Proposal for a Mendocino County Noise Ordinance

Supervisor Glenn McGourty, 1st District

BOS Meeting

September 24, 2024

Thanks for Contributions to this Discussion

- Mendocino County Counsel Office: Jared Schwass, Charlotte Scott, Jim Ross, Christian Curtis
- Mendocino County Sheriff's Office: Sheriff Matt Kendall, Captain Quincy Cromer
- Mendocino County Code Enforcement Division: Gretchen McLaughlin

Why a Noise Ordinance?

- Loud noise can reduce the quality of life for people on adjacent properties and have negative effects on their well being and comfort when subject to excessive levels, interfering with their daily activities including sleep, tranquility, overall health and enjoyment of their dwellings

Dutchen, Stephanie, 2022: Noise and Health. Harvard Medicine Magazine, Nature, Nurture. Spring 2022:

California State Government Code Section 65302

Supervisor Glenn McGourty, 1st District

Present Situation

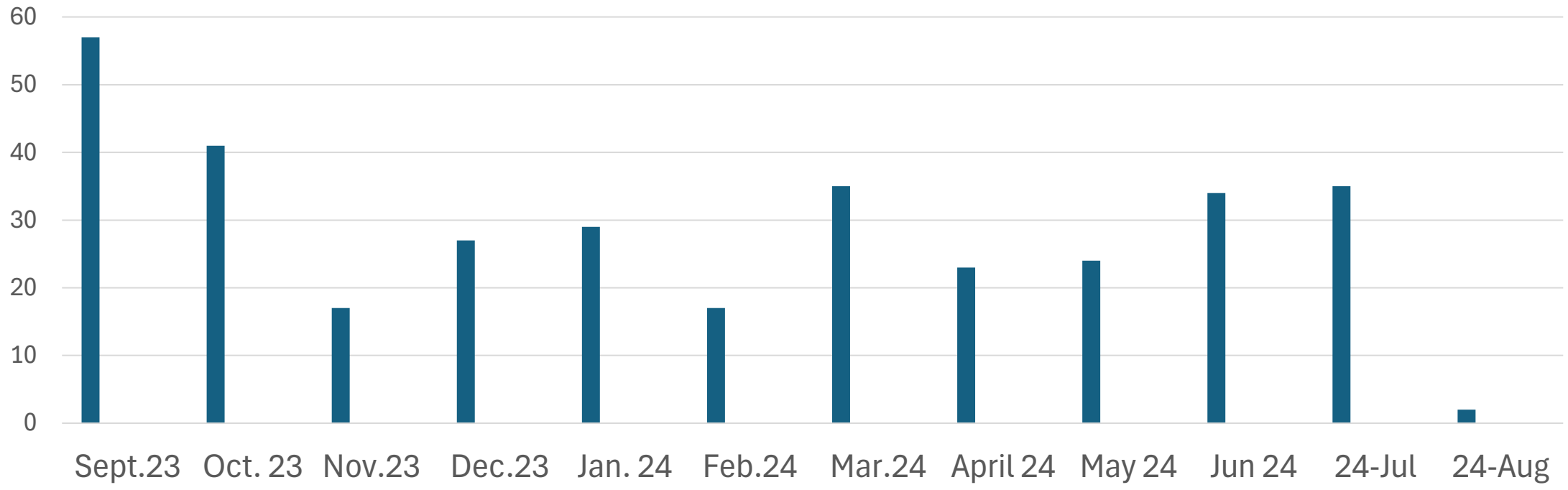
- Without an ordinance, neither Code Enforcement nor the Sheriff's Department have the tools to prevent the nuisance of excessively loud activities.

iStock

Supervisor Glenn McGourty, 1st District

How big is the problem?

Source: Sheriff Dispatch



Supervisor Glenn McGourty, 1st District

Code Enforcement Noise Complaints 2020-2024
Total = 71

Number of Complaints	Year	Known Cause
4	2020	Generator (2), Fan (1), General Noise (1), Rooster (1)
35	2021	Generator (9), Fans (15, cluster of calls for same problem), General Noise (5), Livestock (1), Firearms and cannon (4), Music (1)
21	2022	Generator (13, cluster of 8 calls for same problem), Construction, other industrial noise (3),
8	2023	Rooster (4, cluster of calls for same address), Music (1), Generator (1)
3	2024	Industrial, machinery (2, cluster of calls), Generator (1)

Supervisor Glenn McGourty, 1st District

Importance of a Well Written Ordinance

Measurable sound levels with real data (objective vs. subjective)

Zoning Considerations (some areas are noisy by nature)

Clear enforcement procedures and sanctions

Targets trouble areas within county jurisdiction

Express exemptions (distinct for every county)

Addresses prior uses

Ordinance usually contains:

Declaration of Findings and Policy

Definitions

Powers and Duties of Regulators

Specific provisions of a County Noise Ordinance:

- Types of noise; objective measurement; sound levels and time window enforced; zoning criteria; and exemptions
- Permit procedure if required (for events)
- Express exemptions
- Addresses prior uses
- Procedure to make a complaint and the enforcement process
- Enforcement procedures and special situations
- Sanctions and fines
- Hearing process for appeal

Typical Ordinance Guidelines

Quiet hours 10:00 pm to 7:00 am

Maximum noise levels are set based on zoning (commercial, industrial, residential as examples)

Noise from any device (TV, radio, live music) or machinery must be below 50 dB at property line in residential areas

No devices or sound sources over 85 dB making continuous sound within 2500 feet of another residence (generators, pumps or other machinery)

No loud animal sounds (barking dogs, roosters, etc.) in residential areas

Exemptions and addresses prior uses

Administrative Citations Are Recommended

- An administrative citation is a civil citation not punishable by jail and does not appear as a criminal record
- Administrative citations typically include escalating fines for multiple violations
- Citations are processed through an administrative hearing process, rather than through the court system
- Fines can be attached as property liens if violations occur on private property and are not paid

Supervisor Glenn McGourty, 1st District

Measuring Loudness

Sound is measured in Decibels (dB)

Loudness is measured on a logarithmic scale, similar to the way the strength of an earthquake is measured logarithmically using the Richter scale. This means that an increase of 10 decibels (dB) represents a 10-fold increase in sound intensity and a doubling of the perceived loudness. For instance, sound at 60 dB is 10 times louder than sound at 50 dB, 70 dB is 100 times louder, 80 is 1000 times louder and 90 is 10,000 times louder

Example of Sound at Average Decibels

- 30 dB: leaves rustling, whispering, soft music
- 40 dB: average home noise background sounds
- 60 dB: normal conversation
- 70 dB: office noise, vacuum cleaner
- 80 dB: noisy market, busy traffic
- 90 dB: Shouting people, trucks, buses
- 100 dB: large motorcycles, trains, tractors, lawn mowers
- 110 dB: chainsaws, leaf blowers, roosters (at 15 feet)
- 120 dB: Rock concerts, large sports events, jet engines

Source: Decibel Pro dB Sound Level Website: Comprehensive Decibel Chart of Commo Sounds
https://decibelpro.app/blog/decibel-chart-of-common-sound-sources/

Measuring Loudness

Decibel meters are portable devices to quickly measure sound. Class 1 meters are used, costing $150 to $800.

Measurements are either taken 50 feet from the device or at property lines, depending on the language of the ordinance and situation

Multiple readings advised using a transect from multiple places near the sound source and GPS at each spot to verify loudness

How to Enforce Loud Party Noise

- Sheriff Deputy responding: takes the noise level reading with a decibel meter with body camera on, time stamp, and GPS location
- Assess the safety of the situation, approach the source of the noise and people involved, and give an initial warning “to cure” (ie, cease excessive noise)
- Return in a reasonable time to be sure the noise violation has ended, 15 to 30 minutes
- Issue citation if there is no compliance

Recommended Action

Direct staff to develop a noise ordinance based on an administrative citation model

Supervisor Glenn McGourty, 1st District