

ORDINANCE NO. _____**ORDINANCE AMENDING CHAPTER 8.30.010 OF THE SANTA CRUZ
COUNTY CODE RELATING TO NOISE**

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, Chapter 8.30 of the Santa Cruz County Code, entitled "Noise," contains provisions for the regulation of offensive noise in the unincorporated area of Santa Cruz County; and

WHEREAS, at certain levels, sounds are detrimental to the health and welfare of the citizenry and, in the public interest, may be regulated; and

WHEREAS, the Board is permitted, in the exercise of its police power, to prohibit unnecessary, excessive, and annoying sound levels from all sources; and

WHEREAS, the Board finds it necessary to amend current Section 8.30.010 to provide additional regulations concerning offensive noise;

NOW THEREFORE the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Board of Supervisors hereby amends Section 8.30.010 of the Santa Cruz County Code to read as follows:

8.30.010 Offensive Noise.

(A) No person shall make, cause, suffer, or permit to be made any offensive noise.

(B) "Offensive noise" means any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner such that it is likely to disturb people of ordinary sensitivities in the vicinity of such noise, and includes, but is not limited to, noise made by an individual alone or by a group of people engaged in any business, activity, meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, tool, structure, construction, vehicle, ride, machine, implement, or instrument.

(C) The following factors shall be considered when determining whether a violation of the provisions of this section exists:

1. Loudness (intensity) of the sound.

- a. Day and Evening Hours. For purposes of this factor, a noise shall be automatically considered offensive if it occurs between the hours of 8:00 a.m. and 10:00 p.m. and it is:

i) clearly discernible at a distance of 150 feet from the property line of the property from which it is broadcast; or

ii) in excess of 75 decibels at the edge of the property line of the property from which the sound is broadcast, as registered on a sound measuring instrument meeting the American National Standard Institute's Standard S1.4-1971 (or more recent revision thereof) for Type 1 or Type 2 sound level meters, or an instrument which provides equivalent data.

A noise not reaching this intensity of volume may still be found to be offensive depending on consideration of the other factors outlined below.

- b. Night Hours. For purposes of this factor, a noise shall be automatically considered offensive if it occurs between the hours of 10:00 p.m. and 8:00 a.m. and it is:

i) clearly discernible at a distance of 100 feet from the property line of the property from which it is broadcast; or

ii) in excess of 60 decibels at the edge of the property line of the property from which the sound is broadcast, as registered on a sound measuring instrument meeting the American National Standard Institute's Standard S1.4-1971 (or more recent revision thereof) for Type 1 or Type 2 sound level meters, or an instrument which provides equivalent data.

A noise not reaching this intensity of volume may still be found to be offensive depending on consideration of the other factors outlined below.

2. Pitch (frequency) of the sound, e.g., very low bass or high screech;
3. Duration of the sound;
4. Time of day or night;

5. Necessity of the noise, e.g., garbage collecting, street repair, permitted construction activities;
6. The level of customary background noise, e.g., residential neighborhood, commercial zoning district, etc.; and
7. The proximity to any building regularly used for sleeping purposes.

(D) Prior to issuing a citation for this section, the responsible person or persons will be warned by a law enforcement officer or other designated official that the noise at issue is offensive and constitutes a violation of this Chapter. A citation may be issued if, after receiving the warning, the responsible person(s) continues to make or resumes making the same or similar offensive noise(s) within 3 months of the warning. Notwithstanding the provisions of subsection (C)(1) above, enforcement of violations under this Chapter shall not require the use of a sound level meter.

1. For purposes of this section "responsible person or persons" means a person or persons with a right of possession in the property from which the offensive noise is emanating, including, but not limited to, an owner or a tenant of the property if the offensive noise is coming from private property, or a permittee if the offensive noise is coming from a permitted gathering on public property, or any person accepting responsibility for such offensive noise. "Responsible person or persons" shall additionally include the landlord of another responsible party and the parents and/or legal guardians of a responsible person under the age of 18 years. (Ord. 4001§ 1 (part), 1989)

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 2015, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

Chairperson of the Board of
Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

CM Heat 6/4/15
Office of the County Counsel

cc: Sheriff's Office