



County of Monterey

Item No.28

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ORD 24-002

February 06, 2024

Introduced: 1/26/2024

Current Status: Housing & Community
Development - Consent

Version: 1

Matter Type: Ordinance

- a. Find that an ordinance amending Chapter 10.60 of the Monterey County Code to modify regulations for the control of noise is exempt per California Environmental Quality Act 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
- b. Adopt an ordinance amending Chapter 10.60 of the Monterey County Code to modify regulations for the control of noise and enforcement mechanisms of the Chapter.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that an ordinance amending Chapter 10.60 of the Monterey County Code to modify regulations for the control of noise is exempt 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
- b. Adopt an ordinance amending Chapter 10.60 of the Monterey County Code to modify regulations for the control of noise and enforcement mechanisms of the Chapter.

SUMMARY:

On January 23, 2024, the Board of Supervisors introduced and waived reading of the ordinance and advanced the ordinance for consideration of adoption at the meeting on February 6, 2024, at 10:30 a.m. The Board of Supervisors also created an ad hoc committee comprised of the Supervisors from District 2 and 3 to work with the Housing & Community Development Department to provide potential additional revisions to the noise regulations. HCD staff will coordinate meetings and work with the Supervisors on the ad hoc committee to review options and recommendations beginning in February 2024. Any future modifications to the noise ordinance will be subject to separate review and consideration.

DISCUSSION:

The ordinance set for consideration of adoption on February 6, 2024, amends Chapter 10.60 of the Monterey County Code to modify regulations for the control of noise and enforcement mechanisms. Existing regulations prohibit the making of noise in excess of 85 decibels when measured 50 feet from the source at any time of the day or night. Existing regulations also require that the Enforcement Officer issue a warning upon first contact and authorizes the Enforcement Officer to issue an administrative citation within a 24-hour period following the warning. This draft ordinance amends the regulations to reduce the maximum decibel levels from 85 to 70 at any time of day or night, and to specify that the noise may be measured at 50 feet or more from the source. Additionally, this draft

ordinance amends the warning provisions to allow the Enforcement Officer to issue an administrative citation within a 72-hour period following the warning and to issue an administrative citation if the person responsible for the noise has already received two or more warnings in a 90-day period.

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:

Funding for staff time to prepare this report is included in the FY23-24 Adopted Budget for each of the involved Departments/Agencies. Enforcement of noise regulations will continue to require staff resources including HCD Code Compliance and Sheriff’s deputies. This ordinance could result in an increase in the collection of fines.

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: Craig Spencer, Acting Housing and Community Development Director,

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

- Attachment A - Draft Ordinance (clean-signed)
- Attachment B - Draft Ordinance (redlined)