



Posted: Friday, November 04, 2016

NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on
WEDNESDAY, NOVEMBER 09, 2016 at 6:00 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

No Closed Session

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ADJOURN TO CLOSED SESSION – *No closed session scheduled*
- IV. RECONVENE TO OPEN SESSION
- V. APPROVAL OF AGENDA
- VI. APPROVAL OF MINUTES – *October 17, 2016 scc*
- VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS
- VIII. STAFF REPORTS
- IX. ITEMS FROM THE FLOOR
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- X. CONSENT AGENDA
 1. Financial Status Reports for September 2016.
 2. Law Enforcement Report for October 2016
 3. Proclamation in Recognition of National Care Providers Month, November 2016.
 4. Second Reading and Adoption of Ordinance 2016-03; The City of Trinidad Short Term Rental Ordinance.
 5. Adoption of Resolution 2016-11; Submitting a Local Coastal Program Amendment Governing Short Term Rental Regulation to the California Coastal Commission.
 6. Establish A Process for Prequalifying Prospective Bidders on Clean Beaches Grant OWTS Repair Projects.
- XI. DISCUSSION/ACTION AGENDA ITEMS
 1. Discussion/Presentation regarding Resolution 2016-12; Public Service Recognition of Julie Fulkerson
 2. Accept Letter of Resignation from Councilmember Susan Tissot and Direct Staff to begin the Recruitment Process to find replacement to fulfill the remaining term through December 2016
 3. Annual Unmet Transit Needs Public Hearing.
 4. Discussion/Decision regarding draft Noise Ordinance Options and Recommendations.
- X. ADJOURNMENT

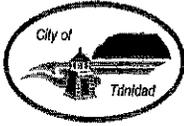
(707) 677-0223 • 409 Trinity Street • P.O. Box 390 • Trinidad, CA 95570 • Fax (707) 677-3759

APPROVAL OF MINUTES FOR:

October 17, 2016, SCC

Supporting Documentation follows with: 0 PAGES

Minutes will be available posted on the city website and distributed to Council for review on Monday, November 07.



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 10 PAGES

1. Financial Status Reports for September 2016.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 9/1/2016 Through 9/30/2016

	Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue				
41010	PROPERTY TAX - SECURED	0.00	0.00	91,500.00 100.00%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,300.00 100.00%
41030	PROPERTY TAX - PRIOR SECURED	0.00	0.00	50.00 100.00%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	600.00 100.00%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00 100.00%
41071	MOTOR VEHICLES	0.00	0.00	1,000.00 100.00%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	1,300.00 100.00%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,600.00 100.00%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	2,000.00 100.00%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(1,500.00) 100.00%
41200	LAFCO Charge	0.00	0.00	(1,500.00) 100.00%
41210	IN-LIEU SALES & USE TAX	0.00	0.00	12,000.00 100.00%
41220	IN LIEU VLF	0.00	0.00	20,000.00 100.00%
42000	SALES & USE TAX	14,900.54	14,900.54	220,000.00 (93.23)%
43000	TRANSIENT LODGING TAX	0.00	38,528.54	140,000.00 (72.48)%
43100	TRANSIENT LODGING TAX-TBID	0.00	0.00	(10,000.00) 100.00%
46000	GRANT INCOME	0.00	0.00	100,000.00 100.00%
46100	Measure Z Grant Income	0.00	0.00	75,000.00 100.00%
53010	COPY MACHINE FEE	0.00	14.74	30.00 (50.87)%
53020	INTEREST INCOME	138.93	441.28	5,000.00 (91.17)%
53090	OTHER MISCELLANEOUS INCOME	0.00	4,119.36	1,000.00 311.94%
54020	PLANNER- APPLICATION PROCESSIN	750.00	2,250.00	8,000.00 (71.88)%
54050	BLDG.INSP-APPLICATION PROCESSI	209.25	2,812.77	9,000.00 (68.75)%
54100	ANIMAL LICENSE FEES	0.00	30.00	200.00 (85.00)%
54150	BUSINESS LICENSE TAX	180.00	7,067.00	7,500.00 (5.77)%
54170	VDU License Fee (Vacation Dwelling Unit)	0.00	1,500.00	9,000.00 (83.33)%
54300	ENCROACHMENT PERMIT FEES	0.00	0.00	400.00 100.00%
56400	RENT - VERIZON	2,125.89	6,377.67	23,500.00 (72.86)%
56500	RENT - HARBOR LEASE	0.00	0.00	5,135.00 100.00%
56550	RENT - PG& E	0.00	0.00	9,500.00 100.00%
56650	RENT - SUDDENLINK	0.00	0.00	3,800.00 100.00%
56700	RENT - TOWN HALL	0.00	1,267.50	5,000.00 (74.65)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	30,000.00 100.00%
	Total Revenue	18,304.61	79,309.40	772,615.00 (89.73)%

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 9/1/2016 Through 9/30/2016

	Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue				
41010	0.00	0.00	91,500.00	100.00)%
41020	0.00	0.00	3,300.00	100.00)%
41030	0.00	0.00	50.00	100.00)%
41050	0.00	0.00	600.00	100.00)%
41060	0.00	0.00	200.00	100.00)%
41071	0.00	0.00	1,000.00	100.00)%
41110	0.00	0.00	1,300.00	100.00)%
41130	0.00	0.00	1,600.00	100.00)%
41140	0.00	0.00	2,000.00	100.00)%
41190	0.00	0.00	(1,500.00)	100.00)%
41200	0.00	0.00	(1,500.00)	100.00)%
41210	0.00	0.00	12,000.00	100.00)%
41220	0.00	0.00	20,000.00	100.00)%
42000	14,900.54	14,900.54	220,000.00	(93.23)%
43000	0.00	38,528.54	140,000.00	(72.48)%
43100	0.00	0.00	(10,000.00)	100.00)%
46000	0.00	0.00	100,000.00	100.00)%
46100	0.00	0.00	75,000.00	100.00)%
53010	0.00	14.74	30.00	(50.87)%
53020	138.93	441.28	5,000.00	(91.17)%
53090	0.00	4,119.36	1,000.00	311.94)%
54020	750.00	2,250.00	8,000.00	(71.88)%
54050	209.25	2,812.77	9,000.00	(68.75)%
54100	0.00	30.00	200.00	(85.00)%
54150	180.00	7,067.00	7,500.00	(5.77)%
54170	0.00	1,500.00	9,000.00	(83.33)%
54300	0.00	0.00	400.00	100.00)%
56400	2,125.89	6,377.67	23,500.00	(72.86)%
56500	0.00	0.00	5,135.00	100.00)%
56550	0.00	0.00	9,500.00	100.00)%
56650	0.00	0.00	3,800.00	100.00)%
56700	0.00	1,267.50	5,000.00	(74.65)%
59999	0.00	0.00	30,000.00	100.00)%
Total Revenue	<u>18,304.61</u>	<u>79,309.40</u>	<u>772,615.00</u>	<u>(89.73)%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 9/1/2016 Through 9/30/2016

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
60900	HONORARIUMS	250.00	800.00	3,500.00	77.14%
61000	EMPLOYEE GROSS WAGE	9,869.76	28,637.76	115,022.00	75.10%
61470	FRINGE BENEFITS	46.16	161.56	600.00	73.07%
65100	DEFERRED RETIREMENT	589.18	1,675.92	12,342.00	86.42%
65200	MEDICAL INSURANCE AND EXPENSE	1,050.77	3,152.31	14,801.00	78.70%
65250	Health Savings Program	10.73	32.19	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	21.45	3,451.00	99.38%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	33.00	78.22	750.00	89.57%
65600	PAYROLL TAX	800.48	2,322.36	9,743.00	76.16%
65800	Grant Payroll Allocation	(283.60)	(1,452.02)	(6,000.00)	75.80%
68090	CRIME BOND	0.00	455.00	455.00	0.00%
68200	INSURANCE - LIABILITY	0.00	10,160.80	10,400.00	2.30%
68300	PROPERTY & CASUALTY	0.00	3,807.05	4,680.00	18.65%
71110	ATTORNEY-ADMINISTRATIVE TASKS	4,530.00	4,530.00	10,000.00	54.70%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	2,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	8,269.80	13,645.70	45,000.00	69.68%
71410	BLDG INSPECTOR-ADMIN TASKS	746.59	2,486.59	4,500.00	44.74%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	0.00	9,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	842.40	3,488.39	14,000.00	75.08%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	14,000.00	100.00%
72000	CHAMBER OF COMMERCE	689.52	689.52	16,200.00	95.74%
75110	FINANCIAL ADVISOR/TECH SUPPORT	30.00	190.00	5,500.00	96.55%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	500.00	100.00%
75170	RENT	650.00	1,950.00	8,200.00	76.22%
75180	UTILITIES	571.15	2,412.63	9,000.00	73.19%
75190	DUES & MEMBERSHIP	0.00	0.00	500.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	275.71	4,500.00	93.87%
75220	OFFICE SUPPLIES & EXPENSE	382.97	2,148.57	5,500.00	60.94%
75240	BANK CHARGES	0.00	0.00	250.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	2,500.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	133.51	323.21	2,000.00	83.84%
76130	CABLE & INTERNET SERVICE	310.33	791.10	3,300.00	76.03%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	124.00	0.00	0.00%
78170	SECURITY SYSTEM	0.00	0.00	1,500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	73.65	73.65	1,500.00	95.09%
	Total Expense	<u>29,596.40</u>	<u>82,981.67</u>	<u>341,194.00</u>	<u>75.68%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 9/1/2016 Through 9/30/2016

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	552.22	1,799.02	5,330.00	66.25%
65100	DEFERRED RETIREMENT	0.00	0.00	222.00	100.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	160.00	100.00%
65600	PAYROLL TAX	42.40	138.18	425.00	67.49%
65800	Grant Payroll Allocation	0.00	(17.13)	0.00	0.00%
75170	RENT	650.00	1,950.00	8,200.00	76.22%
75180	UTILITIES	160.28	494.84	2,500.00	80.21%
75220	OFFICE SUPPLIES & EXPENSE	0.00	989.16	1,000.00	1.08%
75300	CONTRACTED SERVICES	0.00	0.00	226,500.00	100.00%
75350	ANIMAL CONTROL	113.00	339.00	1,500.00	77.40%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	826.35	908.44	1,200.00	24.30%
	Total Expense	<u>2,344.25</u>	<u>6,601.51</u>	<u>247,537.00</u>	<u>97.33%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 9/1/2016 Through 9/30/2016

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
60900	HONORARIUMS	150.00	450.00	1,800.00	75.00%
75180	UTILITIES	0.00	42.40	1,150.00	96.31%
75190	DUES & MEMBERSHIP	0.00	0.00	100.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	144.00	144.00	5,000.00	97.12%
76110	TELEPHONE	62.57	171.72	1,000.00	82.83%
76140	RADIO & DISPATCH	0.00	0.00	900.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	87.34	350.00	75.05%
78150	VEHICLE REPAIRS	0.00	20.82	2,500.00	99.17%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	87.00	87.00	2,500.00	96.52%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	400.00	100.00%
Total Expense		<u>443.57</u>	<u>1,003.28</u>	<u>17,100.00</u>	<u>94.13%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 9/1/2016 Through 9/30/2016

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	7,811.27	21,649.70	71,561.24	69.75%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	930.56	2,550.90	8,891.13	71.31%
65200	MEDICAL INSURANCE AND EXPENSE	2,047.83	6,005.07	29,514.02	79.65%
65250	Health Savings Program	17.65	52.95	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	2,222.78	100.00%
65600	PAYROLL TAX	664.40	1,840.53	6,348.27	71.01%
65800	Grant Payroll Allocation	(1,570.68)	(5,248.04)	(22,500.00)	76.68%
71210	CITY ENGINEER-ADMIN. TASKS	1,251.50	2,082.00	6,000.00	65.30%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	4,000.00	100.00%
75180	UTILITIES	11.23	22.47	0.00	0.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	2,300.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	0.00	392.22	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	75.00	24,000.00	99.69%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	500.00	100.00%
76150	TRAVEL	55.00	55.00	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	86.16	7,500.00	98.85%
78120	STREET LIGHTING	405.64	1,186.20	4,500.00	73.64%
78130	TRAIL MAINTENANCE	5.12	5.12	3,500.00	99.85%
78140	VEHICLE FUEL & OIL	84.14	799.00	4,000.00	80.03%
78150	VEHICLE REPAIRS	672.49	672.49	2,500.00	73.10%
78160	BUILDING REPAIRS & MAINTENANCE	16.72	3,809.78	4,000.00	4.76%
78170	SECURITY SYSTEM	0.00	103.50	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	430.67	1,094.31	5,000.00	78.11%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	<u>12,833.54</u>	<u>37,234.36</u>	<u>165,337.44</u>	<u>77.48%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 9/1/2016 Through 9/30/2016

