



Agenda Item A.11
CONSENT CALENDAR
Meeting Date: September 5, 2023

TO: Mayor and Councilmembers

FROM: Megan Garibaldi, City Attorney

CONTACT: Winnie Cai, Assistant City Attorney

SUBJECT: Second Reading of Ordinance Amending Chapter 9.09 of the Goleta Municipal Code Regarding Noise Restrictions

RECOMMENDATION:

Conduct second reading (by title only) and waive further reading of Ordinance No. 23-____ entitled "An Ordinance of the City of Goleta, California, Amending Chapter 9.09 of Title 9 of the Goleta Municipal Code Regarding Restricted Noises."

BACKGROUND:

On August 15, 2023, the City Council introduced and conducted the first reading of the Restricted Noises Ordinance (Attachment 1). The proposed ordinance does not change the general noise standard for noise complaints. The proposed ordinance (1) changes curfew hours applicable to certain noises from 12am-7am to 10pm-7am; (2) adds a list of specifically prohibited noises; (3) amends the list of exempt noises; and (4) cleans up ambiguous language and reorganizes sections for better organization.

DISCUSSION:

The City Council now has the opportunity to conduct the second reading and adopt the Restricted Noises Ordinance, which would then become effective on the thirty-first day after adoption (October 6, 2023).

FISCAL IMPACTS:

There are no fiscal impacts associated with the proposed ordinance.

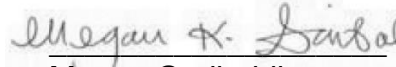
ALTERNATIVES:

The City Council could choose to amend the ordinance and reintroduce it, direct staff to return with further information, or take no action. Each of these alternatives would prevent adoption at this time.

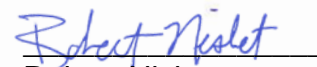
Reviewed By:


Kristine Schmidt
Assistant City Manager

Legal Review By:


Megan Garibaldi
City Attorney

Approved By:


Robert Nisbet
City Manager

ATTACHMENTS:

1. Ordinance No. 23-__ entitled, "An Ordinance of the City of Goleta, California, Amending Chapter 9.09 of Title 9 of the Goleta Municipal Code Regarding Restricted Noises."

ATTACHMENT 1

Ordinance No. 23-__ entitled, "An Ordinance of the City of Goleta, California, Amending Chapter 9.09 of Title 9 of the Goleta Municipal Code Regarding Restricted Noises."

ORDINANCE NO. 23-__

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF GOLETA, CALIFORNIA,
AMENDING CHAPTER 9.09 OF TITLE 9 OF
THE GOLETA MUNICIPAL CODE
REGARDING RESTRICTED NOISES**

WHEREAS, noise is an aspect of any community, therefore, certain restrictions are necessary to preserve the public peace and comfort of the citizens of the City of Goleta ("City") from unwarranted and unreasonable noises; and

WHEREAS, the City is empowered to prohibit unnecessary, excessive and annoying noises pursuant to its general police powers. (Section 7 of Article XI of the California Constitution.); and

WHEREAS, the City's current noise regulations are codified in Chapter 9.09 of Title 9 of the Goleta Municipal Code and the City Council desires to amend these regulations to make certain clarifications regarding prohibited noises; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
GOLETA DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. The foregoing recitals are true and correct and incorporated herein by this reference.

SECTION 2. Title 9, Chapter 9.09 of the Goleta Municipal Code is hereby amended as follows :

- 9.09.010 Purpose.**
- 9.09.020 Definitions.**
- 9.09.030 Certain Noises Prohibited—General Provisions.**
- 9.09.040 Specific Prohibited Noises.**
- 9.09.050 Special Provisions—Exemptions.**
- 9.09.060 Violations.**

9.09.010 Purpose.

The purpose of this chapter is to preserve the public peace and comfort of the citizens of the City of Goleta from unwarranted noises, sounds and vibrations. At certain levels, noise can be detrimental to the health, safety, welfare, and quality of life of the citizenry. Therefore, in the public interest, it shall be restricted. In order to better implement the goals

Ordinance No.23- An Ordinance of the City of Goleta, California, Amending Chapter 9.09 of Title 9 of the Goleta Municipal Code Regarding Restricted Noises and Finding that the Ordinance is Categorically Exempt from the California Environmental Quality Act

of the noise element of the City's general plan and to more effectively prohibit unwanted and unnecessary sounds of all types within the community, this chapter has been amended.

9.09.020 Definitions.

For the purpose of this chapter, the following phrases and terms are defined as follows:

"Construction" shall include site preparation, demolition, grading, excavation, including but not limited to noise from hauling equipment to/from the site using public streets, and the erection, improvement, remodeling or repair of structures, including operation of equipment or machinery and the delivery of materials associated with those activities.

"Nighttime Hours" shall be Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday between the hours of 10:00 p.m. and 7:00 a.m.

