



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 8, 2016
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Reintroduction Of Noise Ordinance Amendments

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:

On February 9, 2016, Council introduced the above-referenced Noise Ordinance with a change reducing the penalty for a criminal violation from a misdemeanor to an infraction. After the meeting, upon further review, we discovered a second section addressing misdemeanor penalties which the Council did not address.

The second section relates to enhanced penalties for continuing violations. On February 9, 2016, it read as follows:

D. CONTINUED VIOLATIONS. Once a violation of any provision of this Chapter has been verified by a zoning enforcement or police department staff, the owner(s) of the property where the violation occurred may be subject to administrative action or **MISDEMEANOR** citation for allowing a subsequent violation of this Chapter to occur on the property within nine (9) months after the date of a previous violation, provided the property owner has received notification from the City of the previous violation and at least fourteen (14) days have passed since the date the notification was mailed to the property owner(s).

Because Council did not specifically address this continuing violation language, we have set this matter as a reintroduction of the ordinance rather than a second reading.

We have assumed that Council intended to change this section to an infraction penalty as well, and have revised the attached ordinance to read as follows:

D. CONTINUED VIOLATIONS. Once a violation of any provision of this Chapter has been verified by a zoning enforcement or police department staff, the owner(s) of the property where the violation occurred may be subject to administrative action or **INFRACTION** citation for allowing a subsequent violation of this Chapter to occur on the property within nine (9) months after the date of a previous violation, provided the property owner has received notification from the City of the previous violation and at least fourteen (14) days have passed since the date the notification was mailed to the property owner(s).

If we have not made the right assumption about the Council's intention, Council may change the continuing violation penalty back to a misdemeanor during this reintroduction.

PREPARED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office