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
53020	INTEREST INCOME	0.00	0.00	1,500.00 (100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	2,500.00 (100.00)%
57100	WATER SALES	26,715.91	83,403.05	305,000.00 (72.65)%
57200	Water Sales - Wholesale	0.00	1,140.00	3,000.00 (62.00)%
57300	NEW WATER HOOK UPS	0.00	0.00	1,000.00 (100.00)%
57500	WATER A/R PENALTIES	(4,228.67)	(3,121.27)	1,000.00 (412.13)%
	Total Revenue	<u>22,487.24</u>	<u>81,421.78</u>	<u>314,000.00 (74.07)%</u>
Expense				
61000	EMPLOYEE GROSS WAGE	8,443.77	24,656.51	98,044.00 74.85%
61250	OVERTIME	0.00	0.00	500.00 100.00%
65100	DEFERRED RETIREMENT	951.66	2,741.42	11,766.00 76.70%
65200	MEDICAL INSURANCE AND EXPENSE	2,946.47	8,743.85	40,587.00 78.46%
65250	Health Savings Program	23.77	71.31	0.00 0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	11.55	2,994.00 99.61%
65600	PAYROLL TAX	717.36	2,093.17	8,534.00 75.47%
65800	Grant Payroll Allocation	0.00	(1,915.04)	0.00 0.00%
68090	CRIME BOND	0.00	245.00	0.00 0.00%
68200	INSURANCE - LIABILITY	0.00	5,471.20	6,125.00 10.67%
68300	PROPERTY & CASUALTY	0.00	2,049.95	2,275.00 9.89%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00 100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00 100.00%
71510	ACCOUNTANT-ADMIN TASKS	453.60	1,878.36	6,500.00 71.10%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,000.00 100.00%
72100	BAD DEBTS	154.02	221.77	350.00 36.64%
75180	UTILITIES	1,100.34	3,652.80	11,000.00 66.79%
75190	DUES & MEMBERSHIP	188.44	188.44	1,000.00 81.16%
75220	OFFICE SUPPLIES & EXPENSE	136.00	547.41	3,000.00 81.75%
75240	BANK CHARGES	10.00	20.00	0.00 0.00%
75280	TRAINING / EDUCATION	0.00	0.00	500.00 100.00%
75300	CONTRACTED SERVICES	0.00	0.00	25,000.00 100.00%
76110	TELEPHONE	116.81	353.32	1,800.00 80.37%
76130	CABLE & INTERNET SERVICE	67.35	202.05	750.00 73.06%
76160	LICENSES & FEES	0.00	0.00	2,750.00 100.00%
78120	STREET LIGHTING	0.00	0.00	1,600.00 100.00%
78140	VEHICLE FUEL & OIL	320.24	448.12	1,500.00 70.13%
78150	VEHICLE REPAIRS	0.00	0.00	2,000.00 100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00 100.00%
78170	SECURITY SYSTEM	0.00	73.50	500.00 85.30%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	14,000.00 100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00 100.00%
79100	WATER LAB FEES	235.00	688.00	3,500.00 80.34%
79120	WATER PLANT CHEMICALS	80.00	1,476.72	7,500.00 80.31%
79130	WATER LINE HOOK-UPS	0.00	0.00	1,000.00 100.00%
79150	WATER LINE REPAIR	0.00	8,484.45	15,000.00 43.44%
79160	WATER PLANT REPAIR	179.13	798.69	8,000.00 90.02%
90000	Capital Reserves	0.00	0.00	15,000.00 100.00%
	Total Expense	<u>16,123.96</u>	<u>63,202.55</u>	<u>307,075.00 79.42%</u>
	Net Income	<u>6,363.28</u>	<u>18,219.23</u>	<u>6,925.00 163.09%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 9/1/2016 Through 9/30/2016

<u>Current Period</u> Actual	<u>Current Year Actual</u>	<u>Total Budget -</u> Original	<u>% of Budget</u>
---------------------------------	----------------------------	-----------------------------------	--------------------

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 9/1/2016 Through 9/30/2016

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
47650	RECYCLING REVENUE	0.00	383.16	7,000.00	(94.53)%
56150	FRANCHISE FEES	0.00	0.00	6,000.00	(100.00)%
	Total Revenue	0.00	383.16	13,000.00	(97.05)%
Expense					
61000	EMPLOYEE GROSS WAGE	863.09	2,615.87	10,605.00	75.33%
65100	DEFERRED RETIREMENT	103.56	313.86	1,359.00	76.91%
65200	MEDICAL INSURANCE AND EXPENSE	398.99	1,157.43	5,825.00	80.13%
65250	Health Savings Program	3.50	10.50	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	340.00	100.00%
65600	PAYROLL TAX	73.94	224.10	971.00	76.92%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	0.00	500.00	100.00%
75130	GARBAGE	0.00	11.60	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	16.80	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,200.00	100.00%
	Total Expense	1,443.08	4,350.16	20,800.00	79.09%
	Net Income	(1,443.08)	(3,967.00)	(7,800.00)	(49.14)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 9/1/2016 Through 9/30/2016

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
58100	CEMETERY PLOT SALES	0.00	200.00	9,500.00	(97.89)%
58150	Cemetery Plot Refunds	0.00	(1,410.00)	0.00	0.00%
	Total Revenue	<u>0.00</u>	<u>(1,210.00)</u>	<u>9,500.00</u>	<u>(112.74)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	1,091.53	3,305.55	13,291.00	75.13%
65100	DEFERRED RETIREMENT	130.96	396.63	1,718.00	76.91%
65200	MEDICAL INSURANCE AND EXPENSE	497.14	1,435.40	7,344.00	80.45%
65250	Health Savings Program	4.35	13.05	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	429.00	100.00%
65600	PAYROLL TAX	93.54	283.21	1,227.00	76.92%
75180	UTILITIES	44.13	132.39	750.00	82.35%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	<u>1,861.65</u>	<u>5,566.23</u>	<u>25,259.00</u>	<u>77.96%</u>
	Net Income	<u>(1,861.65)</u>	<u>(6,776.23)</u>	<u>(15,759.00)</u>	<u>(57.00)%</u>



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

2. Law Enforcement Report for October 2016

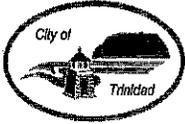
ACTIVITY REPORT
TRINIDAD
BY DEPUTY WILCOX

10/01/2016-10/31/2016

I was absent (from Trinidad) for the majority of October. I attended training for a week, then I returned for a few days before being placed on light duty for an injury for two weeks. I was released from light duty for a few days prior to leaving for a scheduled vacation. To my knowledge, I do not have any upcoming training (other than a day here and there) or upcoming vacations in the near future. ☺

- Deputies responded to an assault and battery at Cher-Ae Heights Casino.
- Responded to an assault and battery report at the Trinidad School (regarding a student).
- Deputies assisted Public Guardian in the eviction and conservatorship at 934 Patricks Point Drive (the resident was renting sheds, dog kennels, etc to numerous transients. Her living conditions were horrific).
- Dog fight a Midway Trailer Park.
- Noise complaint Hidden Creek Trailer Park. Hidden Creek has continued to work with law enforcement and is still actively evicting persons who cause problems or behind on rent. Regular patrol and intel gathering at Hidden Creek.
- Hiked trails, picked up trash, and removed abandoned transient camps.
- Deputies responded to custody dispute.
- Deputies responded to alarms calls. There was no foul play.
- Numerous citizen contacts and vehicle investigations.
- Conducted mental health evaluations.
- Towed abandoned vehicles and removed abandoned trailers.
- Deputies responded to a theft and public disturbance on Seascape Lane.
- Assisted large cooperation in clearing areas for a commercial.
- Responded to a restraining order violation.
- Attended meetings with the Cher-Ae Heights Rancheria regarding a problem property and their occupants.
- Contacted subjects with open containers.
- Contacted panhandlers and campers.

Pam Wilcox
Deputy Sheriff
HCSO



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

3. Proclamation in Recognition of National Care Providers Month, November 2016.

TRINIDAD CITY HALL

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Dwight Miller, Mayor
Gabriel Adams, City Clerk



CITY OF TRINIDAD PROCLAMATION 2016-04

NATIONAL CARE PROVIDER MONTH

WHEREAS, family members, friends, and professional homecare workers devote themselves to providing in-home care to their relatives, loved ones, and clients. During National Caregivers Month, we recognize and thank the humble heroes who do so much to keep our families and communities strong; and

WHEREAS, in-home caregivers are a vital pillar of our nation's long-term care system, enabling millions of seniors and people with disabilities to continue living with dignity and self-determination in their own homes. The work of these caregivers requires immense compassion, attentiveness, understanding, and a deep commitment to the wellbeing of others; and

WHEREAS, California's In-Home Supportive Services (IHSS) program serves nearly 500,000 clients. IHSS workers preserve quality-of-life for these individuals, save taxpayer dollars and prevent more costly hospitalization or institutionalization; and

WHEREAS, in-home caregivers have an immeasurable impact on the lives of those they care for, but their hours are long and their work is hard. Many caregivers are unpaid and most homecare professionals receive modest compensation. They often put their own lives on hold, frequently sacrificing more lucrative careers and other life opportunities because they are dedicated to lifting up those in need; and

WHEREAS, National Caregivers Month is a time to reflect on the compassion and dedication that in-home caregivers embody every day. As we offer our appreciation and admiration for their difficult work, let us also extend our own offers of support to them, their loved ones, and their clients.

NOW, THEREFORE, BE IT PROCLAIMED by the City Council of the City of Trinidad that November 2016 is National Caregivers Month in the City of Trinidad. The City Council honors and supports the work of in-home caregivers in our community and encourages all residents of Trinidad to pay tribute to them for their exemplary service to our community.

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor, City of Trinidad



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 14 PAGES

4. Second Reading and Adoption of Ordinance 2016-03; The City of Trinidad Short Term Rental Ordinance.

CONSENT AGENDA

Date: Wednesday, November 9th, 2016

Item: Second Reading and Adoption of Ordinance 2016-03; The City of Trinidad Short Term Rental Ordinance.

Ordinance 2016-03, the City of Trinidad Short Term Rental Ordinance, was introduced by first reading on November 1st 2016. The minor changes approved by the Council as part of the first reading on November 1st are incorporated. Five (5) additional non-substantive clerical corrections have been made and are shown in the attached final version.

Staff recommends that the Council move to conduct the second reading and adoption of Ordinance 2016-03, the City of Trinidad Short Term Rental Ordinance. This is a up or down vote, because no changes to the Ordinance are allowed after the first reading, with the exception of clerical or typographical corrections.

A separate consent agenda item recommends your approval of a resolution to submit the STR Ordinance to the Commission. The Council's approval of this second reading and adoption, and the submittal resolution, will result in the submittal of the Ordinance to the Coastal Commission to begin their certification review process. The Ordinance will not take effect until certified by the Coastal Commission. It is possible the Commission will approve it as is. If they propose changes, a revised version would return to the Council for adoption.

Staff Recommendation: *Approve the Second Reading and Adoption of Ordinance 2016-03; The City of Trinidad Short Term Rental Ordinance.*

Attachments: Ordinance 2016-03, The City of Trinidad Short Term Rental Ordinance



ORDINANCE 2016-03

AN ORDINANCE OF THE CITY OF TRINIDAD REPEALING EXISTING SECTION 17.56.190 AND ADDING A NEW SECTION 17.56.190 AND AMENDING SECTION 17.56.060 OF TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (REPEALING EXISTING SECTION 6.26 AND ADDING A NEW SECTION 6.26 AND AMENDING SECTION 6.06 OF THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE)

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2016-03, SECTION 1: PREAMBLE

The City of Trinidad (hereinafter City) is a small town with a population of approximately 350 people. Historically, most houses in the City accommodated resident owners or long-term renters. Over the last twenty years there has been an ongoing trend wherein many houses in the City have been converted to Short Term Rentals (STRs).

The effect on the City has been a noticeable change within many residential neighborhoods. In the winter, many houses in the City are vacant as STR's are not rented as often in the winter months. In the summer, STR's are occupied by transient visitors, often in higher numbers than a residential home. Tourists are concerned with their recreation and vacation pursuits but do not always display an appropriate level of concern for City residents' right to quiet peace and enjoyment of neighboring property.

By this new STR Ordinance, the City attempts to find an appropriate balance between the interests of the City residents, property owners, STRs owners, commerce in the City, and visitors enjoying the City and the coast. In considering these issues the City Council has made the following findings and determinations after long and careful study of the issues:

* The proportion of homes in the City being used primarily as vacation rentals or STRs has risen from approximately 5 percent of the total dwelling units in the City in 2000 to approximately 18 percent in 2014.

* Short Term Rentals in Trinidad provide significant lodging opportunities for visitors and tourists, who are economically important to the retail businesses and restaurants in Trinidad.

*Transient Occupancy Tax from STRs is a significant annual component of the City's General Fund income.

* Given the City's small size and desirability as a tourist destination, the proportion of homes used primarily as STRs may continue to increase in the absence of regulation.

* STRs have the potential to alter the residential character of neighborhoods with impacts related to traffic, parking, noise, occupancy, septic system capacity, housing availability, real estate prices, neighborhood character, City population, the availability of citizens to participate in the community, and the quality of life in the City for both residents and tourists.

* City residents have raised concern over the impacts caused by STR's and the increased number of homes becoming STR's, and called on the City to find a balance between residential and vacation rental uses.

* High numbers and concentrations of STRs can have negative impacts on coastal resources such as environmentally sensitive habitat areas and public access, and STR use needs to be regulated to minimize impacts.

* A City Ordinance regulating some aspects of STRs went into effect in 2015, but did not address the overall number of vacation rentals in the City.

*The California Coastal Commission (Commission) has oversight of City STR regulations, therefore understanding the Commission's guidance and decisions on these issues is a prudent place to start. The Commission has established that:

- STRs are an allowable use in Residential Zoning,
- STRs serve a benefit to the Coastal Act's goals by providing coastal lodging,
- Cities do have legitimate reasons to regulate STRs.
- Coastal Act section 30213 protects lower cost visitor serving uses, including STRs, and the City has an obligation to accommodate those uses.
- Attempts to ban STRs outright have been overruled based on impacts to visitor services opportunities.
- Limits on the number or proportion of homes used as STRs have been upheld, along with reasonable regulations to address potential nuisance impacts.

* California state law and the City of Trinidad General Plan require the City to maintain a mix of affordability in its residential housing stock, but affordability and accessibility of housing for long-term residents is negatively affected by STRs. Prospective buyers interested in living in Trinidad are competing with buyers interested in the house as primarily an STR investment property.

* Engaged citizens who live in a community are the basic fabric that makes up a community, and too high of a tourist-to-resident ratio in our residential neighborhoods can dramatically alter the health and welfare of the City and its residents.

* At the City Council's direction, the Planning Commission devoted substantial effort over nine months of public meetings to developing this ordinance, and the City Council then further considered changes over four months of public meetings to complete this revised ordinance.

* A cap on the number of STR's allowed in Residential Zones is an appropriate tool to set a balance between the benefits and impacts of Short Term Rentals.

* Regulating the transferability of STR licenses will reduce their impact on real estate prices, and it will help achieve the City's desired balance between STRs and long-term residents

* By establishing standards for visitor behavior and occupancy, the City will mitigate the potential conflict between tourists who want to enjoy their vacations and nearby residents who have a right to the peaceful use and enjoyment of their homes.

* Standards for health and safety will ensure appropriate facilities for tourists.

* Standards for visitor behavior, water use, and occupancy will help the City protect the sensitive coastal resources and environment of Trinidad.

ORDINANCE 2016-03, SECTION 2:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), "City of Trinidad Short Term Rental Ordinance," which shall read as follows:

Section 17.56.190 (6.26) Regulations for Short Term Rentals

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26).B	Findings
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).D	Definitions
17.56.190 (6.26).E	Application Requirements
17.56.190 (6.26).F	Maximum Number of Short Term Rentals
17.56.190 (6.26).G	Location
17.56.190 (6.26).H	One STR License Per Owner
17.56.190 (6.26).I	Effect on Existing STRs
17.56.190 (6.26).J	License Transferability
17.56.190 (6.26).K	Homeshare STR Licenses
17.56.190 (6.26).L	Resident STR Licenses
17.56.190 (6.26).M	STR Standards
17.56.190 (6.26).N	Tourist Occupancy Tax
17.56.190 (6.26).O	Audit and Inspection
17.56.190 (6.26).P	Dispute Resolution
17.56.190 (6.26).Q	Administrative Standards and Rules
17.56.190 (6.26).R	Violations
17.56.190 (6.26).S	Ordinance Review
17.56.190 (6.26).T	Severability

17.56.190 (6.26).A Short Title

This Section shall be known and may be cited as "City of Trinidad Short Term Rental (STR) Ordinance."