09.09.030 Noises Prohibited—General Standard.

A. Unless otherwise permitted in this chapter, it shall be unlawful to make, assist in making, permit, continue, create, or cause to be made, any noise, sounds or vibrations that are so loud, prolonged, and harsh as to be physically annoying to reasonable persons of ordinary sensitivity and to cause or contribute to the unreasonable discomfort of any persons within the vicinity, including but not limited to a "Nuisance Noise" as defined in GMC Section 17.39.070(B)(1). When considering whether a noise, sound or vibration is unreasonable within the meaning of this section, the following factors shall be taken into consideration:

1. The volume of the noise, music, or related sound;
2. The intensity of the noise, music, or related sound;
3. The continuousness or repetitive nature of the noise, music, or related sound;
4. Whether the nature of the noise, music, or related sound is unusual for the area in which it occurs;
5. Whether the origin of the noise, music, or related sound is natural or unnatural to the area in which it occurs;
6. The volume and intensity of the background noise or sound, if any;
7. The proximity of the noise, music, or related sound to residential sleeping facilities or to overnight accommodations, such as hotels and motels;

8. The proximity to offices, places of business or other areas where work is known to be carried on, of the noise, music, or related sound;
9. The nature and zoning of the area within which the noise, music, or related sound emanates;
10. The time of day or night the noise, music, or related sound occurs and the relationship of this time to the normal activities of the area in which it occurs and in relation to the other factors listed in this subsection;
11. The duration of the noise, music, or related sound;
12. Whether the noise, music, or related sound is recurrent, intermittent, or constant;
13. Whether the noise, music, or related sound is produced by a commercial or a noncommercial activity;
14. Whether the person or business responsible for the noise, music, or related sound has been previously recently warned that complaints have been received about the noise, music, or related sound and such person or business has failed to reduce it to an appropriate level.

B. Enforcement of a violation under this chapter shall not require the use of a sound level meter.

9.09.040 Specific Noises Prohibited.

Except as allowed in GMC Section 9.09.050 (Exceptions) of this chapter, the following acts and the causing or permitting thereof, are declared and deemed to be in violation of this chapter:

- A. *Amplified Sound.* (1) Using, operating or permitting to be played any devices for the production or reproduction of sound in volume sufficiently loud, including, but not limited to, radio, musical instrument, stereo, television set, or device as to be plainly audible at a distance at the property line of the property from which the sound is emanating during Nighttime Hours; and (2) Using, operating or permitting to be played any device for the production or reproduction of sound, including, but not limited to, radio, musical instrument, stereo, television set, or device, at a frequency that causes vibration to be plainly felt at the property line of the property from which the sound is emanating during Nighttime Hours.
- B. *Band or Orchestral Rehearsals.* The conducting of or carrying on, or allowing the conducting or carrying on, of band or orchestral concerts or rehearsals or practices sufficiently loud as to be plainly audible at the property line of the property from which the sound is emanating during Nighttime Hours.

- C. *Engines, Motors and Mechanical Tools and Devices In or Near Residential District(s)*. The sustained, continuous or repeated operation or use of any motor or engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, machine, mechanical tool or device sufficiently loud as to be plainly audible at the property line of the property from which the sound is emanating.
- D. *Motor Vehicles*. Racing the engine of any motor vehicle, needlessly bringing a motor vehicle to a sudden start or stop, or creating unnecessary noise through such activities including but not limited to peeling out or doing donuts.
- E. *Construction*. Construction shall only be conducted pursuant to the hours specified in GMC Section 17.39.070(G)
- a. *Utilities exemption*. As set forth in GMC Section 17.39.070(F), the provisions do not apply to capital improvement projects, maintenance and repair or excavation by a public utility which is subject to the jurisdiction of the Public Utilities Commission and where such work is necessary for the immediate preservation of the public health, safety, or welfare and where such necessity makes it necessary to construct, repair or excavate during the prohibited hours.
 - b. *City exemption*. The provisions of this section do not apply to City capital improvement projects and maintenance and repair projects which are authorized by the City.
- F. *Emergency Signaling Devices*. The intentional sounding, or permitting the sounding, outdoors, of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle or similar emergency signaling device. Except, however, testing of an emergency signaling device is permitted, for only the minimum cycle test time for the device. In no case shall such test time be conducted during Nighttime Hours.
- 1. Failure to terminate the sounding of any exterior burglar or fire alarm within fifteen (15) minutes of activation.
 - 2. Failure to terminate the sounding of any motor vehicle alarm within fifteen (15) minutes of activation.
 - 3. Permitting the sounding of any motor vehicle alarm more than three (3) times of any duration in any given day.

9.09.050 Special Provisions—Exemptions.

The provisions of this chapter are not intended to affect and shall not apply to:

- A. *Noises Exempt Under GMC Section 17.39.070(F)*. The emission of noise associated with the following categories of noises exempt

under GMC Section 17.39.070(F): emergencies, warning devices, special events, municipal solid waste collection, and City capital improvement projects and maintenance and repair projects.

- B. *Outdoor Gatherings*. Outdoor gatherings, public dances, shows and sporting and entertaining events, provided such gathering, dance or event is conducted on commercial or institutional premises, pursuant to applicable rules, regulations and zoning restrictions, and in compliance with all permits or licenses issued by the City relative to the staging of the gathering, dance or event except during Nighttime Hours.
- C. *Outdoor Activities*. Permitted activities conducted on private and public playgrounds, private and public parks and recreation facilities, fully licensed and approved child day care facilities within residential areas as permitted by law, and private and public school grounds, including but not limited to school athletic and school entertainment events except during Nighttime Hours.
- D. *Religious Noises*. Singing, music, bells, chimes, carillons, and similar noises made for religious purposes, or in conjunction with religious services, or for celebrations of public holidays.

9.09.060 Violations.

A violation of this chapter is subject to the administrative penalty provisions of Chapter [1.02](#) of this Code.

SECTION 3. Certification of City Clerk.

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 4. Effective Date.

This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the ____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED this _____day of _____ 2023.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 23-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK