



Legislation Details (With Board Report)

File #: 22-398 **Name:** Noise Ordinance
Type: General Agenda Item **Status:** Scheduled PM
File created: 4/27/2022 **In control:** Board of Supervisors
On agenda: 5/10/2022 **Final action:**
Title: a. Introduce, waive first reading, and set May 24, 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment 1 - Draft Ordinance (clean-signed), 3. Attachment 2 - Draft Ordinance (redlined), 4. Attachment 3 - February 8, 2022 Board Report (Abbreviated with no attachments), 5. Attachment 4 - Board Order and Ordinance No. 5315, 6. Attachment 5 - Board Referral No. 2021.15, 7. PowerPoint Presentation Item No.pdf, 8. Completed Board Order Item No. 17

Date	Ver.	Action By	Action	Result
5/10/2022	1	Board of Supervisors	continued	Pass

a. Introduce, waive first reading, and set May 24, 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.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Introduce, waive first reading, and set May 24, 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; and
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.
c. Provide direction to staff as appropriate.

SUMMARY:

On August 23, 2021, Supervisor Philips submitted Board Referral 2021.15 requesting that County Counsel and the Housing and Community Development (HCD) Department explore possible noise ordinance revision solutions, enforcement implementation strategies such as bolstered staffing and technological resources and possible funding solutions to implement them. On August 31, 2021, the Referral was formally assigned to County Counsel and HCD.

On September 28, 2021, HCD presented a preliminary response on the Referral. At that meeting, the Board accepted the report and directed HCD to work with the County Counsel's Office to strengthen the noise ordinance and work in collaboration with Monterey County Sheriff's Office on how to enforce compliance with the ordinance. Subsequently, representatives from the County Counsel's Office, Sheriff's Office and HCD met to discuss implementation of the existing noise ordinance and discussed potential staff resources. These meetings resulted in staff recommending amendments to Chapter 10.60 of the Monterey County Code.

On February 8, 2022, HCD presented its recommended amendments to the Board of Supervisors including revision to the noise control ordinance that would formalize the current practice (i.e., civil penalties) and retain the criminal penalties (i.e., infractions and misdemeanors). County staff also recommended that the ordinance be amended to prohibit unreasonable noise between 7:00 pm and 7:00 am, include provisions for administrative citations and increase the fine amounts. Following the hearing, the Board directed staff to redraft the ordinance based on the discussions and feedback received from the Board and the community and return for the Board's consideration. Specifically, the Board requested that the ordinance focus on amplified noise sources, consider the need for criminal penalties and revisit the nighttime quiet hours.

DISCUSSION:

Based upon the Board's direction and following further discussions with the Sheriff's Office, County Counsel and HCD, staff is recommending amendments to Chapter 10.60 to modify the regulations for the control of nighttime noise and enforcement mechanisms. Specifically, the recommended ordinance adds a definition of "Amplified noise" to better define impermissible nighttime noise. The recommended ordinance also provides for a prohibition on the making of loud and unreasonable sounds, including Amplified noise, between the hours of 8:00 p.m. and 7:00 a.m. The existing County regulations prohibit the making of loud and unreasonable sounds between the hours of 9:00 p.m. and 7:00 a.m.

Furthermore, 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 recommended ordinance would amend Chapter 10.60 to allow for the issuance of an administrative citation for the violation of this Chapter with the first violation punishable by a civil penalty of not more than \$1,000, the second violation punishable by a civil penalty of not more than \$2,500, and the third violation punishable by a civil penalty of not more than \$5,000. Finally, the ordinance also removes the infraction classification. Without the infraction classification, per California Government Code section 25132(a), violation of a county ordinance is a misdemeanor. As such, the County will retain its full enforcement authority to respond to noise violations as appropriate and will have the added benefit of being able to impose higher civil penalties if necessary.

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, Housing and Community Development Director, x5154

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

- Attachment 1 - Draft Ordinance (clean-signed)
- Attachment 2 - Draft Ordinance (redlined)
- Attachment 3 - February 8, 2022 Board Report (Abbreviated with no attachments)
- Attachment 4 - Board Order and Ordinance No. 5315
- Attachment 5 - Board Referral 2015.15