

NOISE ORDINANCE: SLEEPLESS IN MONTEREY COUNTY



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SUMMARY

Monterey County Sheriff's Office receives many calls for noise complaints throughout the year. Calls increase significantly during the summer months, but complaints persist year-round. The calls come from residents whose peace is disturbed by large parties that sometimes charge admission fees, serve food and beverages, and often include loud music, large tents, electrical wiring, and more. These events require a permit from the Housing and Community Development Department (HCD), formerly known as the Resource Management Agency. Events without permits carry fines of varying amounts.

The Sheriff's Department has struggled to respond to excessive noise complaints in the County's unincorporated areas. As a result, the Monterey County Board of Supervisors directed the Monterey County Sheriff's Office (MCSO) to coordinate with the HCD to respond to noise complaints. The HCD established a noise complaint hotline effective

October 28, 2022. A code enforcement officer monitors the hotline and works weekend evening hours to respond to calls. Despite these efforts, the MCSO and HCD are unable to respond effectively to all noise complaints in Monterey County. This is due to staffing issues and more pressing, high-priority calls to MCSO. The Monterey County Civil Grand Jury (CGJ) discovered additional areas of concern, including the hours of operation for the noise complaint hotline, repeat offenders, and educational outreach regarding permits for special events. Large events can be difficult and unsafe for MCSO or HCD to shut down once they are in full swing. The CGJ offers recommendations to improve Monterey County responses to noise complaints.

METHODOLOGY

The CGJ received and reviewed multiple complaints from citizens of Monterey County. The CGJ also reviewed noise ordinance codes for Monterey County, for cities within the County, and codes from other counties in California. The CGJ reviewed guidelines for noise levels, the laws and regulations surrounding permits and special events, and studied the structure of the MCSO and the HCD. Finally, interviews were conducted with people who are familiar with the operations of the HCD and the MCSO.

BACKGROUND

The 2022-23 CGJ reviewed multiple complaints regarding noise in the County. The complaints state that residents have not received adequate responses from law enforcement and other county officials.

On July 23, 2019, the Board of Supervisors adopted a [noise ordinance](#) for regulating noise in the unincorporated areas of the County. Previously, the ordinance stated that fines could be imposed when certain decibel levels were measured beyond 50 feet from the source during daytime hours and between 10 p.m. and 7 a.m. The change in the ordinance altered the decibel level requirements to include the phrase “plainly audible” and extended evening hours to include 9 p.m. to 7 a.m.

Noise varies by location and is commonly measured by decibels (dBA). In a rural area, for example, the sounds would mostly come from nature (wildlife, wind, etc.). However, in a city the sounds typically come from a denser human population (traffic, machinery, etc.).