17.56.190 (6.26).B Findings

The City Council finds that adoption of a comprehensive code to regulate issuance of and standards for Short Term Rental Licenses is necessary to protect the public health, safety and welfare and to strike a proper balance between City residents' concerns and the rights of property owners, STR owners and operators as well as visitors to the City. The City Council finds the regulation of short-term rental uses through this Ordinance, including its non-transferability provisions, to be a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter.

17.56.190 (6.26).C Purpose

The purpose of this chapter ~~Section~~ is to establish a permitting process, together with appropriate standards that regulate short-term rental of dwellings in the City in order to: minimize negative secondary effects of Short Term Rentals (STRs) on surrounding residential neighborhoods; preserve the character of neighborhoods in which any such use occurs; ensure that STRs are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located; minimize impacts to coastal resources; provide for visitor services in accordance with the Coastal Act; and to ensure STRs are consistent with all other provisions of the General Plan and Zoning Ordinance. This section addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock and to ensure Trinidad has enough residents to maintain a viable community. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

17.56.190 (6.26).D Definitions

1. City Manager

"City Manager" means the City Manager of the City of Trinidad or their designee.

2. Dwelling.

"Dwelling" means a single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

3. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

4. Existing STR.

"Existing STR" means an STR that had a valid STR license as of the effective date of this ordinance.

5. Full-time STR

"Full-time STR" means any STR that is not a Homeshare STR or Resident STR.

6. Good Neighbor Contract & Good Neighbor Brochure.

"Good Neighbor Contract" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the contract shall include provisions for maximum occupancy and visitors, off-street parking, noise standards, and penalties for violations. The "Good Neighbor Brochure" is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for Occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

7. Homeshare STR

"Homeshare STR" means a Short Term Rental whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10PM to 7AM while rented as an STR.

8. Occupant.

"Occupant" within this Section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. As used in this Section, 'occupant' does not include up to two children aged 12 or under.

9. Primary Residence

"Primary Residence" means the dwelling owned and occupied as the owner's principle place of residence, where the homeowner lives more than 50% of the year. A person can only have one primary residence at any time.

10. Resident STR

"Resident STR" means a Short Term Rental that is operated less than 60 nights per year and which is the owner's primary residence, but the owner does not have to be in residence while the dwelling is rented as an STR.

11. Responsible Person.

"Responsible Person" means an occupant of an STR who is at least twenty-five (25) years of age, who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this Section.

12. Short Term Rental (STR)

"Short Term Rental" (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

13. STR Watch List

"STR Watch List" means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

14. Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

15. Visitor.

"Visitor" means someone staying temporarily at a STR, such as guests of occupants, who is not an 'occupant' and not staying at the STR overnight.

17.56.190 (6.26).E Application Requirements

1. Initial Application.

- a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of an STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.
- b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided. Applicantstions for a Homeshare or Resident STR License shall include documentation that the property is their Primary Residence.
- c. At the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.
- d. Each application for an STR License shall be accompanied with proof of general liability insurance in the amount of one million dollars combined single limit. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.
- e. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice shall be combined with the distribution of contact information required in subsection 2.c below. STR License information, including, but not limited to, license number, address, maximum occupancy, Local Contact Person and 24-Hour Contact Phone Number, will also be posted on the City's website.
- f. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation

short term rental use of the residences. Such protective measures include, but are not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. Contact Information

a. Local Contact Person (LCP).

Each STR must designate a Local Contact Person on the STR License form. That person may be the owner or the property manager. The LCP may designate a temporary LCP for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The LCP, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

b. 24-Hour Contact Phone Number.

A 24-hour Contact Phone Number is required for each STR. The 24-hour Contact Phone Number shall be prominently placed for the occupants' use inside the STR. Any change to the 24-hour Contact Phone Number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change. A temporary LCP designee shall utilize the same Contact Phone Number as the LCP.

c. Distribution of Contact Information.

The name of the LCP and 24-hour Contact Phone Number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR, and posted on the City's website within 10 business days after the issuance or reissuance of an STR License for the STR.

The contact information sent to neighbors may include further instructions in the case that a response from the LCP is not forthcoming. If there is an emergency or complaint, and the LCP does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the Police or Sheriff's Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with an STR.

3. STR License Renewals

STR licenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. ~~The fee for annual renewals for subsequent years shall be set by resolution of the City Council.~~ Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not had an initial inspection as required by §17.56.190.E.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of an STR License for an existing STR will be approved as long as all applicable standards are still met unless or until such time as the license is revoked pursuant to §17.56.190.R.4 (6.26.R4, *Revocation*) or 17.56.190.M.14 (6.26.M14, *Minimum Activity*) or until the STR license expires pursuant to 17.56.190.J (6.26.J, *License Transferability*) or if it is voluntarily withdrawn.

4. Appeals

Appeals of staff determinations or decisions in accordance with this section shall be appealable per section 17.72.100 (7.14) except that STR License decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section 17.72.100.D (7.14.D), fees for appeals of STR License decisions shall be set by resolution of the City Council.

5. Fees

Fees for initial applications and renewals for each type of STR shall be set by resolution of the City Council.

6. Application Wait List & Lottery

It is the City's intention to maintain no more than 19 Full-time STR Licenses and 6 Resident STR Licenses in the UR Zone and 6 Full-time STR Licenses in the SR Zone. When an STR license becomes available within one of those limits, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each type of STR License by zone as needed, of property owners who are interested in obtaining an STR License for their dwelling. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate type of license and zone. If the property meets the applicable location standards (§17.56.190.G (6.26.G)), that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. If the property owner does not obtain an STR License within 90 days, or if the property does not meet the applicable location standards, the City will draw another name from the waiting list for that zone and STR type.

17.56.190 (6.26).F Maximum Number of Short Term Rentals

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, no new Full-time STR licenses shall be issued by the City if the total number of Full-time STR Licenses would exceed 19 in the UR Zone and 6 in the SR Zone, with no limit in other zones. An additional 6 Resident STR Licenses shall be allowed in the UR Zone, with no limit in other zones. Additional Resident STR Licenses may be granted in the UR Zone with approval by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 - 7.18) of the Zoning Ordinance.

17.56.190 (6.26).G Location

STR's are permitted only in legally established dwellings within any zoning district. Each separate STR must obtain its own, individual STR License. There shall be no more than one STR per parcel.

No new STR within the UR zone shall be located where it shares a property boundary with a property containing another STR within the UR zone.

Either of these location standards may be modified through an exception approved by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 7.18) of the Zoning Ordinance. Such an exception shall only be valid as long as the associated STR license is maintained.

17.56.190 (6.26).H One STR License Per Owner

No new STR license shall be issued for a property in the UR or SR Zone if the owner already holds another STR license unless there are fewer than the maximum number allowed pursuant to §17.56.190.F (6.26.F) and no other names are on the wait lists. This limitation shall not apply to renewals of existing STR licenses.

17.56.190 (6.26).I Effect on Existing STRs

Existing STRs, in excess of the number allowed in §17.56.190.F, or that do not meet the location requirements of §17.56.190.G (6.26.G), shall be allowed to continue to operate under an STR license as long as the permit is renewed in accordance with §17.56.190.E.3 (6.26.E.3) unless or until such time as the permit is revoked pursuant to §17.56.190.R.4 (6.26.R.4, *Violations*) or 17.56.190.M.14 (6.26.M.14, *Minimum Activity*) or until the STR license expires pursuant to 17.56.190.J (6.26.J, *License Transferability*).

17.56.190 (6.26). J. License Transferability

An STR License is issued to a property owner for a single location. The STR License shall be revoked when the license holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, "sale or transfer" means any change of ownership during the lifetime of the license holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner's death to a trust which benefits only a spouse for the spouse's lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then "sale or transfer" shall mean a change in 50% or more of the shareholders or members or partners or beneficiaries. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the STR License held by the transferor shall be revoked.

17.56.190 (6.26).K Homeshare STR Licenses

Homeshare STR Licenses allow owners, in their Primary Residence, to rent up to one bedroom as an STR, and the owners must be present at night as host during STR use. Homeshare STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).F Maximum Number of Short Term Rentals
- 17.56.190 (6.26).G Location
- 17.56.190 (6.26).H One STR License Per Owner
- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).L Resident STR Licenses

Resident STR Licenses only allow STR use up to 59 nights per year. Resident STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).M STR Standards

All STRs will be required to meet the following standards:

1. Transmittal of Rules and Good Neighbor Contract

Prior to rental of an STR, the Responsible Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager, or designated LCP shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

2. Noise.

Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 7:00 am should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

3. Number of Occupants. The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the UR Zone, on lots less than 10,000 sq. ft. in area, the maximum occupancy is two people per bedroom (e.g. a two bedroom STR in the UR zone may have four occupants). In the SR Zone, if the STR has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor

area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

4. Visitors.

The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5. Guest Registry

The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

6. Off-Street Parking.

An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190 (6.26).M.3. The off-street parking space(s) shall be entirely on the STR property. STR owners/managers shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license in good standing. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

7. Water Use.

To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR owner/manager shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

8. Septic System.

Each STR's owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City Manager, shall be posted in each kitchen and bathroom in the STR.

9. Appearance and Visibility.

The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

10. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide the 24-hour Contact Phone Number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

11. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

12. Traffic.

Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

13. Tenancy.

The rental of an STR shall not be for less than two successive nights.

14. Minimum Activity.

A Full-time STR shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

15. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

17.56.190 (6.26).N Tourist Occupancy Tax

The letting, leasing, or other contractual use of an STR is subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each STR owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).O Audit & Inspection

Each owner and manager or representative of any owner shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours with at least 24 hour notice, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).P Dispute Resolution

By accepting an STR License, STR owners agree to act in good faith to resolve disputes with neighbors arising from the use of a dwelling as an STR, including engaging in mediation, at owners' expense. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).Q Administrative Standards and Rules

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk and posted on the City's website.

17.56.190 (6.26).R Violations

1. Penalty

It is unlawful to violate the provisions of this Section. Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement action pursuant to Chapter 8.12 of the Municipal Code. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines

(a) The City Manager shall be authorized to impose administrative penalties for the violation of any provision of this section or ordinance in an amount not to exceed a maximum of \$1000 per day for each continuing violation, except that the total administrative penalty shall not exceed \$100,000 exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.

(b) In determining the amount of the administrative penalty, the City Manager may take any or all of the following factors into consideration:

- (i) The duration of the violation;
- (ii) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
- (iii) The seriousness of the violation;
- (iv) The effect the violation may have upon adjoining properties;
- (v) The good faith efforts of the violator to come into compliance;
- (vi) The economic impact of the penalty on the violator; and/or
- (vii) The impact of the violation on the community.

(c) In most cases, initial fines will start at \$200, with higher amounts reserved for exceptional situations like repeated violations, failures to promptly correct violations, or deliberate violations of this Section.

3 Property Watch List

Upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

4. Revocation

If the STR owner or property manager is deemed by the City Manager to be negligent in responding to a complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the Local Contact Person as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.

5. Appeals

Appeals of City Manager determinations or decisions regarding violations, penalties, and fines shall be appealable per Section 17.72.100 (7.14), except that such determinations and decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding Section 17.72.100.D (7.14.D), fees for appeals of violation and penalty decisions shall be set by resolution of the City Council.

6. Significant Violations

Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received.

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable or unwilling to rectify the situation within 30 minutes, and / or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood.

Examples of significant violations include, but are not limited to:

- (i) Failure of the local contact person, owner or manager to respond to a complaint within 30 minutes.
- (ii) The inability of City staff or the Sheriff's Dispatch to reach a contact person.
- (iii) Failure to maintain or provide the required guest registry.
- (iv) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H (6.26.H).
- (v) Failure to notify City staff when the contact person or contact information changes.
- (vi) Failure to pay fees or TOT in accordance with this Section.
- (vii) Providing false or misleading information on an STR License application or other documentation as required by this Section.
- (viii) Violations of state or County, or City health regulations
- (ix) Repeated minor violations and / or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the STR
- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

7. False Reports and Complaints

It is unlawful to make a false report to law enforcement or City officials regarding activities associated with short term rentals.

17.56.190 (6.26).S Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190 (6.26).T Severability

Should any subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ORDINANCE 2016-03, SECTION 3:

Revise Chapter 17.56, Section 17.56.060, Home Occupations, (Article 6, Section 6.06, Home Occupations) to read, in context, as follows:

17.56.060 (6.06) Home occupations

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, or bookkeeping, ~~rooming and boarding, of not more than two persons, including~~ tourists, shall be permitted as an accessory use to any dwelling subject to the following conditions:...



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

5. Adoption of Resolution 2016-11; Submitting a Local Coastal Program Amendment Governing Short Term Rental Regulation to the California Coastal Commission.

CONSENT AGENDA

Date: Wednesday, November 9th, 2016

Item: Adoption of Resolution 2016-11; Submitting a Local Coastal Program Amendment governing Short Term Rental regulation to the California Coastal Commission.

Background: This Resolution is a necessary part of submitting the STR Ordinance to the Coastal Commission for review and certification. This is part of a larger packet of materials that the Coastal Commission requires of the City in order for them to review this Ordinance.

