

## **ORDINANCENO. 5411**

### **AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 10.60 OF THE MONTEREY COUNTY CODE REGULATING NOISE**

#### **County Counsel Summary**

*This ordinance amends Chapter 10.60 of the Monterey County Code, which regulates noise control. Existing County 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 a citation within a 24 hour period following the warning. This ordinance amends the regulations to reduce the maximum decibel levels from 85 to 70, and to specify that the noise may be measured at 50 feet or more from the source. Additionally this 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.*

The Board of Supervisors of the County of Monterey hereby ordains as follows:

#### **SECTION 1. Findings and Purpose.**

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The Board of Supervisors recognizes the need to strengthen protection of the environment from loud and unreasonable sound. Additionally, the California Coastal Act requires protection of environmentally sensitive habitat areas and the compatibility of development adjacent to environmentally sensitive habitat areas, and the proposed regulations would further such protection and compatibility. While the ordinance would apply in both the coastal and non-coastal zones, Chapter 10.60 is not a part of the County's certified Local Coastal Program per Chapter 20.96 of Title 20 of the Monterey County Code. Accordingly, this ordinance does not need certification by the California Coastal Commission.

C. This ordinance protects the public health, safety and welfare by reducing the maximum decibel level from 85 to 70 decibels from noise-producing devices at any time of the day, and to specify that the noise may be measured at 50 feet or more from the source. The ordinance also amends the warning provisions to allow the Enforcement Officer to issue a citation within a 72 hour period following the warning, and to issue a citation if the person responsible for the noise has already received two or more warnings in a 90 day period.

D. 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.

SECTION 2. Section 10.60.030 of the Monterey County Code is hereby amended to read as follows:

At any time of the day, it is prohibited within the unincorporated area of the County of Monterey to operate, assist in operating, allow, or cause to be operated any machine, mechanism, device, or contrivance which produces a noise level that exceeds seventy (70) dBA measured fifty (50) feet or more therefrom. The prohibition in this Section shall not apply to aircraft nor to any such machine, mechanism, device or contrivance that is operated in excess of two thousand five hundred (2,500) feet from any occupied dwelling unit.

SECTION 3. Subsection (B) of Section 10.60.040 of the Monterey County Code is hereby amended to read as follows:

B. Within the time period from 9:00 p.m. to 7:00 a.m. the following morning, and for the purposes of this Section, a loud and unreasonable sound shall include any sound that is plainly audible at a distance of fifty (50) feet or more in any direction from the source of the sound or any sound that exceeds the exterior noise level standards set forth in Table 1 below.

Table 1: Exterior Noise Level Standards  
(Nighttime Only)

	Standard
Nighttime hourly equivalent sound level ( $L_{eq}$ dBA)	45
Maximum level, dBA	65

SECTION 4. Subsection B of Section 10.60.050 of the Monterey County Code is hereby amended to read as follows:

B. The Enforcement Officer, as defined by Monterey County Code Chapter 1.22, is authorized and empowered to enforce the provisions of this Chapter. Upon first contact with a responsible person, the Enforcement Officer shall issue a verbal warning of violation. Within the proceeding seventy-two (72) hours after such verbal warning is given, the Enforcement Officer may issue an administrative citation. In the event that the responsible person has already received two (2) or more warnings within a ninety (90) day period, the Enforcement Office may issue an administrative citation without first issuing the warning described herein.

SECTION 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining

portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6. This ordinance shall become effective on the thirty-first day following its adoption.

**PASSED AND ADOPTED** on this 6<sup>th</sup> day of February 2024 by the following vote:

AYES Supervisors Church, Askew, and Adams

NOES Supervisor Alejo

ABSENT Supervisor Lopez

ASTAIN None

Motion Passed 3 to 1

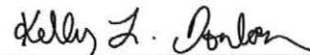
  
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Glenn Church, Chair  
Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph  
Clerk of the Board of Supervisors

By:   
\_\_\_\_\_  
Deputy Emmanuel H. Santos

APPROVED AS TO FORM BY:

  
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Kelly L. Donlon

Assistant County Counsel