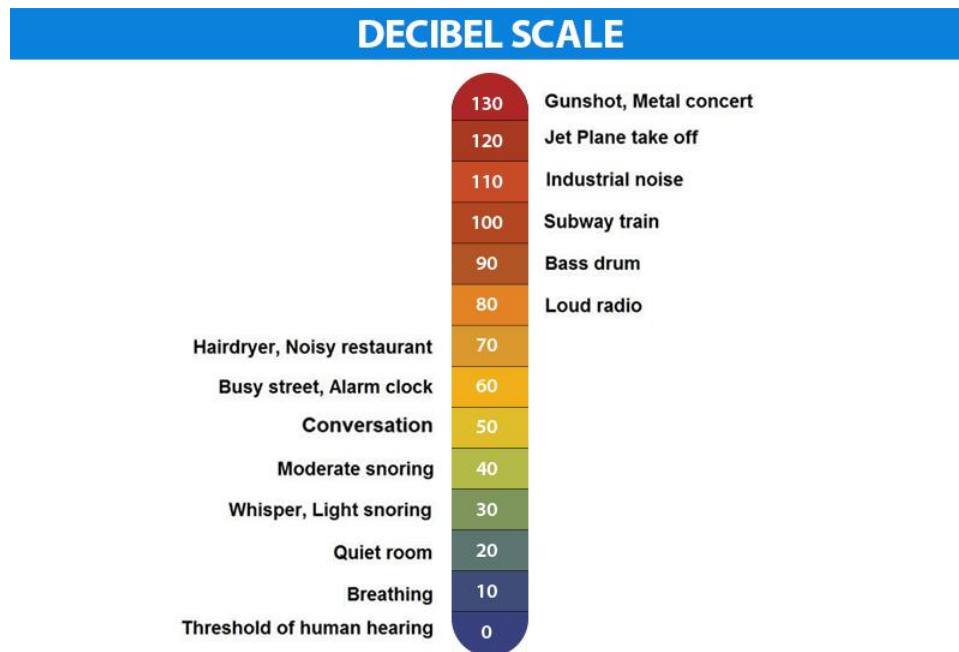


Photo obtained from google search: "noise decibel chart" from cdn1.byjus.com

There have been noise complaints throughout the County, but North Monterey County experiences the most complaints for noise and related issues. Parties are hosted with loud amplified music that disturbs neighbors. The sounds echo through the hills and valleys, disturbing neighbors for miles. This often happens on weekends, but parties and events can be hosted any day of the week and throughout the year. The amplified music and other related sounds disturb neighbors during daylight hours and, even more so, after the sun has set when residents are preparing to retire for the evening.

These parties are often hosted in violation of multiple Monterey County codes. Permits are required for large tents, constructed stages, portable toilets, food and beverage service (including alcohol), traffic disruptions, amplified music, and admission fees. If the hosts of these events fail to acquire the necessary permits, the party can become a

nuisance for neighbors and potentially unsafe for partygoers, the community at large, law enforcement, and code enforcement officers.

DISCUSSION

Board of Supervisors

Over the years, the Board of Supervisors has debated the noise issue in order to find a solution to the problems. There have been concerns raised regarding racism and the targeting of certain groups within the county. Many Monterey County residents are Hispanic. Due to the concentration of noise complaints centered within the region of North Monterey County, which has a higher concentration of Hispanic residents than other areas along the coastal region of the county, some residents and community leaders felt that enforcing a noise ordinance was evidence of racism. Many residents have expressed frustration to the Board of Supervisors over MCSO's inconsistent response to calls regarding noise violations.

There are cities within Monterey County (the County) that have had success enforcing noise ordinances. There are also other areas in unincorporated Monterey County that have issues of noise violations through short-term rentals. This includes Carmel Valley, which has a significantly different ethnic population than that of North Monterey County. The Board of Supervisors has yet to find a funding solution to enforce the noise ordinance adequately to effect change in the community.

Ordinance

In August of 2022, County Noise Control Ordinance 5379 was again amended. The previous noise ordinance instituted in 2019 included volume limitations for sound producing equipment. The legal volume had to be less than 65 dBA when measured from 50 feet away from the source of the sound between 9 p.m. and 7 a.m. and no more than 85 dBA during the daytime hours. It also included fines for a first offense of up to \$250. Repeat offenders within a 12-month period faced fines of up to \$1,000 per infraction, imprisonment in County Jail, or both.

The new amendment states that citations for noise violations will include a \$500 fine for the first offense, \$1,000 for the second offense within a 12-month period, and \$2,000 fine for additional offenses within a 12-month period. It also states that each additional hour of violations of the noise ordinance may be deemed as additional offenses. The restriction for sound includes the phrases “loud and unreasonable sound” and further describes such sound to be “any sound that is plainly audible” by an individual of normal hearing without the aid of hearing devices when 50 feet from the source of the sound in any direction. ([County Ordinance No. 5315, Chapter 10.60.040](#))

The new ordinance allows for certain exemptions to the noise restriction. These include, but are not limited to, bells (or similar devices) related to religious worship or public holidays, emergency vehicles or equipment operated by authorized personnel, and outdoor and/or special events authorized and properly permitted by Monterey County.

Permits

When hosting a special event, the host must meet certain requirements, including obtaining permits. Permits for hosting a special event could include the following:

- Building Permits—structure with raised floor and/or roof
- Fire Permits—tents that exceed 400 square feet, or cooking within a tent
- Zoning Permits—amplified music, events extending beyond 11 p.m., charging an admission fee, advertised to the public, serving food and/or beverages, etc.
- Encroachment Permits—using County roads for event parking or activity
- Food Permits—serving food/beverages, catering, or cooking
- Wastewater Permit—portable toilets
- Filming Permit—film for TV, advertising, or movie

Housing and Community Development Department

The Monterey County Housing and Community Development Department (HCD) has a questionnaire that must be completed so that the Department can help the host with acquiring all necessary permits. This [questionnaire](#) is accessible online on the County

website or in person at the HCD office. HCD staff contact each necessary department to acquire the required permits. This process should be initiated by the event host no later than two months before the event so that all agencies involved have time to approve and inspect the set-up for the event.