Staff Recommendation: *Approve and adopt Resolution 2016-11; A RESOLUTION OF THE CITY OF TRINIDAD, CALIFORNIA, SUBMITTING A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND SECTIONS OF THE ZONING ORDINANCE ADDRESSING VACATION DWELLING UNITS (NOW 'SHORT TERM RENTALS') TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION*



RESOLUTION NO. 2016-11

A RESOLUTION OF THE CITY OF TRINIDAD, CALIFORNIA, SUBMITTING A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND SECTIONS OF THE ZONING ORDINANCE ADDRESSING VACATION DWELLING UNITS (NOW 'SHORT TERM RENTALS') TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the City of Trinidad City Council has adopted an ordinance amending the Implementation Plan of the Local Coastal Program to address deficiencies in the existing implementing ordinances that do not adequately regulate Short Term Rentals (STRs); and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the ordinance is Categorically exempt per §15301 of the CEQA Guidelines exempting "the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing private or public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination," and per §15305 exempting "minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density," and Statutorily exempt per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, after due notice and public hearing, and in accordance with the Local Coastal Program (Trinidad Zoning Ordinance section 7.03), the Planning Commission approved an amendment to the Zoning Ordinance with recommendations on August 2, 2016, and the Trinidad City Council adopted the amendment on November 9th, 2016; and

WHEREAS, this amendment is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Program; and

WHEREAS, this amendment is consistent with the City's certified Local Coastal Program; and

WHEREAS, this amendment shall take effect immediately upon certification by the California Coastal Commission if approved as submitted. If the California Coastal Commission certifies the amendment subject to conditions that change the nature of the amendment, final approval by the Trinidad City Council shall be required prior to the amendment taking effect; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad as follows:

1. City staff is directed to apply to, and work with, the California Coastal Commission for approval of this Local Coastal Program amendment.

Introduced, passed and adopted this 9th day of November, 2016. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 11 PAGES

6. Establish A Process for Prequalifying Prospective Bidders on Clean Beaches Grant OWTS Repair Projects.

CONSENT AGENDA ITEM

Date: November 9, 2016

ITEM: ESTABLISH A PROCESS FOR PREQUALIFYING PROSPECTIVE BIDDERS ON CLEAN BEACHES GRANT OWTS REPAIR PROJECTS

Summary: Trinidad's Clean Beaches Initiative Grant Onsite Wastewater Treatment System (OWTS) Repair Project will award up to 24 contracts to repair failed OWTS between November 2016 and September 2017. The Clean Beaches Initiative (CBI) funding comes with a number of requirements related to the bidding and award of contracts for these repairs. To streamline this screening and bidding process, staff are proposing the City utilize a prequalification screening step, described in more detail below and attached. This will allow the City to screen interested bidders for eligibility once rather than for each individual project, and will result in a 'short list' of qualified bidders that will facilitate the process of bidding out each specific repair project. This process requires the City to designate an Appeals Panel to hear potential objections from contractors to the prequalification decisions.

Staff recommends the Council:

- Direct staff to implement a process to prequalify prospective bidders for the CBI OWTS project, and
- Establish a Contractor Prequalification Appeals Panel consisting of the Mayor, the City Manager and the Public Works Director.

Detail: Staff has identified a small number of contractors interested in bidding on these OWTS repair projects. It will be time consuming and expensive to go through the process of advertising for bids and qualifying contractors for each individual OWTS repair contract. State Public Contract Codes allow prequalification of contractors, and staff are recommending we utilize this option. To do so, the City would advertise a solicitation to prospective bidders and prequalify them for an OWTS Program "prequalified bidders list". Then, as OWTS Program repair projects are approved for construction, bids would be solicited from the prequalified bidders on the bidders list. Using the prequalification process would allow us to advertise and screen bidders once instead of as many as 24 times. Each project will still go out for competitive bids, but only to those contractors who are prequalified in this initial step.

To establish a process for prequalifying prospective bidders, Public Contract law requires public entities to 1) use a "standardized questionnaire," and 2) adopt and apply a "uniform system of rating bidders on objective criteria", and 3) create an appeal process for contractors. The Department of Industrial Relations (DIR) developed a contractor prequalification guidance publication with model forms that comply with the Public Contract Code (attached). Staff has adapted these forms to fit this project based on the DIR guidance, see attached 'Draft City of Trinidad Request for prequalification of bidders and OWTS Prequalification Questionnaire'.

As long as contractors complete this paperwork and meet the minimum requirements for the work, they will be accepted on the bidders list. The recommended Appeals Panel consisting

of the Mayor, City Manager and Public Works Director is required by law, but unlikely to be called on, as we are not anticipating rejecting any qualified bidders from the list.

Staff Recommendation:

- Direct staff to establish and implement a process to prequalify prospective bidders for the CBI OWTS project.
- Establish a Contractor Prequalification Appeals Panel consisting of the Mayor, the City Manager and the Public Works Director.

Attachments:

- DIR Guidance on Prequalification of Contractors for Public Works and model forms
- Draft City of Trinidad Request for prequalification of bidders and OWTS Prequalification Questionnaire

**REQUEST FOR PRE-QUALIFICATION OF BIDDERS COMMENCING
WITH FORTHCOMING PUBLIC WORK BIDS**

Notice is hereby given that CITY OF TRINIDAD (CITY) has determined that all prospective bidders for projects in the TRINIDAD-WESTHAVEN SEPTIC SYSTEM REPAIR PROGRAM (PROGRAM) to be undertaken by the CITY must be pre-qualified prior to submitting a bid for a project in that PROGRAM. The PROGRAM anticipates up to 24 projects to repair residential onsite wastewater treatment (septic) systems from December 2016 through September 2017. This is a public works project so all contractors/subcontractors listed on the bid form, bidding and/or working on the project must be registered with the Department of Industrial Relations (DIR). <https://www.dir.ca.gov/Public-Works/Contractors.html> All workers must be paid the prevailing wage (this includes, travel, subsistence, holiday pay, designated days off and overtime), determined by the Director of the DIR according to the type of work and location.

It is mandatory that all Contractors who intend to submit a PROGRAM bid, fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by CITY to be on the final qualified PROGRAM Bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. The last date to submit a fully completed questionnaire is 11/21/16. Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of omissions of information to be remedied or of their pre-qualification status well in advance of a bid advertisement for this PROGRAM. The prequalification questionnaire is available at the City of Trinidad website at www.trinidad.ca.gov or by calling (707) 677-0223.

CITY reserves the right to check other sources available. CITY's decision will be based on objective evaluation criteria. Contractors will be notified of their qualification status and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification decision.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist CITY in determining bidder responsibility prior to PROGRAM bid solicitations and to aid CITY in selecting the lowest responsible bidder, the fact of pre-qualification, will not preclude CITY from a post-bid consideration and determination of whether a bidder meets the PROGRAM requirements, has the quality, fitness, capacity and experience to satisfactorily perform the proposed work.

The pre-qualification packages should be submitted under seal and marked "CONFIDENTIAL OWTS PRE-QUALIFICATION" to:

City Clerk,
City of Trinidad
PO Box 390
409 Trinity Street
Trinidad, CA 95570

The pre-qualification questionnaire answers submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purpose of verification, or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for pre-qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify CITY and provide updated accurate information in writing, under penalty of perjury.

Contractors may submit pre-qualification packages during regular working hours on any day that the offices of CITY are open. Contractors who submit a complete pre-qualification package will be notified of their qualification status no later than ten business days after submission of the information.

CITY reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted and to make all final determinations. CITY may refuse to grant pre-qualification where the requested information and materials are not provided, or not received by 11/21/16. There is no appeal from a refusal for an incomplete or late application. The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

Where a timely and completed application results in a rating below that necessary to pre-qualify, an appeal can be made. An appeal is begun by the Contractor delivering notice to CITY of its appeal of the decision with respect to its pre-qualification rating, no later than ten business days prior to the closing time for the receipt of bids for any PROGRAM project. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of CITY, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than five business days after CITY's receipt of the notice of appeal, and no later than five business days prior to the last date for the receipt of bids on the project. The hearing shall be an informal process conducted by a panel to whom the City Council has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the Contractor will be advised of the basis for CITY's pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within one day after the conclusion of the hearing, the Appeals Panel will render its decision. It is the intention of CITY that the date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.

Note: A contractor may be found not pre-qualified for bidding on a specific PROGRAM contract to be let by CITY until the contractor meets CITY's PROGRAM requirements. In addition, a contractor may be found not pre-qualified for either:

- (1) Omission of requested information or
- (2) Falsification of information

* * * * *

NOTICE: CITY will not approve Contractor subcontracts for any work through this PROGRAM.

**DRAFT CITY OF TRINIDAD PRE-QUALIFICATION QUESTIONNAIRE
FOR THE TRINIDAD WESTHAVEN OWTS REPAIR PROGRAM**

CONTACT INFORMATION

Firm Name: _____ Check One: Corporation
(as it appears on license) Partnership
 Sole Proprietor

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s):

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 and 2 is "no."

Contractor will be immediately disqualified if the answer to any of questions 3 – 11 is "yes."¹ If the answer to question 5 is "yes," and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

1. Contractor possesses a valid and current California Contractor's license for the project or projects for which it intends to submit a bid.
 Yes No
2. Contractor is registered with the Department of Industrial Relations (DIR).
 Yes No
3. Has your contractor's license been revoked at any time in the last five years?
 Yes No
4. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?
 Yes No
5. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?
 Yes No
If the answer is "Yes," state the beginning and ending dates of the period of debarment:

6. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
 Yes No
7. Is contractor presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department, the California Department of Industrial Relations (DIR) or City of Trinidad?
 Yes No
8. Is your firm on the USEPA's List of Violating Facilities? (40C.F.R., § 31.35; Gov. Code §4477)
 Yes No
9. At any time in the past three years has your firm been convicted of or had a civil judgement rendered against you for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of

¹ A contractor disqualified solely because of a "Yes" answer given to question 4 and 6 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property?

Yes No

10. Is your firm or any of its owners, officers or partners presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in question 9 above?

Yes No

11. In the last five years has your firm had one or more public transactions (federal, state or local) terminated for cause or default?

Yes No

PART II. ORGANIZATIONAL INFORMATION

Licenses

12. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:

13. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

14. Has your firm changed names or license number in the past five years?

Yes No

If "yes," explain on a separate signed page, including the reason for the change.

15. Has any owner, partner or (for corporations:) officer of your firm operated a construction firm under any other name in the last five years?

Yes No

If "yes," explain on a separate signed page, including the reason for the change.

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Dated: _____

(Name)

Pre-Qualification of Contractors Seeking to Bid on Public Works Projects:

The 1999 State Legislation and The Model Forms created by the Department of Industrial Relations*

I. IMPORTANT PROVISIONS OF THE 1999 LAW

In 1999, the Legislature enacted a law that allows many public agencies to require licensed contractors that wish to bid for public works jobs to “pre-qualify” for the right to bid on a specific public works project, or on public works project undertaken by a public agency during a specified period of time. Public Contract Code section 20101 has the relevant provisions; it was enacted as part of Assembly Bill 574.

The law applies to all cities, counties, and special districts but does not apply to K-12 school districts (which have similar authority to create pre-qualification procedures, described in Public Contract Code section 20111.5, which was enacted in 1997).¹

The law does not require any public agency to adopt a pre-qualification system. Instead, it authorizes every public agency to adopt a pre-qualification system, and describes certain requirements that must be met (described below), if a public agency chooses to adopt such a system.

In fact, the 1999 law allows a public agency to establish two different kinds of pre-qualification procedures for public works projects. The law allows a public agency to establish a pre-qualification procedure linked to a single project (Section 20101[d]). Or, the public agency may adopt a procedure by which a contractor may qualify to bid on projects which are put out for bid by that agency for a period of one year after the date of initial pre-qualification. (Section 20101[c]).

The law requires every public agency that creates either kind of pre-qualification procedure to:

(1) use a “standardized questionnaire and financial statement in a form specified by the public entity”(Section 20101[a]);

(2) adopt and apply a uniform system of rating bidders on objective criteria, on the basis of the completed questionnaires and financial statements (Section 20101[b]);

(3) create an appeal procedure, by which a contractor that is denied pre-qualification may seek a reversal of that determination. (Section 20101[d]).

II. ROLE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS

AB 574 required the Department of Industrial Relations (DIR) to “develop model guidelines for rating bidders, and draft the standardized questionnaire.” It required DIR to “consult with affected public agencies, cities and counties, the construction industry, the surety industry, and other interested parties.”

From January through October 2000, DIR held a series of meetings in Sacramento with representatives of public agencies and other interested parties. Each meeting was attended by more than 25 representatives of interested parties. All told, more than 60 people participated in at least one such meeting, and most representatives participated in more than one. Contractors, public agencies both large

¹ Community College Districts also have specific authority to carry out prequalification procedures, in Public Contract Code section 20651.5, enacted in 1998. Community College Districts may also be covered by AB 574, since they are not specifically exempted.

and small, and associations of each were well represented throughout the series of meetings. DIR's initial draft of a questionnaire was revised after each meeting, and each revised draft was discussed at the next meeting, leading to additional revisions. Eventually, there was widespread consensus that the model questionnaire provided in this package offers a system of rating bidders based on objective criteria, and a useful and appropriate series of questions.

In addition, DIR, in compliance with the 1999 legislation, created model guidelines for rating bidders. The model rating system also is included in this package.

III. AN OVERVIEW OF THE DOCUMENTS IN THIS PACKAGE

Included in this package are:

1. A model questionnaire to be sent to contractors. The questionnaire includes spaces for answers to be provided by the contractors, with the forms to be returned to the public agency.² As required by the legislation, the information provided to the public agency by the contractors, other than the names, addresses and contractor license numbers of the contractors applying – is to be kept confidential
2. A model scoring system, for rating the answers given by the contractors and by the references. Note: the documents provided here by DIR are designed to collect the information that a public agency will need to carry out a pre-qualification procedure, and the DIR has proposed a rating system. Each public agency, however, is free to devise its own “uniform system of rating prospective bidders . . . based on objective criteria.” That is, each public agency may determine its own scoring system and its own passing scores for different portions of the questionnaire and for the interviews.
3. A model series of questions to be used by representatives of the public agency when interviewing persons who are identified by contractors as their “references” – owners of projects that have been completed by each contractor in the recent past.
4. DIR's suggestions for procedures to be used for conducting the reference interviews.
5. Two alternative forms: model announcements of pre-qualification procedures. Each is a summary and explanation of the pre-qualification procedure, prepared primarily for licensed contractors, although available for the general public as well. There are two slightly different versions of this document: one explains the pre-qualification procedure linked to a single project,³ while the other explains the procedure of pre-qualification valid for a year and for more than one project.
6. A list of sources of information that may be used by a public agency to verify the accuracy of many of the answers given by the contractors to the questions on the questionnaire.⁴

² The documents included in this package can be found at the Department of Industrial Relations web site, www.dir.ca.gov. Click on “Data bases.”

³ The explanation included in this document assumes that the prequalification procedure is taking place after the RFP or project announcement is published. A public agency may choose, instead, to have the prequalification procedure start and end prior to the solicitation of bids for the specific project. If that is the case, the public agency would have to modify the document offered here to explain the sequence of events.

