ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER 8.100 – NOISE CONTROL REGULATIONS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

SECTION I

Chapter 8.100 is hereby added to Title 8 of the Mendocino County Code to read as follows:

Chapter 8.100 – Noise Control Regulations

Section 8.100.010 Purpose
Section 8.100.020 Definitions
Section 8.100.030 Violations and Penalties
Section 8.100.040 Enforcement
Section 8.100.050 Exemptions

Sec. 8.100.010 – Purpose.

The County Board of Supervisors has determined that:

(A) As part of the County's General Plan, Mendocino County is committed to the health and well-being of all its residents, and shall implement land use plans and policies that promote health, safety, and wellbeing.

(B) Certain noise levels and vibrations are detrimental to public health, welfare, safety, and quality of life, and are contrary to the public interest.

(C) These regulations are adopted with the intent to preserve the right to engage in activities protected by law, including but not limited to farming and industry protection as set forth in Chapters 6.35 and 10A.13 of the Mendocino County Code, respectively.

(D) The making and creating of disturbing, excessive, or offensive noises within the County is unlawful, and shall be punished as provided in this Chapter.

(E) The provisions of this Chapter and the remedies contained in this Code shall be cumulative and are not intended to replace any otherwise available remedies for public or private nuisances, nor any other civil or criminal remedies otherwise available.

(F) The regulations contained herein are not intended to substitute for any noise analysis conducted as a part of the County's environmental review process for discretionary permit approvals, nor is it intended to limit more strict noise control requirements for discretionary permit approvals when stricter measures are found to be necessary in order to maintain noise levels that are not detrimental to the health and welfare of the citizens of the County.

Sec. 8.100.020 – Definitions.

The definitions in this section apply to the following terms as used in this Chapter:

(A) “Constant noise” shall mean a noise that is uninterrupted and continuous.

(B) "Decibel" is a unit for measuring the amplitude of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals.

(C) “Disturbance” means the playing or operating of any radio, loudspeaker, sound amplifier, or other musical device or instrument, or noise produced by any machine, or device, or by any other means, which impacts any residential property and exceeds sixty (60) dBA, constant or seventy-five (75) dBA intermittent, as measured from an adjacent residential property line using a sound decibel meter, if occurring between the hours of 10:00 p.m. and 7:00 a.m.

(D) "Intermittent noise" shall mean a noise that is repeated at non-uniform time intervals.

(E) “Public Entity” includes the United States, a state, county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State.

(F) “Residential property” shall mean a parcel or parcels of real property which is developed and used either in whole or in part with a single or multifamily dwelling.

(G) “Response” shall mean the arrival of a law enforcement officer at the scene of a disturbance to render whatever service is reasonably required in order to stop a disturbance.

(H) “School” means an institution of learning for minors or adults, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed child day care or preschool facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, a vocational or professional institution of higher education, including a community or junior college, college or university.

Sec. 8.100.030 – Violations and Penalties.

(A) Except as otherwise permitted by this Chapter, applicable County Code or state or federal laws or regulations, any disturbance as defined in Section 8.100.020, shall constitute a violation of this Chapter. A person who owns, leases, or is in control of property where a disturbance takes place, or any person who organizes, controls, participates in or causes a disturbance, is in violation of this Chapter.

(B) Any person violating any of the provisions of this Chapter shall be deemed guilty of an infraction punishable as provided in Mendocino County Code section 1.04.110(B).

(C) Notwithstanding any available criminal penalties, violating the provisions of this Chapter may also result in the issuance of civil and administrative penalties. Prior to issuance of any civil or administrative fines or penalties pursuant to this Chapter, at the first response to a disturbance, the responding officer shall give an oral and/or written warning to the person in violation of this Chapter that the disturbance must cease immediately. If a second or subsequent response to the disturbance is required within the ninety (90) day period following such warning, the person violating this Chapter may be subject to administrative penalties pursuant to Mendocino County Code, Chapter 1.08.

(D) If the same property is cited more than three times during a ninety (90) day period, the property may be deemed a public nuisance by the Mendocino County Sheriff's Office or Code Enforcement and be subject to further legal action by the County, including but not limited to abatement pursuant to Chapter 8.75.

(E) If there is reasonable cause to believe the property is acting as an unpermitted event center or venue, the County may proceed with additional enforcement actions.

(F) Any fines or penalties charged pursuant to this Chapter shall be deemed to be a civil debt to the County, and it may take such action to recover said fines and penalties as the County is authorized to do by law for the recovery of a civil debt.

Sec. 8.100.040 – Enforcement.

This Chapter may be enforced by the Mendocino County Sheriff's Office or Code Enforcement by using any applicable state or county law, including, but not limited to, Mendocino County Code Chapter 1.08, to achieve code compliance through administrative fines and Chapter 8.75 to declare an offending party or property a public nuisance, pursue available civil remedies, inclusive of injunctive relief, or applicable criminal enforcement mechanisms.

Sec. 8.100.050 - Exemptions.

The following activities shall be exempt from the provisions of this Chapter:

(A) School bands, school athletics, and school entertainment events.

(B) Gatherings, events and festivals, conducted in conformance with County regulations, including but not limited to Chapter 6.16 and Sections 20.168.020 and 20.460.020 of the Mendocino County Code.

(C) Activities conducted by a public entity, or school, in parks, public playgrounds and school grounds provided such parks, playgrounds and school grounds are owned and operated by a public entity or school.

(D) Activities required to be conducted in connection with a declared emergency.

(E) Activities protected pursuant to Chapter 6.35 of the Mendocino County Code, Right

to Industry Ordinance.

(F) Activities protected pursuant to Chapter 10A.13 of the Mendocino County Code, Right to Farm ordinance.

(G) Any activity to the extent regulation thereof has been preempted by State or Federal law.

(H) Whenever a government agency, public utility, or private utility determines that a project must be done before 7:00 A.M., or after 10:00 P.M., said work shall be exempted from this chapter.

SECTION II

Environmental Determination. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; "CEQA") pursuant to the "common sense exception" set forth in CEQA Guidelines Section 15061(b)(3). This determination is based on the fact that this Ordinance contains thresholds for noise disturbances that are consistent with and based on the Mendocino County General Plan noise compatibility guidelines for residential uses and establishes penalties for violation of those thresholds. Implementation of existing noise compatibility limits contained within the Mendocino County General Plan does not have the potential to cause a significant effect on the environment, but it may have a positive effect on the noise environment within Mendocino County by creating an enforcement mechanism for noise disturbances that can be detrimental to the quality of the environment.

SECTION III

Severability. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2026, by the following roll call vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: DARCIE ANTLE
Clerk of the Board

_____
Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT,
Interim County Counsel

_____

_____
BERNIE NORVELL, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: DARCIE ANTLE
Clerk of the Board

_____
Deputy