The HCD permit office reviews the questionnaires in a meeting held on the third Thursday of the month. HCD then distributes the information to all the departments involved in issuing the necessary permits at a Special Event Task Force meeting held on the fourth Thursday of each month. The Special Event Task Force meetings are public, and the event host and residents are welcome to attend. The agendas and minutes from these meetings are posted on the County website.

The County HCD website also includes a program called Accela Citizen's Access, which allows residents who register through the program to access information regarding all permits that have been issued for a given property.



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Complaints

When a special event is held in the County, whether permits have been issued or not, the noise from a special event often exceeds the legal limits. This may be due to amplified music, sound above the legal limit, or extending a loud party beyond the 9 p.m. noise deadline. When this happens, neighbors are within their rights to call the HCD or the MCSO non-emergency line.

Law enforcement officers are kept busy in the County with many issues that involve life, safety, and the security of property. The MCSO limited resources mean they are often unable to respond to complaints of noise violations promptly due to higher priority calls involving more serious, criminal activity.

Noise Complaint Hotline

A [noise complaint hotline](#) was established for residents of unincorporated areas of Monterey County in late October 2022. When a call is placed to this hotline, a code enforcement officer at HCD responds during his or her shift on the hotline from noon until 10 p.m. on Fridays and Saturdays. During those times, if the code enforcement officer is unavailable, calls are sometimes routed to the building official or the director of HCD. After those hours, the calls go to voicemail. The caller may leave a message, and an HCD official will respond when available.

When a call comes to the noise complaint hotline during active hours, a code enforcement officer responds to the call and will visit the property in question. When deemed safe, the code enforcement officer will speak with the event host on site and share information about any ordinances found to be out of compliance. The host is encouraged to make necessary changes to comply with local ordinances and warned that further violations could result in fines to the property owner. If necessary, the code enforcement officer will issue citations. Each additional violation increases the amount of the fine to the owner. Additionally, when a property is cited for violations more than once within a 12-month period, the fines are increased each time. These fines are

compounded by multiple violations, and each hour that the violations continue may be cited as an additional violation.

During the warmer months of the year, the number of parties and special events in Monterey County is noticeably higher, increasing the number of calls to the noise complaint hotline. With only one person responding to the hotline, the calls can build up, causing response times to vary significantly.

Monterey County Sheriff Office

Complaints to MCSO are placed in a queue by level of urgency determined by the degree of risk to life and property. Sheriff's deputies respond to calls when able to do so. They patrol in three different regions of Monterey County, assigned by historical call volume. There has been a reduction in the number of deputies in the Sheriff's Department in recent years. Consequently, the numbers of deputies that patrol the County have also been reduced. When the MCSO responds to a noise complaint, the deputy observes the scene, obtains evidence through photos and videos, speaks with the event host if possible and safe, and sends a report of the interaction to the HCD. The deputy also issues a citation for noise code violations if necessary. The deputy will not issue citations for code violations other than noise as these violations fall within the purview of the HCD.

The MCSO has a Memorandum of Understanding with the California Highway Patrol (CHP) to monitor and patrol Monterey County roads for traffic violations. While CHP has no authority over code violations related to special events, there is often traffic associated with these events that does fall within the CHP's jurisdiction. The roads surrounding an event may become congested and unsafe or there may be accidents as attendees leave, particularly if alcohol has been consumed.

Code Enforcement

Code enforcement officers from HCD are sent out to inspect compliance with permits. When officers see a code violation, they will approach the property owner to offer

information regarding the permit compliance and will issue a warning if a problem is found.

Code observation occurs across the County whenever enforcement officers are in the field. The code enforcement officer responsible for responding to the noise complaint hotline spends time driving through unincorporated areas to observe possible code violations. Often an enforcement officer can interrupt potential code violations before they happen by offering information to those preparing to host an event. Information is disseminated and the officer will return later to ensure that the violations have ceased. If there are continued violations, a citation may be issued.

Citations

When code enforcement officers discover a large, unpermitted event underway, they gather documentation of visible code violations and report these for the issuance of citations from the HCD office, rather than approach the event, in the interest of their own safety. Citations are sent to the homeowner by mail. When citations accumulate and remain unpaid, the County can place a lien against the property, preventing the sale of the property until the fines are paid or resolved. In many instances, the hosts of special events are renters using the property for the special event. Property owners may not be aware that the property is being used for special events and that a series of code violations has occurred.