⁴ **A CAUTIONARY NOTE:** The information that will be given to public agencies by contractors seeking pre-qualification is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification. We expect that the information given should be and will be accepted at face value in most instances. Our list of sources of information available to the public is provided for use in the few instances in which a public agency reviewing the answers given in a questionnaire has specific reason to believe that one or more answers should be verified in this manner.

IV. APPEAL PROCEDURE

Section 20101(d) requires every public agency that requires prospective bidders to prequalify pursuant to this law to establish “a process that will allow prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids.” The appeal process must include written notification by the public agency of the basis for the prospective bidder’s disqualification “and any supporting evidence that has been received from others or adduced as a result of an investigation by the public entity.” (section 20101[d][1]). The prospective bidder must be given an opportunity to rebut any evidence used as a basis for disqualification and to present evidence to the public entity as to why the prospective bidder should be found qualified.” (section 20101[d][2]). The law does not describe the appeal procedure in any additional detail; each public agency is free to adopt its own procedures, as long as the statutory requirements are met. As an example, while Part I of the model questionnaire includes nine “Essential Requirements for Qualification,” a public agency may choose to allow contractors to appeal a disqualification based solely on an answer to a question in Part I.

DIR has devised two different schedules for appeal procedures. One schedule would be used in a system for prequalification for a single project. The sequence of steps in this appeal procedure are scheduled to allow for an appeal decision at least four business days prior to the submission for bids for the single project. The other schedule for an appeal is applicable to a system in which prospective bidders seek prequalification valid for one year, without a link to the bidding on a specific project. These two appeal sequences are described in the explanation to contractors (the two documents referred to in paragraph 5, above).

Each public agency should be certain that it distributes to licensed contractors only the description that is appropriate for the prequalification procedures that are in use.

There are a number of laws and court decisions that affect the nature of an appeal hearing provided by a public agency. Each public agency should consult its own attorneys for advice in this area.

V. APPLICATION OF THE PUBLIC RECORDS ACT

AB 574 provides that “The questionnaires and financial statements shall not be public records and shall not be open to public inspection; however, records of the names of contractors applying for prequalification status shall be public records subject to disclosure” under the Public Records Act. (Section 20101[a]). The model questionnaire forms provided by DIR indicate that the cover page of each questionnaire is a public record, and that all other pages of the questionnaire are not public records.

VI. WHAT ARE THE LAW’S PROVISIONS REGARDING PREQUALIFICATION OF SUBCONTRACTORS?

Public agencies are not required to pre-qualify sub-contractors, nor are public agencies prohibited from doing so. Section 20101(f) says:

Nothing in this section shall preclude the awarding agency from prequalifying or disqualifying a subcontractor. The disqualification by an awarding agency does not disqualify an otherwise prequalified [general] contractor.



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

1. Discussion/Presentation regarding Resolution 2016-12; Public Service Recognition of Julie Fulkerson



RESOLUTION 2016-12

ACKNOWLEDGING THE PUBLIC SERVICE OF JULIE FULKERSON

WHEREAS, Julie Fulkerson has served as a Trinidad City Council member from 2008 through 2016; and

WHEREAS, Julie Fulkerson served as the town Mayor from 2012-2016. She embraced her role as public official, facilitated numerous meetings fairly, respected her fellow Councilmember's opinions and contributions, recognized city Staff for their work and dedication, and encouraged the public to engage in the civic process with enthusiasm, and

WHEREAS, Julie Fulkerson served as the City of Trinidad's member to the Redwood Region Economic Development Corporation, Humboldt Transit Authority, BLM Coastal National Monument Gateway Committee, and the Humboldt Mayor's Committee; and

WHEREAS, Julie Fulkerson was instrumental in the hiring process of (2) City Managers, going door-to-door and encouraging fellow residents to support local tax measures that fund essential city services, and volunteered countless hours of time supporting the local library and museum; and

WHEREAS, Julie Fulkerson helped the community find balance with many complicated issues such as Vacation Rentals, the Septic Maintenance Program, Stormwater Management Construction, Trinidad Head vegetation maintenance, and local water quality protection efforts; and

WHEREAS, Julie Fulkerson attended countless council sessions, balanced budget brainstorms, challenging closed sessions, public hearings; and participated thoughtfully, with careful consideration, wisdom and unflinching courtesy, always adding balance; and

WHEREAS, Julie Fulkerson focused on "the bigger picture" by facilitating goals and priorities meetings, and recognized the good in the community by offering design awards to residents and businesses that enhanced the character of the town.

NOW, THEREFORE IT BE RESOLVED, THAT the City Council of Trinidad congratulates and thanks Julie Fulkerson for her many years of whole-hearted and dedicated service to the citizens of Trinidad and to the future well-being of the community.

PASSED UNANIMOUSLY AND ADOPTED BY THE TRINIDAD CITY COUNCIL of Humboldt County of the State of California this 09th day of November, 2016.

Attest:

Handwritten signature of Gabriel Adams in black ink.

Gabriel Adams
Trinidad City Clerk

Handwritten signature of Dwight Miller in black ink.

Dwight Miller
Mayor



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

2. Accept Letter of Resignation from Councilmember Susan Tissot and Direct Staff to begin the Recruitment Process to find replacement to fulfill the remaining term through December 2016

DISCUSSION AGENDA ITEM

Wednesday, November 09, 2016

Item: Accept the Letter of Resignation from Councilmember Susan Tissot and Direct Staff to begin the Recruitment Process to find replacement to fulfill the remaining term through December 2018.

The City has received a letter of resignation from Councilmember Susan Tissot that will become effective after the November 09 regular meeting.

Along with the need to still find (2) Planning Commissioners, the City now needs to fill Tissot's remaining term through December 2018.

Basic eligibility requirements for serving on the City Council are:

- Must reside inside the city limits.
- Must be a registered voter.

The City Council is responsible for appointing a new member to fulfill the remaining term, and may set whatever qualifications, criteria, and experience they feel is necessary for the applicants to have.

A vacancy notice will be posted throughout town, on the City website, and with various press outlets, with a deadline suggested for Thursday, December 08, 2016.

Action Requested: Accept Tissot's letter of resignation and direct staff to begin the recruitment process.

Attachments: Tissot Letter of Resignation

Vacancy Notice 11-10-16

Thursday, November 03, 2016

Hello Gabe,

I have just accepted a job outside of the area which means I will be out of town most of the week. Because of this new opportunity I will be unable to fulfill my duties as a Trinidad City Council Woman. Please except this email communication as my letter of resignation from the City Council effective November 10, 2016. The November 9 meeting will be my last meeting serving on the Council.

It has been a pleasure working with you, Dan, Trever, Andy and the rest of the Council. I have learned a lot and have a new appreciation for clean drinking water among other things!

Best, Susan

Susan M.G. Tissot
Trinidad, CA

To leave the world a bit better, whether by healthy child, a garden patch, or redeemed social condition; to know even one life has breathed easier because you live--that is to have succeeded.

Ralph Waldo Emerson

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Dwight Miller, Mayor
Gabriel Adams, City Clerk



November 10, 2016

PUBLIC ANNOUNCEMENT OF VACANCY ON THE **TRINIDAD CITY COUNCIL**

THE CITY OF TRINIDAD IS CURRENTLY SEEKING AN INDIVIDUAL TO FILL
(1) VACANCY ON THE TRINIDAD CITY COUNCIL.

TERM: **THROUGH DECEMBER 2018**

RESIDENTS LIVING WITHIN THE CITY OF TRINIDAD MAY SEND A LETTER
OF INTEREST, INCLUDING QUALIFICATIONS, TO THE CITY CLERK AT:

*CITY OF TRINIDAD
P.O. BOX 390
TRINIDAD, CA 95570*

Email to: **cityclerk@trinidad.ca.gov**

OR YOU MAY DELIVER THE LETTER IN PERSON TO:

*TRINIDAD CITY HALL
409 TRINITY STREET
TRINIDAD, CA*

THE DEADLINE FOR FILING IS
THURSDAY, DECEMBER 08, 2016 AT 2:00 PM.

FOR ADDITIONAL INFORMATION OR QUESTIONS, PLEASE CALL 677-0223.

Gabriel Adams
Trinidad City Clerk



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

- 3 Annual Unmet Transit Needs Public Hearing.

DISCUSSION AGENDA ITEM

Wednesday, November 09, 2016

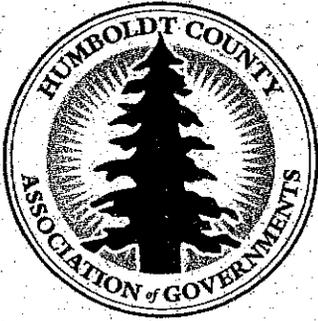
Item: ANNUAL UNMET TRANSIT NEEDS HEARING

Background: Each year HCAOG conducts citizen participation process to assess unmet transit needs within Humboldt County. The public is invited during this hearing to express their opinion, solutions, complaints, or suggestions regarding Humboldt County's public transportation systems and/or general unmet transit needs.

Recommended Action: Open the public hearing, receive comments, and forward to HCAOG.

Attachments:

- HCAOG summary letter.



HCAOG

*Regional Transportation
Planning Agency*

611 I Street, Suite B
Eureka, CA 95501
707.444.8208
Fax: 707.444.8319
www.hcaog.net

September 9, 2016

Mr. Dan Berman
City of Trinidad
Post Office Box 390
Trinidad, CA 95570

Dear Mr. Berman,

Each year, the Humboldt County Association of Governments (HCAOG), as the Regional Transportation Planning Agency, conducts a citizen participation process to assess unmet transit needs (UTN) within Humboldt County. This annual UTN process helps HCAOG properly apply funds provided through the Transportation Development Act (TDA). The HCAOG Board of Directors will hold a public hearing on Thursday, November 17, 2016, for community members to express any unmet needs they have for public transit and paratransit service.

We encourage your agency to also conduct a public hearing between October 17 through November and record comments received from constituents. When your agency has concluded its public hearing on unmet transit needs, please send HCAOG a record of comments no later than **Friday, December 2, 2016**. All hearing records will be included in the "Unmet Needs Report of Findings" for 2017-18.

Please provide your public hearing dates to Christie Smith at christie.smith@hcaog.net by **Monday, October 3, 2016**. HCAOG will publish a notice display ad in the Times Standard which will include a schedule of all hearing dates, times, and locations.

RECEIVED
SEP 12 2016

Enclosed for your information is a synopsis of the UTN process and Fiscal Year 2017-18 UTN timeline. If you have any questions, or if you would like me to participate at your hearing, please contact me at 444-8208. Thank you for your assistance.

Respectfully,



Debra Dees
Associate Planner

Enclosures

cc: Gabriel Adams, City Clerk



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

Regional Transportation Planning Agency
Humboldt County Local Transportation Authority
Service Authority for Freeway Emergencies

611 I Street, Suite B

Eureka, CA 95501

(707) 444-8208

www.hcaog.net

SYNOPSIS:

Citizen Participation Process for Assessing Unmet Transit Needs

Transportation Development Act

California's Transportation Development Act (TDA) legislates funding for transit purposes primarily, and for non-transit purposes under certain conditions. TDA funds are distributed through the Regional Transportation Planning Agencies (RTPA) throughout the state. An RTPA must assess its jurisdiction's unmet transit needs prior to allocating any TDA funds for purposes *not* directly related to public transit or facilities used exclusively by pedestrians and bicyclists.

Public Process to Make a Finding

Each year, HCAOG conducts a citizen participation process to receive public comment concerning transit needs within the RTPA jurisdiction. The HCAOG Social Services Transportation Advisory Council (SSTAC) leads the process to solicit broad input from transportation-dependent and transportation-disadvantaged persons. With recommendations from the SSTAC, at the end of the process the Board shall find that:

- (a) there are no unmet transit needs; or
- (b) there are no unmet transit needs which are reasonable to meet; or
- (c) there are unmet transit needs, including those that are reasonable to meet. (Section 99401.5)

The HCAOG Board shall make this finding as a result of testimony received, and based on HCAOG's adopted definitions (see box on the right).

If the HCAOG Board finds that there are no unmet transit needs, or that there are no unmet transit needs which are reasonable to meet, entities may expend excess (unexpended) TDA

(over)

DEFINITIONS

Unmet transit needs are, at a minimum:

(1) Trips requested from residents who do not have access to public transportation, specialized transportation, or private transport services or resources for the purpose of traveling to medical care, shopping, social/recreational activities, education/training, and employment; or

(2) Proposed public transportation, specialized transportation, or private transport services that are identified in the following (but is not limited to): a Transportation Development Plan, Regional Transportation Plan, Coordinated Public Transit-Human Services Transportation Plan.

Additionally, the HCAOG TDA Rules stipulate that, for this process, unmet transit needs do not include:

- ❖ Improvements funded or scheduled for implementation in the next fiscal year.
- ❖ Minor operational improvements or changes such as bus stops, schedules, and minor route changes.
- ❖ Trips for purposes outside of Humboldt County.
- ❖ Trips for primary or secondary school transportation.
- ❖ Sidewalk improvements or street and road needs.

Reasonable to meet criteria:

(1) Whether a need is reasonable to meet shall **not** be determined by comparing unmet transit needs with the need for streets and roads, or for the sole reason that there is a lack of available resources to fully meet the identified need.

(2) New, expanded, or revised transit service that has not met performance standards in the first two full years of operation can be subject to termination as being unreasonable to meet.

(3) The transit operator (TDA claimant) that is expected to provide a new, expanded, or revised transit service indicates that it is operationally feasible.

(4) One and one time only, an unmet transit need may be found to be unreasonable to meet if time constraints make it infeasible to begin service within the coming fiscal year, or if more information is needed to determine whether the unmet transit need is reasonable to meet.

funds for non-transit purposes. A finding that there are unmet transit needs, including those that are reasonable to meet, delivers a mandate to the respective entity to set aside funds, given that they are available, to implement a program to meet those needs deemed reasonable to meet.

The TDA directs HCAOG, as the RTPA, to make the finding that there are no unmet transit needs, which are reasonable to meet prior to approving fund claims for street and road purposes.

Public Hearings on Unmet Transit Needs

HCAOG holds the single statutorily required public hearing. Per TDA law, the HCAOG Board as the regional transportation planning agency is the authority to determine Unmet Transit Need findings pursuant to Section 99401.5(d). In addition, HCAOG encourages all member entities to conduct hearings to receive constituent comments. HCAOG encourages entities to notify stakeholders of the public hearings with as much advance notice as is possible. We also encourage entities, to the fullest extent possible, to hold meetings during times that available transit is in service.

