



TOWN OF FAIRFAX

STAFF REPORT

July 16, 2014

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Discuss/consider residents' petition regarding the noise ordinance

Note: This item was continued from the June 4th Town Council meeting.

RECOMMENDATION

Discuss/consider residents' petition regarding the noise ordinance.

DISCUSSION

A group of residents have submitted the attached petition (names redacted) to the Council for consideration. Pursuant to Town Code 2.08.090 (C), if the Council is presented with a petition signed by 25 residents urging consideration of an issue, the issue shall be placed on the Council's agenda for discussion. The petition concerns any proposed revisions to the Town's noise ordinance and enforcement of the ordinance.

At its May 7th meeting, the Council discussed the noise issues regarding Deer Park Villa and considered proposed revisions to the noise ordinance. The Council did not take action on the proposed revisions to the noise ordinance and indicated that staff should schedule it for consideration at a future meeting. The Council also indicated it would like to consider the results from the proposed sound reduction improvements at Deer Park Villa at a future meeting.

With regard to the enforcement of the noise ordinance, a question was raised by a resident at the January Council meeting regarding the interpretation of Section 8.20.050 (B) (1) (see attached). At the February meeting, staff indicated that the noise ordinance is poorly written and needs to be revised. As a result, the Police will continue to enforce the Noise Ordinance based on its current practice until the ordinance is amended. Staff reiterated this position in the staff report and presentation at the Council meeting in May.

FISCAL IMPACT

n/a

ATTACHMENTS

Resident petition (names redacted)
Town Code section 8.20.050(B)(1)

RECEIVED

MAY 28 2014

TOWN OF FAIRFAX

We the undersigned residents of Fairfax urge the Town Council to consider the following petitions:

1. that the Council retain the wording of the Correction for character of sound, 8.20.050 (4)(B)(1) of the Town of Fairfax, California, Municipal Code of Ordinances.

2. that, if the Council decides to change the wording of the above section, it replace it with the following: "Each of the noise limits specified in the Exterior Noise Limits table below shall be reduced by five dB for repetitive noise such as hammering or riveting, simple tone noises such as a whine, screech or hum, or for noise consisting of speech or music."

3. that the Town continue to enforce the above section as it is written in the Code until changes, if any, are made, in accordance with 1.04.160 (A) of the Code: "Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying it becomes effective unless otherwise expressly provided."

4. that the Fairfax Police Department respond to noise complaints in a consistent manner, following long standing procedures practiced both in Fairfax and its neighboring communities.

signature name(printed) address email (optional)

[Handwritten signature] _____ _____ _____

Fairfax, CA Municipal Code of Ordinances

§ 8.20.050 EXTERIOR NOISE LIMITS.

(A) Maximum permissible sound levels by receiving land use.

(1) The noise standards for the various noise zones as presented in the following table shall, unless otherwise specifically indicated, apply to all such property within a designated zone.

(2) No person shall operate or cause to be operated any source of sound at any location within the incorporated town, or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by the person, which causes the noise level when measured at the complainant's property line to exceed the limits in the table below for more than seven and one-half minutes in a 15- minute period. Those seven and one-half minutes need not be continuous.

(3) If the measured ambient level differs from that permissible, the allowable noise exposure standard shall be adjusted in five-decibel increments in each category as appropriate to encompass or reflect the ambient noise level.

(4) If the measurement location is on a boundary between two different zones, the noise level limit applicable to the lower noise zone shall apply.

(B) Correction for character of sound.

(1) In the event the alleged offensive noise, as judged by the Chief of Police or his or her designated representative, contains a steady, audible tone such as a whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech, the standard limits set forth in the table below shall be reduced by five decibels.

<i>Exterior Noise Limits</i>			
<i>(Levels not be exceeded more than 7.5 minutes in any 15-minute period)</i>			
<i>Noise Zone</i>	<i>Time Period</i>		<i>Noise Level (dBA)</i>
A (Residential)	Night	10:00 p.m. - 7:00 a.m.	40
	Day	7:00 a.m. - 10:00 p.m.	50
B (Multiple Dwelling, Residential)	Night	10:00 p.m. - 7:00 a.m.	50
	Day	7:00 a.m. - 10:00 p.m.	55
C (Commercial)	Night	10:00 p.m. - 7:00 a.m.	55
	Day	7:00 a.m. - 10:00 p.m.	60

(2) These zones are illustrated on Exhibit A, "Noise Zones, Town of Fairfax," attached to the ordinance codified in this chapter. Areas that are not covered on the map are included in Zone A.

(Prior Code, § 8.16.050) (Ord. 481, passed - -1981; Am. Ord. 529, passed - -1984)