



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 9, 2016

**TO:** City Council

**FROM:** Ariel Calonne, City Attorney  
Andrew Bermond, Project Planner

**SUBJECT:** Amendment To The Noise Ordinance Defining Noise Disturbance  
And Administrative Citations For Violations

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 9.16 of the Santa Barbara Municipal Code in its Entirety Pertaining to Noise.

### **DISCUSSION:**

#### Background

In 2014, neighborhood concerns about noise, safety, housing, and traffic in the vicinity of Santa Barbara City College (SBCC) led to the formation of the SBCC Neighborhood Task Force. The Neighborhood Task Force was comprised of representatives from SBCC staff and Student Senate, neighborhood residents, and City staff. From October 2014 to January 2015 the Neighborhood Task Force met to identify issues and challenges between students and other neighborhood residents and suggest potential strategies and solutions.

In February 2015 the SBCC Neighborhood Task Force Recommendations were completed including two noise abatement recommendations: adopt a noise abatement ordinance similar to the City of San Luis Obispo, and create a Student Neighborhood Assistance Program (SNAP). The Neighborhood Task Force identified the Noise Ordinance of the City of San Luis Obispo as a model that was well suited to the needs of that community, specifically because the creation of an escalating administrative fine that could be issued to tenants and landlords for violations would address noise concerns without the creation of a criminal record. In addition, San Luis Obispo staff reports that the Ordinance has resulted in a reduction of approximately 30% of noise complaints.

This Noise Ordinance amendment is intended to address concerns from the SBCC Neighborhood Task Force; specifically party disturbances at night. Currently, police officers have the option of issuing a warning to the offender, or issuing a misdemeanor disturbing the peace citation. Disturbing the peace citations are rarely issued because they require a signed complaint from the affected person and result in a criminal record for the offender.

In August 2015 City staff hosted a public workshop to discuss potential changes to the Noise Ordinance. Residents from various city neighborhoods attended and voiced their noise concerns. Comments were generally supportive of the proposed changes. City Staff also met with representatives from Downtown Santa Barbara, the Santa Barbara Chamber of Commerce, as well as residents from downtown and Mesa neighborhoods to further refine the proposed.

The Ordinance Committee reviewed the proposed changes to the Noise Ordinance on January 26, 2016. Comments from the Committee and the public were generally supportive of the proposed changes, with many expressing concerns about noise impacts from specific activities.

#### Proposed Code Amendments

The proposed changes to the Noise Ordinance would establish new city-wide regulations on noise levels and establish new enforcement measures such as administrative fines.

**Noise Disturbance:** Noise Disturbance would be defined as the making or permitting to be made any noise that is plainly audible by a person of ordinary sensitivity at a distance of fifty feet (50') from the noise source. Specific conduct that would constitute a disturbance includes the operating of televisions, music players, loud speakers, amplification, or musical instruments that create a disturbance across a property line between the hours of 10 p.m. and 7 a.m. Keeping of animals that cause a disturbance across a property line could also constitute a violation.

**Exclusions:** Noise Disturbance violations would not be issued to events sponsored or permitted by the City, the County, or any school. Noise complaints should be resolved with the relevant institution rather than through the City Police Department.

**Enforcement:** The Noise Ordinance amendment would empower police department and zoning enforcement staff to issue abatement orders and administrative citations if the violation is not removed. Continued violations within a nine-month period would result in escalating fines. The escalation proposed would be:

First Violation	\$350
Second Violation	\$750

Third and Subsequent Violations	\$1,000
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Revenue generated could be used to provide funding for additional staff to enforce this ordinance. In San Luis Obispo, revenue generation is sufficient to meet all program-related expenses, including a Student Neighborhood Assistance Program (SNAP). Detailed discussion of staffing will be presented at a future date.

#### Other Noise Issues

Comments from the public on the draft Noise Ordinance amendment included motor vehicle, nightclub, leaf blower, and special event noise concerns. These issues are not addressed specifically in this amendment. Council may wish to provide staff with direction on how to proceed with these noise issues.

#### **CONCLUSION:**

Staff believes the proposed changes to the existing ordinance place reasonable restrictions on nuisance noise, empower the Police Department to improve enforcement and better respond to complaints, and facilitate the creation of a Student Neighborhood Assistance Program (SNAP).

**PREPARED BY:** Andrew Bermond, Project Planner

**SUBMITTED BY:** George Buell, Community Development Director

**APPROVED BY:** City Administrator's Office



# NOISE ORDINANCE UPDATE

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City Council – February 9, 2016



# Overview

- Background
  - SBCC Neighborhood Task Force
- Ordinance Update
  - Problem Definition
  - Key Changes
- Ordinance Committee
- Possible Next Steps



# Background

- SBCC Neighborhood Task Force
  - Partying
  - Rude behavior
  - Frustrated community
  - Lack of student supervision
  - Other issues (crime, traffic, housing)

# Problem Definition

- The City's noise ordinance is ineffective at abating nuisance noise.





# Noise

- Any unwanted sound
- Typically above 65 CNEQ dB(A)
- Currently the City defines noise as:
  - 60 dB(A) at property line or
  - 45 dB(A) inside a residence



# How loud is too loud?

<b>Painful Acoustic Trauma</b>	<b>140</b>	Shotgun blast
	<b>130</b>	Jet engine 100 feet away
	<b>120</b>	Rock concert
<b>Extremely Loud</b>	<b>110</b>	Car horn, snowblower
	<b>100</b>	Blow dryer, subway, helicopter, chainsaw
	<b>90</b>	Motorcycle, lawn mower, convertible ride on highway
<b>Very Loud</b>	<b>80</b>	Factory, noisy restaurant, vacuum, screaming child
<b>Loud</b>	<b>70</b>	Car, alarm clock, city traffic
	<b>60</b>	Conversation, dishwasher
<b>Moderate</b>	<b>50</b>	Moderate rainfall
<b>Faint</b>	<b>40</b>	Refrigerator
	<b>30</b>	Whisper, library
	<b>20</b>	Watch ticking
	dB levels	



## Key Changes

- Incorporate recommendations from the EPA's Model Noise Control Ordinance:
  - Define "Noise Disturbance" as administrative violation (9.16.020)
  - Prohibit specific conduct (9.16.030 A.)
  - Exclusions (9.16.030 B.)
  - Establish administrative enforcement (9.16.110)



## Noise Disturbance (9.16.020)

- “Plainly audible by a person of ordinary sensitivity at a distance of 50 feet.”
- Exceptions
  - noise that does not penetrate the boundaries of the noise source’s own premises
  - Noise that does not constitute an unreasonable disturbance to people lawfully on the premises



## Specific Conduct (9.16.030 A)

- Examples of “Noise Disturbance”
  - Loud televisions, musical instruments, etc. after 10 p.m. – 7 a.m.
  - Amplified sound 10 p.m. – 7 a.m.
  - Animals and birds.
- Not an exhaustive list.



## Exclusions (9.16.030 B.)

- Special events or activities sponsored by, or on property owned or leased by:
  - City of Santa Barbara
  - County of Santa Barbara
  - Educational institution
  - Any other government entity on its own property

# Enforcement (9.16.110)

- Violations
  - Misdemeanor or administrative fine
- Abatement orders (warnings)
- Repeat violations

## Proposed Fines

- 1<sup>st</sup> Offense: Warning
- 2<sup>nd</sup> Offense: \$350
- 3<sup>rd</sup> Offense: \$750
- Thereafter: \$1000



# Staff Enforcement

- Zoning or Police Department
- Allows for possible CSO/SNAP enforcement in addition to Police Officer





# Outreach

- Public Workshop – August 12, 2015
- Nextdoor.com, [santabarbaraca.gov/nou](http://santabarbaraca.gov/nou), and e-mails to interested parties
- SBCC Student Senate
- Meetings with business and neighborhood group leaders



# Public Comments

- Majority comments:
  - Support administrative fines
  - Request increased enforcement
- Other comments:
  - Concerns about school/park exemption
  - Nightclub noise
  - Vehicle (back-up) noise
  - Leaf blowers



## Ordinance Committee Review

- Reviewed proposed changes on Jan. 26
- Supportive of proposed changes
- Recommended adoption to City Council



## Staff Recommendation

- Approve the proposed changes to the Noise Ordinance
- Provide guidance to staff on possible next steps to address noise concerns