After conducting an Unmet Transit Needs hearing, the member entity forwards to HCAOG the public hearing record of comments or transcript.

Additional Opportunities for Public Comment on Unmet Transit Needs

Comments may also be submitted to HCAOG anytime during the year via email, Facebook, in person, or by telephone at the addresses below. All comments, whether they are made at public hearings or received via the options below will receive the same consideration.

- Email: debra.dees@hcaog.net
- Facebook: www.facebook.com/hcaog
- Mail or in person: HCAOG Office
611 I Street, Suite B
Eureka, CA 95501
- Telephone: (707) 444-8208

Report of Findings

HCAOG compiles public testimony and other comments from all entities, and includes it in the *Unmet Transit Needs Report of Findings* for the upcoming fiscal year. The report also covers demographic information of the transportation-dependent public, existing programs, and includes recommendations for meeting transit demands.

Timely conduct of the hearing process and submittal of the requested documentation allows HCAOG staff to prepare the *Report of Findings* for the Board to consider and adopt by March 2017, and thereby avoid delays in processing TDA claims for the upcoming fiscal year.

For questions or assistance regarding this public participation process, please contact HCAOG at (707) 444-8208 or debra.dees@hcaog.net.

FY 2017-18

Unmet Transit Needs (UTN) Timeline (Final)

Action	Benchmark
Consultation with SSTAC on public outreach for this year's process	October 5, 2016 (SSTAC Qtrly Meeting)
Request to jurisdictions to schedule UTN public hearings October 17 through November 30.	September 16, 2016 (Mail request)
Public Service Announcement, HCAOG 30-day Notice of Public Hearing, distribution of public hearing schedules in the region. Newspaper publication, Sunday, October 16, 2016.	October 13, 2016 (Media Deadline)
HCAOG (statutorily required) UTN Public Hearing.	November 17, 2016 HCAOG Board Meeting
Comment period for UTN comments to be considered in this year's Report of Findings.	Through November 30, 2016. Comments received after November 30 will be included in next year's UTN cycle.
Draft UTN Report of Findings to SSTAC.	January 4, 2017 (SSTAC Qtrly Mtg) February 1, 2017 (SSTAC Special Mtg)
Draft UTN Report to SCC and TAC.	February 20, 2016 (SCC) March 2, 2017 (TAC)
Approval of UTN Report of Findings by the HCAOG Board.	March 16, 2017



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 39 PAGES

4. Discussion/Decision regarding draft Noise Ordinance Options and Recommendations.

ACTION AGENDA ITEM

Wednesday, November 9th, 2016

Item: Discussion of Noise Ordinance

Summary:

The City Council has directed staff to develop a Noise Ordinance for consideration. This item is intended as the initial discussion of this issue for Council and the public. Staff's initial recommendations, and sample ordinances from other cities, are included below and attached. Based on the discussion and direction from Council at this meeting, staff anticipate bringing a draft Noise Ordinance to Council for review, and possible first reading, at our December meeting.

Noise Ordinance issues and goals:

Excessive noise can disturb the peace, enjoyment, and rest of residents as well as visitors to Trinidad, and at extreme levels can be painful and even damaging to one's hearing. Noise can be a problem at any time of day, but is especially significant at night, as anyone who has been either kept from sleep or awoken by noise can attest.

Noise is a required Element of our General Plan. A draft Noise and Safety Element was approved by the Planning Commission and the Noise section is attached for reference. This includes decibel level readings taken around the City.

Noise complaints received by the City in recent years include complaints related to amplified music events at Town Hall, noise associated with parties at residential properties (often short term rentals), and complaints related to pets. Short term noise impacts related to construction can also be significant. Town Hall and residential party complaints are typically night issues, while pets can be a problem any time of day, and construction related noise should only be an issue during the day.

Reviewing other City's approaches to noise, staff and the City Attorney see three main variations on noise regulation:

- 1) Include noise as part of a larger Nuisance Ordinance (this is what Trinidad has now)
- 2) Enact a specific Noise Ordinance that is largely qualitative (i.e. shall not unreasonably disturb neighbors, or be heard beyond some distance). This would set quiet hours, provide examples of unreasonable noise both during daytime and quiet hours, and provide enforcement options
- 3) Enact a Noise Ordinance that in addition to the qualitative approach, also sets specific decibel level limits on noise. To be of use, these quantitative approaches require proper measuring equipment, and adequate staffing to be present on site during the problem to measure sound levels.

Staff's Input on Desired General Features of a Noise Ordinance

- Clearly set quiet hours. The general standard seems to be 10 pm to 7 am. Some cities vary this on the weekend, using 10 or 11 pm to 8 or 9 am. Staff saw one city that used 8 pm as the quiet hour start on weeknights.
- Include clear and relevant examples, i.e. lawnmowers and power tools shall not be utilized during quiet hours, amplified music shall not be audible beyond your property during quiet hours...
- Consider Town Hall use. Current policy requires amplified music to end at 11 pm.
- Provide appropriate exemptions.
 - Emergency repairs of public infrastructure (water, streets)
 - Emergency sirens, alarms, and the like
 - Commercial fishing related activities may warrant exemption in keeping with our General Plan's other provisions for Trinidad as a fishing village.
- Provide functional and reasonable enforcement approaches. Many ordinances reviewed provide a written warning for first offences, followed by increasing fines
- Staff are not opposed to an ordinance that includes quantitative approaches (i.e. decibel levels and sound meters) as an option, but we expect that most noise problems will need to be resolved based on a qualitative approach. i.e. based on neighbor reports after the fact. The likelihood of City staff or Sheriff's Deputies being present with the proper equipment to measure decibel levels during an active 'noise event' is low.

Current City of Trinidad Noise Regulation:

Noise is currently addressed in City Code Section 8.12 Nuisances, based on a 2004 Nuisance Ordinance. Noise is included as follows in a list of nuisance descriptions (Section 8.12.030):

I. Off-Site Impacts.

1. Example. Impacts generated on one property that affect neighboring properties such as ~~noise~~ (including barking dogs), dust, odor, light and surface water runoff. [Ord. 2004-04, 2004].

Evaluation of noise under this existing City Code would be based on the nuisance definition in Section 8.12:

- A. The legal principle of public nuisance prohibits unreasonable, noxious, or disturbing activities that negatively affect a community or neighborhood

Noise is also specifically listed as a possible nuisance related to animals in Section 6.05 Public Nuisance Animals, that "...by ~~sound~~, smell, or ~~any~~... unreasonably disturb the peace of any neighborhood.... Or prevent the reasonable enjoyment of life or property. [Ord. 94-1 § 2, 1994]."

Staff Recommendation:

Discuss and provide direction to staff.

Attachments and notes on them:

City of Trinidad Draft General Plan Noise Element (for reference and context)

City of Ferndale - (nuisance ordinance approach)

Ferndale includes noise within a Nuisance Ordinance, like Trinidad currently does, but has much more specific language than Trinidad. Staff sees some of this language as useful, but would place it within a specific Noise Ordinance.

City of Riverside – General Noise (Qualitative approach) (Section 7.35)

Staff sees this as a good template for Trinidad. It lays out clear guidelines, examples, and exemptions.

City of Riverside – Full Ordinance (Section 7)

This includes Quantitative approaches with decibel levels, in addition to the ‘general noise’ pages in Section 7.35. You will see that using decibel levels requires quite a bit of additional definitions and technical detail.

City of Arcata (Quantitative approach)

Arcata has a specific noise ordinance for the Plaza/Downtown area. This does utilize decibel level limits, and is another good example of what that looks like. Decibel levels seem especially useful when dealing with venues with amplified music, where on any given night you can go measure sound levels in the vicinity.

NOISE & SAFETY ELEMENT

A. PURPOSE 1

B. NOISE ELEMENT 2

1. NOISE ENVIRONMENT 2

EXISTING CONDITIONS 2

TRAFFIC NOISE..... 2

AIRCRAFT NOISE 3

SENSITIVE RECEPTORS 3

2. NOISE ELEMENT POLICIES 5

C. SAFETY ELEMENT 6

1. SAFETY ENVIRONMENT 6

EARTHQUAKES..... 6

GROUND SHAKING 7

UNSTABLE SLOPES/LANDSLIDES..... 7

SURFACE RUPTURE..... 8

EROSION 8

TSUNAMIS AND SEICHES 9

FLOOD HAZARDS 9

FIRE HAZARDS 9

HAZARDOUS MATERIALS 11

AIR QUALITY..... 12

2. DISASTER PREPAREDNESS 12

3. SAFETY ELEMENT POLICIES 13

HAZARDS & SAFETY POLICIES..... 13

EMERGENCY PREPAREDNESS & SERVICES POLICIES..... 17

A. PURPOSE

The Noise Element is one of the seven required elements of a general plan. “The purpose of the noise element is to limit the exposure of the community to excessive noise levels and that the noise element must be used to guide decisions concerning land use and the location of new roads and transit facilities since these are common sources of excessive noise levels” (Governor’s Office of Planning and Research, State of California General Plan Guidelines, October 2003, p. 87). State law specifically requires that the noise element show noise contours for highways and freeways, and primary arterials and major local streets, and “include implementation measures and possible solutions that address existing and foreseeable noise problems, if any” (Government Code Section 65302(f)).

The Safety Element is another of the seven required elements of a general plan. “The aim of the safety element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes,

landslides, and other hazards. The safety element must identify hazards and hazard abatement provisions to guide local decisions related to zoning, subdivisions, and other entitlement permits" (Governor's Office of Planning and Research, State of California General Plan Guidelines, October 2003, p. 90).

B. NOISE ELEMENT

1. Noise Environment

Trinidad is a small community with minimal traffic and noise pollution, and the intent of the residents is to maintain those characteristics. Appropriate standards for maximum short-term noise levels vary with the type of land use and time of day. Acceptable daytime levels in industrial and commercial areas are typically based on a combination of health and nuisance considerations and typically do not exceed 85 dBA. In residential areas, standards are typically set to avoid the perception of nuisance, such as noise levels that block normal conversation. Noise level above 66 dBA requires raised voices to be heard at a distance of three feet. Indoor noise levels between 50 and 60 dBA can disturb sleep.

Other than Highway 101, other factors that influence the noise levels in Trinidad are low flying coast guard helicopters, emergency sirens, and on-site construction. Between wind and waves, Trinidad also has some substantial natural contributors to ambient noise levels. Noise can also come from private residences, commercial areas, tourists, etc. Excess noise complaints can be made to the proper authorities. Implementation measures and possible solutions include, but are not limited to: restricted operating hours, protective building design, and installing sound barriers.

Existing Conditions

Traffic Noise

Traffic noise depends primarily on the speed of traffic and the percentage of truck traffic. The primary source of noise from automobiles is high-frequency tire noise, which increases with vehicle speed. In addition, trucks and older automobiles produce engine and exhaust noise, and trucks generate wind noise. Trinidad is primarily affected by Hwy 101, only a small portion of which runs through City limits. Differences in elevation can amplify or dampen noise levels; for example, noise from a thoroughfare in a trough or valley between residential areas will be reflected upward and focused while noise from an elevated thoroughfare may dissipate. On flat ground, a buffer (such as a sound wall or dense vegetation) will greatly reduce noise escaping to surrounding areas. Background studies for the Humboldt County General Plan update indicate that Hwy 101 noise in the Trinidad area is not an issue; the highest noise levels are through Arcata, Eureka and McKinleyville, which all have substantially higher Average Daily Traffic Counts (ADTs), generally at least double. According to personal communication with CalTrans personnel in January 2001, the Highway 101 intersection noise contour is far below the threshold that would necessitate a noise reduction project.

City streets do not have high levels of traffic, and cars are generally moving at speeds less than 30mph. Trucks do have to drive through town to make deliveries to the harbor area, utilizing Main, Trinity and Edwards Streets.

Aircraft Noise

The California Division of Aeronautics is in charge of enforcing airport noise regulations for all airports within the state. The noise standards require that no residences, schools, hospitals or places of worship be within a Noise Impact Area. The California Airport Noise Standards (California Code of Regulations, Title 21) Division 2.5, Chapter 6, Section 5012 of Title 21 establishes that 65 dBA CNEL is the acceptable level of aircraft noise for persons living near an airport. Airport noise studies are performed for the Arcata Airport Master Plan, and the most recent study indicates that airport noise is not an issue in Trinidad. Aircrafts do occasionally fly over Trinidad, but their impact is minimal.

Stationary Noise Sources

On May 16 and August 23, 2012, City of Trinidad staff took noise readings at specific locations to address noise-compatible land use regulations. Planning staff informally surveyed community members and City employees to determine stationary noise sources in town in order to determine the most appropriate points to take noise readings. The results (Table NO-1) indicate that Trinidad does not have many substantial noise sources. In addition to Hwy 101, the main sources of noise are equipment such as refrigeration units by the market, the gas station and the marine lab. Other substantial noise sources include tourists, wind and waves. Note that the following noise readings were taken on an unusually calm days for wind and waves, though the lack of excess noise in the readings makes the readings more accurate. The results and locations are also presented in Figure 16.

On May 16 and August 23, 2012, City of Trinidad staff took noise readings at specific locations to address noise-compatible land use regulations. Planning staff informally surveyed community members and City employees to determine stationary noise sources in town in order to determine the most appropriate points to take noise readings.

Sensitive Receptors

Sensitive receptors are those that are most affected by noise. The California *General Plan Guidelines* lists schools, churches, convalescent homes, and sensitive wildlife habitat as sensitive receptors that should be identified in the General Plan. Residential areas in general are also noise receptors and must be considered in land use planning and noise generators. Other than residential areas, Trinidad has few sensitive receptors; these include Trinidad Elementary, and two churches, all of which are located near the central part of the town.

