

ORDINANCE NO. 008-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY TO PROMOTE BUSINESS OPPORTUNITIES IN THE DOWNTOWN AREA BY AMENDING SECTION 4-17.20 OF CHAPTER 17, TITLE 4 OF THE YUBA CITY MUNICIPAL CODE

WHEREAS, the City of Yuba City has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the city, Cal. Const. Art. XI, section 7; and

WHEREAS, the City of Yuba City has adopted noise regulations in its Municipal Code to protect its citizens from loud and raucous noises from any and all sources in the community; and

WHEREAS, the City Council of the City of Yuba City desires to amend the noise regulations contained in the Municipal Code at Section 4-17.20 of Chapter 17, Title 4 to add an additional noise exception for the purpose of encouraging nighttime entertainment in the downtown area for properties zoned commercially or having commercial uses fronting Plumas Street between Colusa Avenue (State Highway 20) to Bridge Street and along Center Street between Plumas Street and Shasta Street; and

WHEREAS, on June 8, 2024, a legal notice in compliance with State law was published concerning the City Council's consideration on June 18, 2024; and

WHEREAS, on June 6, 2024, legal notice was mailed to all property owners within the Downtown Business Association boundary and those persons owning land within 300-feet of the boundary of the Downtown Business Association boundary.

NOW THEREFORE, the City Council of the City of Yuba City does hereby ordain as follows:

SECTION 1. The above recitals are incorporated by reference.

SECTION 2. CEQA. The City Council finds this amendment to the Municipal Code is covered by the general rule of California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and has determined with certainty that there is no possibility that the proposed revision to the noise regulations would cause a significant, adverse, effect on the environment. This is because the proposed revision will only allow noise levels consistent with the City's adopted General Plan. Where it is determined that noise generated cannot meet the General Plan noise standards, the proposed entertainment activity will not be allowed to occur.

SECTION 3. Section 4-17.20, of Chapter 17, Title 4 of the Yuba City Municipal Code is amended in its entirety to read as follows: :

Sec. 4-17.20. - Exemptions.

The term "loud and raucous noise" as used in this chapter does not include noise or sound generated by the following:

- (a) Cries for emergency assistance and warning calls.
- (b) Radios, sirens, horns and bells on police, fire and other emergency response vehicles.
- (c) Parades, fireworks displays and other special events for which a permit has been obtained from the City are exempted provided there is compliance with all conditions

which have been noted in writing on the permit. That loud and raucous noise produced as a result of noncompliance with any condition specified on the permit is not exempted from the requirements of this chapter.

- (d) Activities on or in publicly owned property and facilities, or by public employees while in the authorized discharge of their responsibilities, are exempt provided that such activities have been authorized by the owner of such property or facilities or its agent or by the employing authority.
- (e) Religious worship activities, including but not limited to, bells, organs, singing and preaching.
- (f) Locomotives and other railroad equipment and aircraft.
- (g) The collection of solid waste by employees of a company engaged in the waste disposal business.
- (h) Organized activities at the Yuba Sutter Fair.
- (i) Organized sports events.
- (j) The discharge of "safe and sane fireworks" during the times authorized in Section 4-11.02, and the discharge of fireworks for which a special permit has been issued per Section 5602 of Section 4-5.02 of this chapter or Section 4-11.02.
- (k) Properties zoned Community Commercial District (C-2) or General Commercial District (C-3) and fronting Plumas Street between Colusa Avenue (State Highway 20) to Bridge Street, and along Center Street between Plumas Street and Shasta Street, shall be exempt from the requirements of Section 4-17.10 (b) and (d) from 7:00 a.m. until midnight on Thursdays, Fridays, Saturdays of each week, together with New Year's Eve, St. Patrick's Day, Cinco-de-Mayo, the weekends of the Summer and Christmas Stroll events and recognized Federal holidays for entertainment activities associated with restaurants, bars, or other approved entertainment facilities, and may include live or amplified music indoors or an onsite approved patio/outdoor dining location established in compliance with City requirements. Under this exception, the maximum noise levels of 70 Ldn or CNEL, dB are normally acceptable as measured at the property line for business commercial uses; potential activities with noise levels falling in the 67 to 77 Ldn or CNEL, dB range require a plan for noise attenuation measures, and noise above 77 Ldn or CNEL, dB is normally unacceptable unless a detailed noise analysis is completed, to the City's satisfaction that identifies needed noise reduction measures to be incorporated into business operations. Notwithstanding, commercial uses located within 100 feet of existing residential uses shall submit and receive approval of a plan to the Development Services Department that incorporates noise attenuation measures to reduce potential impacts on proximate residences prior to operation under this exception.

SECTION 4: SEVERABILITY. If any article, section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Chapter. The Council hereby declares that it would have adopted this chapter and adopted each article, section,

sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5: EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 18th day of June, 2024, and passed and adopted at a regular meeting held on the 2nd day of July, 2024.

AYES: Councilmembers Boomgaarden, Kirchner Pasquale, Shaw, and Mayor Harris

NOES: None

ABSENT: None

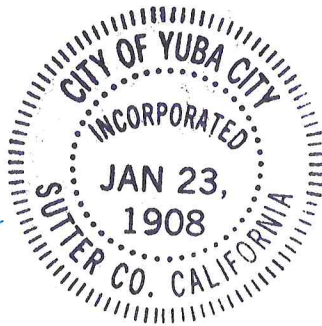


Shon Harris, Mayor
City of Yuba City

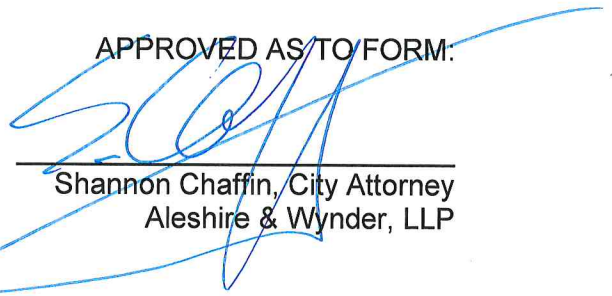
ATTEST:



Ciara Wakefield, Deputy City Clerk



APPROVED AS TO FORM:



Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment 1

PROPERTIES SUBJECT TO PROPOSED ORDINANCE

