



Legislation Details (With Board Report)

File #: 19-0593 **Name:** Chapter 10.60 Noise Control - 7-23-19
Type: General Agenda Item **Status:** Criminal Justice - Consent
File created: 7/16/2019 **In control:** Board of Supervisors
On agenda: 7/23/2019 **Final action:** 7/23/2019

Title: Consider adoption of an ordinance amending Chapter 10.60 Code regulating Noise Control, adding of a “plainly audible” noise detection standard and changing the classification for this violation to a misdemeanor; or provide further direction to staff as appropriate.

Proposed CEQA Action: categorically exempt per Section 15061(b)(3) of the CEQA Guidelines.
(ADDED VIA ADDENDUM)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Proposed Ordinance Amending Chapter 10.60 of the Monterey County Code Regulating Noise.pdf, 3. Attachment B - Emails from the public (without media files).pdf, 4. Item No. 20.1 Completed Board Order & Ordinance

Date	Ver.	Action By	Action	Result
7/23/2019	1	Board of Supervisors	adopted as amended	

Consider adoption of an ordinance amending Chapter 10.60 Code regulating Noise Control, adding of a “plainly audible” noise detection standard and changing the classification for this violation to a misdemeanor; or provide further direction to staff as appropriate.

Proposed CEQA Action: categorically exempt per Section 15061(b)(3) of the CEQA Guidelines. (ADDED VIA ADDENDUM)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- Find the adoption of the ordinance is categorically exempt per Section 15061(b)(3) of the CEQA Guidelines; and
- Adopt the proposed ordinance (Attachment A) amending Chapter 10.60 of the Monterey County Code relating to noise control; or
- Provide further direction to staff as appropriate.

SUMMARY:

On July 9, 2019, the Board introduced, waived the reading, and set July 23, 2019, to consider: adopting of an ordinance (Attachment A) which amends Chapter 10.60 of the Monterey County Code regulating noise.

Existing County regulations prohibit operation of noise producing devices whose noise exceeds 85 dBA measured fifty feet therefrom and prohibits nighttime noises at certain noise levels between 10 p.m. and 7 a.m.

This proposed ordinance adds a “plainly audible” noise detection standard based on the sound level detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties. It prohibits noise-

producing devices whose noise is plainly audible at one hundred fifty (150) feet from the source and prohibiting nighttime noise that is “plainly audible” at fifty (50) feet in any direction from the source. The ordinance also classifies the violation of this Chapter as a misdemeanor.

The ordinance will take effect on the thirty-first day after adoption.

DISCUSSION:

On December 16, 2014, the Board of Supervisors adopted the current Noise Ordinance that established reasonable noise levels during day and night hours in all areas of the County. In short, the ordinance established two new standards for nighttime noise - 65dBA (maximum noise level) and 45 Leq dBA (hourly equivalent noise level) - that apply to sound from any source with limited exceptions between the hours of 10 pm. - 7 a.m. It also establishes procedures for the measurement of sound.

The noise measurements require the use of an ANSI certified and calibrated sound level meter. These devices must also be calibrated at the beginning and end of the shift of the enforcement personnel responding to noise complaints. Both the sound level meter and calibrator must be ANSI certified and calibrated annually.

Since the passage of the 2014 Noise Ordinance, issues have risen as to the problematic enforceability of the ordinance due to the need and use of the sound level meter. Specifically, the fact music is typically turned down upon law enforcement arrival making it impossible to get a decibel reading, and party goers who refuse to answer the door when law enforcement knocks, just to name a few. On November 28, 2018, Chair Phillips issued a Board of Supervisors Referral (Referral No. 2018.29) requesting that the nighttime noise ordinance be modified to better respond to the needs of the citizens of Monterey County.

In 2018, the Sheriff’s Office responded to 5,921 calls regarding loud music with 573 stemming from the unincorporated area of North Monterey County. From January 1st through June 5th, 2019, the Sheriff’s Office has responded to 2,035 calls regarding loud music with 147 stemming from the unincorporated area of North Monterey County. For the above stated reasons, many of these offenses go uncited and numerous responses are required as the loud music is turned back up after law enforcement leaves. The repeated and continued response to loud music calls is creating an undue strain on the limited resources of the Sheriff’s Office and is negatively affecting communities throughout Monterey County.

Loud music has increasingly become a quality of life issue for residents living in the unincorporated area of Monterey County who have recently been voicing their concerns, opinions, and requesting action. Due to the current state and problematic enforceability of the current noise ordinance, it is requested that Board of Supervisors adopt the proposed Noise Ordinance (Attachment A), which gives law enforcement an additional tool to ensure the continued health and safety of our community. The proposed ordinance would not apply to noise from commercial agricultural operations, to daytime construction noise, or to noise from commercial events.

On July 9, 2019, the Monterey County Board of Supervisors directed staff to remove language from the draft ordinance which would regulate plainly audible noise during the day time and staff has made the requested changes. Members of the public have sent emails regarding the revised ordinance to the Board of Supervisors and those emails (without attached media files) are included with this report as Attachment B.

In addition to the Monterey County Sheriff’s Office, the Environmental Health Bureau, and the Resource Management have reviewed the proposed ordinance, and the office of the County Counsel has approved the ordinance as to form.

FINANCING:

The adoption of the proposed ordinance would not have an impact on the County's General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This request meets the Board's strategic initiatives by:

“Promoting an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency”.

“Improving health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities”.

“Creating a safe environment for people to achieve their full potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general”.

- Economic Development
- ✓ Administration
- ✓ Health & Human Services
- Infrastructure
- ✓ Public Safety

Prepared by: Commander Joseph Bañuelos, Monterey County Sheriff's Office, Ext. 3807

Approved by: Steve Bernal, Sheriff, X3856

The following attachment is on file with the Clerk of the Board:

Attachment A: Proposed Ordinance Amending Chapter 10.60 of the Monterey County Code Regulating Noise

Attachment B: Emails from the public (without media files)