Table NO-1: Trinidad Noise Readings
City of Trinidad Noise Readings

Station	Time	Reading (dB)		Notes
		Average	Max	
May 16, 2012				
corner of Frontage Rd & Westhaven Dr	4:59pm	66	73	
Murphy's Market (@ refrigeration units)	5:05pm	80		
Murphy's Market (50 ft south)	5:07pm	59		
View Ave, southwest (kitty-corner) of Murphy's Market	5:06pm	55		
Ocean Avenue (AT&T substation)	5:10pm	40		multiple bird species chattering
Lighthouse, located on Edwards St (1° collector)	5:15pm	48		wind calm; ocean flat
Marine Lab (at the pumps)	5:20pm	63		pumps humming
State Beach (parking lot)	5:24pm	60		light wind
Seascape Restaurant	5:27pm	53		low tide; no waves; wind <5
Chevron Station (refrigeration unit)	5:35pm	55	60	max included car noise
Chevron Station (50 ft from propane tank)	5:37pm	64		
Patricks Point Dr (recycling area)	5:43pm	60	70+	max occurred during recycling activities
August 23, 2012				
State Beach (parking lot)	6:22pm	65		high tide; ocean 5-10
Trinidad Head - NOAA station (southern)	6:44pm	67		no wind
Trinidad Head - NOAA station (southern) @ 15ft	6:45pm	48		no wind
Trinidad Head - NOAA station (northern)	6:51pm	43		no wind
Trinidad Head - cellular facility (@ gate)	6:47pm	45		no wind

Noise and Land Use Compatibility Guidelines

The California *General Plan Guidelines* include guidelines for noise-compatible land use. The existing General Plan contains a table, Noise and Land Use Compatibility Guidelines, that is consistent with the current state guidelines. The following table addresses acceptable exterior/interior levels for stationary sources to assess impacts of new development or new sources of noise onto adjacent uses:

Table NO-2: Land Use Noise Compatibility Matrix

NOISE LEVEL PERFORMANCE STANDARDS FOR NEW PROJECTS AFFECTED BY OR INCLUDING STATIONARY SOURCES						
Land Use	Exterior			Interior		
Noise Level Description	7AM-7PM	7PM-10PM	10PM-7AM	7AM-7PM	7PM-10PM	10PM-7AM
Residences, Transient Lodging, Commercial, Nursing Homes						
Hourly L_{eq}	55 dB	50 dB	45 dB	45 dB	40 dB	40dB
Maximum	75 dB	75 dB	70 dB	65 dB	65 dB	60 dB
Auditoriums, Theaters, Libraries, Schools, Churches						
Hourly L_{eq}	55 dB	55 dB	50dB	40 dB	40 dB	40dB
Maximum	75 dB	75 dB	50dB	60 dB	60 dB	60dB

NOTE: L_{eq} = The energy equivalent level, defined as the average sound level over time on the basis of sound energy. dB-Decibel= A unit used to express the relative intensity of a sound as it is heard by the human ear.

2. Noise Element Policies

Goal NO-1: Regulate noise based on zoning and activity while protecting the quality of life of residents, visitors and wildlife of Trinidad

NO-1.1 Existing and potential incompatible noise levels in problem areas shall be reduced through operational or source controls where the City has responsibility for such controls. Land use planning, subdivision review, building code enforcement, and other administrative means shall be utilized as needed.

NO-1.2 New projects in the Mixed Use/downtown area, through site design and the use of the best available building technology, shall minimize the potential noise conflicts between commercial and residential uses.

NO-1.3 Noise created by new or proposed stationary noise sources or the expansion or alteration of an existing use shall be mitigated so as not to exceed noise level standards in Table NO-1 at adjacent land uses.

NO-1.4 The City shall identify and evaluate potential noise problem areas on a continuing basis.

NO-1.5 New development shall be designed and constructed to meet levels listed in chart.

Program NO-1.5.1 Consider applying noise standards to residential units in the Zoning Ordinance.

NO-1.6 The City shall lessen noise increases along the city's arterial and collector roads through project design of streets (including providing buffers to the extent feasible and screening), coordination of routing, and other traffic control measures if needed. (city of seal beach)

NO-1.7 Back-up generators are a pronounced source of noise. Generator noise shall be determined and included in the City Noise Ordinance.

NO-1.8 Noise from quarries and associated truck traffic shall also be included in the Noise Ordinance.

EXCERPT -- City of Ferndale Municipal Code governing Nuisances

<http://ci.ferndale.ca.us/laws/law-06-04.pdf>

§7.04 Noise

7.04.1 It shall be unlawful for any person to make, continue or cause to be made or continued, within the limits of the City of Ferndale, any disturbing, excessive or offensive noise which causes discomfort or annoyance to any reasonable persons of normal sensitivity residing in the area.

7.04.2 The following acts, among others, are declared to be offensive, loud, disturbing, and unnecessary noises originating from residential properties or on public ways in violation of this section, but such enumeration shall not be deemed to be exclusive:

- a. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, stereo, television, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residential inhabitants at any time with volume louder than is necessary for convenient hearing for the persons who are in the room, vehicle, or chamber in which such machine or device is operating and who are voluntary listeners. The operation of any such set, instrument, phonograph, stereo, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50') feet from the residential building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section;
- b. The using, operating, or permitting to be played, used, or operated of any radio receiving set, stereo, tape recorder, sound amplifier, or other machine or device for producing or reproducing sound from any motor vehicle on any public street at any time with volume louder than is necessary for convenient hearing for the persons who are in the motor vehicle in which such sound machine or device is operating and who are voluntary listeners. The operation of any such sound machine or device in such a manner as to be plainly audible at any time at a distance of ten (10') feet from the motor vehicle in which it is located shall be prima facie evidence of a violation of this section; and
- c. Yelling, shouting, hooting, whistling, or singing originating from any residential property or upon any public way at any time so as to annoy or disturb the quiet comfort or repose of persons in the vicinity; and
- d. Construction-related noise near residential uses. Construction work or related activity which is adjacent to or across a street or right of way from a residential use, except between the hours of 7 a.m. and 7 p.m. on weekdays, or between 8 a.m. and 7 p.m. on Saturday and Sunday. No such construction is permitted on Federal holidays. As used in this section, "construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property.

ARTICLE 8: PENALTIES

§8.01 Any person or persons violating any provision or provisions of Article 7 shall be deemed guilty of a misdemeanor, and shall be punishable on conviction by a fine of not more than One Thousand (\$1000.00) Dollars, or by imprisonment in the County Jail for not more than one (1) year, or by both fine and imprisonment.

Chapter 7.35

GENERAL NOISE REGULATIONS

Sections:

- 7.35.010 General noise regulations.
7.35.020 Exemptions.

Section 7.35.010 General noise regulations.

A. Notwithstanding the sound level meter standards described in this ordinance, it is nonetheless unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The factors which should be considered in determining whether a violation of this section exists, include the following:

1. The sound level of the objectionable noise.
2. The sound level of the ambient noise.
3. The proximity of the noise to residential sleeping facilities.
4. The zoning of the area.
5. The population density of the area.
6. The time of day or night.
7. The duration of the noise.
8. Whether the noise is recurrent, intermittent, or constant.
9. Whether the noise is produced by a commercial or noncommercial activity.
10. Whether the nature of the noise is usual or unusual.
11. Whether the noise is natural or unnatural.

B. It is unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The following acts, among others, are declared to be disturbing, excessive and offensive noises in violation of this section:

1. Radios, Television Sets, Musical Instruments and similar stationary or mobile devices: Operating, playing or permitting the operation or playing of any radio, television set, audio equipment, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity. The operation of any such set, instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

2. Loud Speakers (Amplified Sound): Using, or operating, or permitting to be used or operated, for any purpose, any loud speaker, loudspeaker system, or similar device between the hours of 10:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category, except for any non-commercial public speaking, public assembly or other activity for which a variance has been issued.

3. Animals and Birds: Owning, possessing, or permitting to be harbored any animal or bird which frequently or for a continued duration howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial property line.

4. Loading and Unloading: Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects, or permitting these activities between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

5. Construction: Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, grading or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on week days and between 5:00 p.m. and 8:00 a.m. on Saturdays or at any time on Sunday or federal holidays.

6. Domestic Power Tools: Operating or permitting the operation of any mechanically powered saw, sander, drill grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line. Any motor, machinery, pump, compressor, generator etc., shall be sufficiently muffled and maintained so as not to create a noise disturbance.

7. Powered Model Vehicles: Operating or permitting the operation of powered model vehicles between the hours of 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

8. Stationary Non-emergency Signaling Devices: Sounding, or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, or similar device intended primarily for non-emergency purposes, from any place, for more than 10 seconds in any hourly period. Houses of worship and the Mission Inn carillons shall be exempt from the operation of this provision. Sound sources covered by this provision and not exempted under this subsection may be exempted by a variance.

9. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing. Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall only use the minimum cycle test time. In no case shall the test time exceed 10 seconds or occur more than once each calendar month.

10. Vehicle, Motorcycle, Motorboat or Aircraft Repair and Testing: Repairing, rebuilding, modifying or testing any motor vehicle, motorboat or aircraft, or permitting any these activities, in such a manner as to create a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category shall not be permitted except where said activities are directly related to officially sanctioned events. underlying land use category.

11. For other than noise sources identified in 1-10 above, the following noise disturbance shall be prohibited:

- a. Plainly audible across property boundaries;
- b. Plainly audible through partitions common to two residences within a building;
- c. Plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 7:00 a.m. and 10:00 p.m.; or
- d. Plainly audible at a distance of 25 feet in any direction from the source of music or sound between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 7341 §6, 2016; Ord. 6959 §2, 2007; Ord. 6328 § 1, 1996; Ord. 6273 § 1 (part), 1996)

Section 7.35.020 Exemptions.

The following activities shall be exempt from the provisions of this title:

- A. Emergency Work. The provisions of this Title shall not apply to the emission of

sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.

B. Entertainment Events. The provisions of this Title shall not apply to those reasonable sounds emanating from authorized school bands, school athletic and school entertainment events and occasional public and private outdoor or indoor gatherings, public dances, shows, bands, sporting and entertainment events conducted between the hours of 7:00 a.m. and 10:00 p.m.

C. Federal or State Preempted Activities. The provisions of this Chapter shall not apply to any other activity the noise level of which is regulated by state or federal law.

D. Minor Maintenance to Residential Property. The provisions of this Title shall not apply to noise sources associated with minor maintenance to property used for residential purposes, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.

E. Right-Of-Way Construction. The provisions of this Title shall not apply to any work performed in the City right-of-ways when, in the opinion of the Public Works Director or his designee, such work will create traffic congestion and/or hazardous or unsafe conditions.

F. Public Health, Welfare and Safety Activities. The provisions of this Title shall not apply to construction maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to, trash collection, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

G. Noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the City as required; and provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday or a federal holiday. (Ord. 7341 § 6, 2016; Ord. 6917 § 1, 2006; Ord. 6328 § 2, 1996; Ord. 6273 § 1 (part), 1996)

Title 7

NOISE CONTROL

Chapters:

- 7.05 POLICY AND INTENT**
- 7.10 DEFINITIONS**
- 7.15 ADMINISTRATION AND ENFORCEMENT**
- 7.20 SOUND LEVEL MEASUREMENT**
- 7.23 AMBIENT NOISE LEVELS**
- 7.25 NUISANCE EXTERIOR SOUND LEVEL LIMITS**
- 7.30 NUISANCE INTERIOR SOUND LEVEL LIMITS**
- 7.35 GENERAL NOISE REGULATIONS**
- 7.40 VARIANCE PROCEDURE**
- 7.45 SEVERABILITY**

Chapter 7.05

POLICY AND INTENT

Sections:

7.05.010 Policy and intent.

Section 7.05.010 Policy and intent.

It is determined that certain noise levels are detrimental to the public health, safety and welfare and are contrary to the public interest. Therefore, the City Council declares that creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such.

In order to control unnecessary, excessive and/or annoying noise in the City, it is declared to be the policy of the City to prohibit such noise generated by the sources specified in this chapter. It shall be the goal of the City to minimize noise levels and mitigate the effects of noise to provide a safe and healthy living environment. (Ord. 6273 § 1 (part), 1996)

Chapter 7.10

DEFINITIONS

Sections:

7.10.010	Definitions generally.
7.10.015	A-weighted sound level.
7.10.020	Agricultural property.
7.10.025	Ambient noise level.
7.10.030	Commercial purpose.
7.10.035	Construction.
7.10.040	Community support land use category.
7.10.045	Cumulative period.
7.10.050	Decibel (dB).
7.10.055	Demolition.
7.10.060	Emergency.
7.10.065	Emergency work.
7.10.070	Fixed noise source.
7.10.075	Grading.
7.10.080	Impulsive sound.
7.10.085	Industrial land use category.
7.10.090	Intrusive noise.
7.10.095	Minor maintenance.
7.10.100	Mobile noise source.
7.10.105	Motor vehicle.
7.10.110	Muffler or sound dissipative device.
7.10.115	Noise.
7.10.120	Noise Control Officer.
7.10.125	Noise disturbance.
7.10.130	Noise source.
7.10.135	Noise zone.
7.10.140	Nonurban land use category.
7.10.145	Office/commercial land use category.
7.10.150	Person.
7.10.155	Powered model vehicle.
7.10.160	Public recreation facility land use category.
7.10.165	Public right-of-way.
7.10.170	Public space.
7.10.175	Residential land use category.
7.10.180	Sound.
7.10.185	Sound amplifying equipment.
7.10.190	Sound level.
7.10.195	Sound level meter.
7.10.200	Sound pressure.
7.10.205	Sound pressure level.
7.10.210	Supplementary definitions of technical terms.

Section 7.10.010 Definitions generally.

For the purposes of this title, the words and phrases defined in this chapter shall have the meanings respectively ascribed to them by this chapter. (Ord. 6273 § 1 (part), 1996)

Section 7.10.015 A-weighted sound level.

"A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA. (Ord. 6273 § 1 (part), 1996)

Section 7.10.020 Agricultural property.

"Agricultural property" means a parcel of real property which is developed for agricultural and incidental residential purposes which is located within any permitted zone. (Ord. 6273 § 1 (part), 1996)

Section 7.10.025 Ambient noise level.

"Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding an alleged offensive noise, at the location and approximate time at which the comparison with the offensive noise is to be made. The ambient noise level constitutes the normal or existing level of environmental noise at a given location. (Ord. 6273 § 1 (part), 1996)

Section 7.10.030 Commercial purpose.

"Commercial purpose" means the use, operation or maintenance of any sound amplification equipment for the purpose of advertising any business, goods or services, or for the purposes of attracting the attention of the public, or soliciting patronage of customers to any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating such sound equipment. (Ord. 6273 § 1 (part), 1996)

Section 7.10.035 Construction.

"Construction" means any site preparation including grading, building, fabricating, assembly, substantial repair, alteration, or similar action. (Ord. 6273 § 1 (part), 1996)

Section 7.10.040 Community support land use category.

"Community support land use category" means areas developed with schools, libraries, fire stations, hospitals and similar uses in any zone. (Ord. 6273 § 1 (part), 1996)

Section 7.10.045 Cumulative period.

"Cumulative period" means a total period of time composed of time segments which may be continuous or discontinuous. (Ord. 6273 § 1 (part), 1996)

Section 7.10.050 Decibel (dB).