Repeat Offenders

There are currently six to ten properties known to HCD code enforcement and the MCSO as repeat offenders when it comes to code violations associated with hosting special events. These owners have been issued multiple citations for violations and the HCD continues to issue citations.

Often code violations are issued to a specific property multiple times in a year for unpermitted special events. Event hosts, or professional party hosts, will use the same property or rent different properties to host their events. These events may provide a platform for concerts or other such public events that can draw large crowds. They can

lead to criminal activity such as underage drinking, DUI, drug use, and/or assault. These events not only cause inconvenience for neighbors but can lead to potentially dangerous or criminal activity.

Public Education

Many residents are unaware of the need to obtain permits to host special events and large gatherings. Furthermore, residents may not know that the HCD is responsible for permits for special events and large gatherings. The Housing and Community Development Department (HCD) was formed fewer than three years ago, and its functions are not widely known. The Department's section of the Monterey County website is difficult to find. Public outreach regarding permit requirements is not evident.

FINDINGS

- F1. The Noise Complaint Hotline is only staffed for limited days and times; therefore, it is inadequately serving the community.
- F2. A single HCD code enforcement officer is insufficient to respond to all complaints submitted during peak call times.
- F3. The Sheriff's Office staffing is insufficient to respond to the number of noise complaints.
- F4. Because the MCSO considers noise complaints a lower priority than life, safety, and property calls, they are often unable to respond in a timely manner to noise complaints.
- F5. HCD community outreach regarding permit requirements is insufficient to reach those who may be unaware of the need for special event permits.
- F6. Certain property owners are knowingly renting their land to others who host large, for profit, public events without proper permits, causing nuisance and safety issues to adjacent residents.
- F7. Certain property owners are repeat violators of permitting requirements and are undeterred by the current dollar amount of the fines placed against the property, creating a persistent nuisance.

- F8. Event organizers renting property in unincorporated Monterey County have no penalty or fines levied against them for lack of permits, thus allowing them to host large events repeatedly without consequence from the County.
- F9. MCSO has an effective working relationship with CHP to patrol roads within unincorporated areas, providing an opportunity to acquire assistance with the road-related repercussions of large, unpermitted events.
- F10. Once a large, unpermitted event is underway in unincorporated Monterey County, it becomes virtually impossible for a code enforcement officer and/or Sheriff Deputy to intervene and shut down the event. This results in potential adverse health and safety issues for attendees and neighbors as well as the safety of the responding code enforcement officer and/or Sheriff's Deputy.
- F11. The Board of Supervisors has been ineffective in resolving noise complaints and providing the necessary funding for outreach and enforcement, causing confusion and frustration to residents in unincorporated Monterey County.

RECOMMENDATIONS

- R1. HCD assign additional code enforcement officers whose focus will be noise complaints during high frequency call periods by December 31, 2023.
- R2. HCD extend the hours of the noise complaint hotline beyond 10 p.m. on weekends to accommodate the extended hours of special events by July 31, 2023.
- R3. HCD require code enforcement officers to consistently patrol areas known for noise complaints and unpermitted events by September 30, 2023.
- R4. Monterey County Sheriff prioritize filling currently budgeted sworn peace officer positions available for patrol in the Monterey County Sheriff's Office by December 31, 2023.
- R5. HCD develop an outreach program to encourage residents to report any advertisements of planned special events and to call the hotline by September 30, 2023.
- R6. MCSO develop a protocol with CHP to share information about large, possibly unpermitted events, to increase safe driving conditions in the area of the event, to be completed by September 30, 2023.
- R7. HCD develop a public outreach program to inform residents of permit requirements for special events by December 31, 2023.

- R8. Board of Supervisors impose stricter fines and penalties for repeat offenders of special event code violations by December 31, 2023.

REQUEST FOR RESPONSES

REQUIRED RESPONSES

Pursuant to Penal Code (Sect) 933 and 933.05, the Civil Grand Jury requests required responses:

From the following governing body within 90 days:

- Monterey County Board of Supervisors
Findings: F1-F11
Recommendations: R1-R8

From the following elected official within 60 days:

- Monterey County Sheriff
Findings: F3-F4, F6, F9-F10
Recommendations: R4, R6

INVITED RESPONSE

- Director of Housing and Community Development
Findings: F1-F2, F5-F8, F10
Recommendations: R1-R3, R5, R7

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

GLOSSARY

CGJ Civil Grand Jury

CHP California Highway Patrol

dBa decibels on the A scale

HCD Department of Housing and Community Development

MCSO Monterey County Sheriff Office

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