueline  Onciano, RMA Planning Services Manager

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 are on file with the Clerk of the Board:

Attachment A	Discussion
Attachment B	Draft ordinance

Attachment C Draft ordinance (w/track changes) showing changes from current County Code