"Decibel (dB)" means a unit for measuring amplitude of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter). (Ord. 6273 § 1 (part), 1996)

Section 7.10.055 Demolition.

"Demolition" means any dismantling, intentional destruction or removal of structures, site improvements, landscaping or utilities. (Ord. 6273 § 1 (part), 1996)

Section 7.10.060 Emergency.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action. (Ord. 6273 § 1 (part), 1996)

Section 7.10.065 Emergency work.

"Emergency work" means work made necessary to restore property to a safe condition following a physical trauma or property damage caused by an emergency or work necessary to prevent or minimize damage from a potential emergency. (Ord. 6273 § 1 (part), 1996)

Section 7.10.070 Fixed noise source.

"Fixed noise source" means a stationary device which creates sounds from a fixed location, including residential, agricultural, industrial and commercial machinery and equipment, pumps fans, compressors, air conditioners and refrigeration devices. (Ord. 6273 § 1 (part), 1996)

Section 7.10.075 Grading.

"Grading" means any excavating and/or filling of earth material to prepare a site for construction or the placement of improvements. (Ord. 6273 § 1 (part), 1996)

Section 7.10.080 Impulsive sound.

"Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples include explosions, drum beats, drop-forge impacts, fire crackers, discharge of firearms and one object striking another. (Ord. 6273 § 1 (part), 1996)

Section 7.10.085 Industrial land use category.

"Industrial land use category" means any area occupied by land uses whose primary operation involves warehousing, manufacturing, assembling, distributing, packaging or processing goods in the BMP, I, and AIR zones. (Ord. 6967 § 2, 2007; (Ord. 6273 § 1 (part), 1996)

Section 7.10.090 Intrusive noise.

"Intrusive noise" means a noise which intrudes over and above the existing ambient noise. The relative intrusiveness of the sound depends upon its amplitude, duration, frequency and time of occurrence, tonal or informational content as well as its relationship to the prevailing ambient noise level. (Ord. 6273 § 1 (part), 1996)

Section 7.10.095 Minor maintenance.

"Minor maintenance" means work required to keep property used for residential purposes in an existing state. (Ord. 6273 § 1 (part), 1996)

Section 7.10.100 Mobile noise source.

"Mobile noise source" means any noise source other than a fixed noise source. (Ord. 6273 § 1 (part), 1996)

Section 7.10.105 Motor vehicle.

"Motor vehicle" means any self-propelled vehicle as defined in the California Vehicle Code, including all on-highway types of motor vehicles subject to registration under said code, and all off-highway type motor vehicles subject to identification under said code. (Ord. 6273 § 1 (part), 1996)

Section 7.10.110 Muffler or sound dissipative device.

"Muffler or sound dissipative device" means a device for abating the sound of escaping gases from an internal combustion engine. (Ord. 6273 § 1 (part), 1996)

Section 7.10.115 Noise.

"Noise" means any sound which exceeds the appropriate actual or presumed ambient noise level or which annoys or tends to disturb humans or which causes or tends to cause an adverse psychological or physiological effect on humans. (Ord. 6273 § 1 (part), 1996)

Section 7.10.120 Noise Control Officer.

"Noise Control Officer" means the City official(s) or duly authorized representative(s) with the responsibility to enforce the noise ordinance. (Ord. 6273 § 1 (part), 1996)

Section 7.10.125 Noise disturbance.

"Noise disturbance" means any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property. (Ord. 6273 § 1 (part), 1996)

Section 7.10.130 Noise source.

"Noise source" means a disturbance causing operation which originates from noise generating mechanism. An example of a noise source is the combination of a motor, pump and compressor. (Ord. 6273 § 1 (part), 1996)

Section 7.10.135 Noise zone.

"Noise zone" means defined areas of generally consistent land use where the ambient noise levels are generally similar within a range of five decibels. (Ord. 6273 § 1 (part), 1996)

Section 7.10.140 Nonurban land use category.

"Nonurban land use category" means vacant land or land primarily for agricultural production containing ten acres or more. (Ord. 6273 § 1 (part), 1996)

Section 7.10.145 Office/commercial land use category.

"Office/commercial land use category" means areas developed with office and/or commercial uses in the O, CRC, CR-NC, CR, and CG zones. (Ord. 6967 § 2, 2007; Ord. 6273 § 1 (part), 1996)

Section 7.10.150 Person.

"Person" means any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State. (Ord. 6273 § 1 (part), 1996)

Section 7.10.155 Powered model vehicle.

"Powered model vehicle" means airborne, waterborne or land-borne vehicles such as model airplanes, model boats, and model vehicles of any type or size which are not designed for carrying persons or property and which can be propelled in any form other than manpower or wind power. (Ord. 6273 § 1 (part), 1996)

Section 7.10.160 Public recreation facility land use category.

"Public recreation facility land use category" means areas developed with public parks and other public recreational facilities. (Ord. 6273 § 1 (part), 1996)

Section 7.10.165 Public right-of-way.

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity. (Ord. 6273 § 1 (part), 1996)

Section 7.10.170 Public space.

"Public space" means any real property or structures which are owned or controlled by a government entity. (Ord. 6273 § 1 (part), 1996)

Section 7.10.175 Residential land use category.

"Residential land use category" means areas primarily used for residential purposes in the RE, RA-5, RR, RC, R-1-1-1/2 acre, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-2500, R-3-4000, R-3-3000, R-3-2000, R-3-1500, and R-4 zones. (Ord. 6967 § 2, 2007; Ord. 6273 § 1 (part), 1996)

Section 7.10.180 Sound.

"Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency. (Ord. 6273 § 1 (part), 1996)

Section 7.10.185 Sound amplifying equipment.

"Sound amplifying equipment" means any device for the amplification of the human voice, or music, or any other sound, excluding devices in motor vehicles when heard only by the occupants of the vehicle, excluding warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes. (Ord. 6273 § 1 (part), 1996)

Section 7.10.190 Sound level.

"Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meter ANSI S1.4-1971 or the latest approved revision thereof. If the frequency weighing method used is not stated, the A-weighing shall apply. (Ord. 6273 § 1 (part), 1996)

Section 7.10.195 Sound level meter.

"Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels which satisfies the requirements for S2A meters in American National Standards Institute specifications for

sound level meters, S1.4-1971, or the most recent revision thereof. (Ord. 6273 § 1 (part), 1996)

Section 7.10.200 Sound pressure.

"Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy. (Ord. 6273 § 1 (part), 1996)

Section 7.10.205 Sound pressure level.

"Sound pressure level" in decibels means twenty times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated. (Ord. 6273 § 1 (part), 1996)

Section 7.10.210 Supplementary definitions of technical terms.

Definitions of technical terms not defined herein shall be obtained from the American National Standard, "Acoustical Terminology" S1.1-1961 (R-1971) or the latest revision thereof. (Ord. 6273 § 1 (part), 1996)

Chapter 7.15

ADMINISTRATION AND ENFORCEMENT

Section:

7.15.005 Administration and enforcement.

Section 7.15.005 Administration and enforcement.

A. The noise regulation shall be enforced by the Code Enforcement Division of the Community & Economic Development Department and/or the Riverside Police Department.

B. It shall be the responsibility of the Code Enforcement Division and/or the Riverside Police Department to enforce the provisions of this Title and to perform all other functions required by this Title. Such duties shall include, but not be limited to investigating potential violations, issuing warning notices and citations, and providing evidence to the City Attorney for legal action.

C. A violation of these regulations may be prosecuted as a misdemeanor or as an infraction. Each day a violation occurs shall constitute a separate offense and shall be punishable as such. However, nothing in these regulations shall prevent any code compliance officer or his duly authorized representatives from efforts to obtain voluntary compliance by way of warning, notice or education. (Ord. 7341 § 6, 2016; Ord. 6959 § 1, 2007; Ord. 6844 § 15, 2006; Ord. 6273 § 1 (part), 1996)

Chapter 7.20

SOUND LEVEL MEASUREMENT

Section:

7.20.010 **Sound level measurement.**

Section 7.20.010 **Sound level measurement.**

Except as provided by Chapter 17.35, General Noise Regulations, any sound or noise level measurement made to enforce this title shall be measured with a sound level meter using the A-weighting scale at slow response. The exterior noise level shall be measured at the position or positions along the complainant's property line closest to the noise source or where the noise level is highest. If the complaint concerns an interior source, noise measurements shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source with windows opened or closed as would be normal for the season. (Ord. 6273 § 1 (part), 1996)

Chapter 7.23

AMBIENT NOISE LEVELS

Sections:

- 7.23.010 Ambient Sound Levels.**
- 7.23.020 Mixed Use Development.**
- 7.23.030 Infill Single-Family Residential Development.**

Section 7.23.010 Ambient Sound Levels.

Title 7 - Noise Control of the Riverside Municipal Code shall be consistent with Title 24 of the Health and Safety Code of the State of California as may be amended from time to time. (Ord. 6967 § 3, 2007)

Section 7.23.020 Mixed Use Development.

Where a new development proposal includes a mix of residential and nonresidential uses within the same project, the interior ambient noise standard for the residential component of the project may be increased by 5 decibels. (Ord. 6967 § 3, 2007)

Section 7.23.030 Infill Single-Family Residential Development.

Where a new development proposal includes an infill single-family residential use, the interior ambient noise standard for the proposal may be increased by 5 decibels. (Ord. 6967 § 3, 2007)

Chapter 7.25

NUISANCE EXTERIOR SOUND LEVEL LIMITS

Section:

7.25.010 Exterior sound level limits.

Section 7.25.010 Exterior sound level limits.

- A. Unless a variance has been granted as provided in this chapter, it shall be unlawful for any person to cause or allow the creation of any noise which exceeds the following:
1. The exterior noise standard of the applicable land use category, up to five decibels, for a cumulative period of more than thirty minutes in any hour; or
 2. The exterior noise standard of the applicable land use category, plus five decibels, for a cumulative period of more than fifteen minutes in any hour; or
 3. The exterior noise standard of the applicable land use category, plus ten decibels, for a cumulative period of more than five minutes in any hour; or
 4. The exterior noise standard of the applicable land use category, plus fifteen decibels, for the cumulative period of more than one minute in any hour; or
 5. The exterior noise standard for the applicable land use category, plus twenty decibels or the maximum measured ambient noise level, for any period of time.
- B. If the measured ambient noise level exceeds that permissible within any of the first four noise limit categories, the allowable noise exposure standard shall be increased in five decibel increments in each category as appropriate to encompass the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
- C. If possible, the ambient noise level shall be measured at the same location along the property line with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, then the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance that the offending noise is inaudible. If the measurement location is on the boundary between two different districts, the noise shall be the arithmetic mean of the two districts.
- D. Where the intruding noise source is an air-conditioning unit or refrigeration system which was installed prior to the effective date of this chapter, the exterior noise level when measured at the property line shall not exceed sixty dBA for units installed before 1-1-80 and fifty-five dBA for units installed after 1-1-80.

Table 7.25.010A

Exterior Noise Standards		
Land Use Category	Time Period	Noise Level
Residential	Night (10 p.m. to 7 a.m.) Day (7 a.m. to 10 p.m.)	45 dBA 55 dBA
Office/commercial	Any time	65 dBA
Industrial	Any time	70 dBA
Community support	Any time	60 dBA
Public recreation facility	Any time	65 dBA
Nonurban	Any time	70 dBA

Table 7.25.010B

Land Use Category/Zoning Matrix	
Land Use Category	Underlying Zone
Residential	RE, RA-5, RR, RC, R-1-1/2 acre, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-2500, R-3-4000, R-3-3000, R-3-2000, R-3-1500, R-4
Office/commercial	O, CRC, CR-NC, CR, CG
Industrial	BMP, I, AIR
Community support	Any permitted zone
Nonurban	Any permitted zone

(Ord. 6967 § 5, 2007; Ord. 6273 § 1 (part), 1996)

Chapter 7.30

NUISANCE INTERIOR SOUND LEVEL LIMITS

Section:**7.30.015** Interior sound level limits.**Section 7.30.015** Interior sound level limits.

- A. No person shall operate or cause to be operated, any source of sound indoors which causes the noise level, when measured inside another dwelling unit, school or hospital, to exceed:
1. The interior noise standard for the applicable land category area, up to five decibels, for a cumulative period of more than five minutes in any hour;
 2. The interior noise standard for the applicable land use category, plus five decibels, for a cumulative period of more than one minute in any hour;
 3. The interior noise standard for the applicable land use category, plus ten decibels or the maximum measured ambient noise level, for any period of time.
- B. If the measured interior ambient noise level exceeds that permissible within the first two noise limit categories in this section, the allowable noise exposure standard shall be increased in five decibel increments in each category as appropriate to reflect the interior ambient noise level. In the event the interior ambient noise level exceeds the third noise limit category, the maximum allowable interior noise level under said category shall be increased to reflect the maximum interior ambient noise level.
- C. The interior noise standard for various land use districts shall apply, unless otherwise specifically indicated, within structures located in designated zones with windows opened or closed as is typical of the season.

Table 7.30.015

Interior Noise Standard		
Land Use Category	Time Period	Noise Level
Residential	Night (10 p.m. C 7 a.m.) Day (7 a.m. C 10 p.m.)	35 dBA 45 dBA
School	7 a.m. C 10 p.m. (while school is in session)	45 dBA
Hospital	Any time	45 dBA

(Ord. 6273 § 1 (part), 1996)

Chapter 7.35

GENERAL NOISE REGULATIONS

Sections:

7.35.010 General noise regulations.

7.35.020 Exemptions.

Section 7.35.010 General noise regulations.

A. Notwithstanding the sound level meter standards described in this ordinance, it is nonetheless unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The factors which should be considered in determining whether a violation of this section exists, include the following:

1. The sound level of the objectionable noise.
2. The sound level of the ambient noise.
3. The proximity of the noise to residential sleeping facilities.
4. The zoning of the area.
5. The population density of the area.
6. The time of day or night.
7. The duration of the noise.
8. Whether the noise is recurrent, intermittent, or constant.
9. Whether the noise is produced by a commercial or noncommercial activity.
10. Whether the nature of the noise is usual or unusual.
11. Whether the noise is natural or unnatural.

B. It is unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The following acts, among others, are declared to be disturbing, excessive and offensive noises in violation of this section:

1. Radios, Television Sets, Musical Instruments and similar stationary or mobile devices: Operating, playing or permitting the operation or playing of any radio, television set, audio equipment, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity. The operation of any such set, instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

2. Loud Speakers (Amplified Sound): Using, or operating, or permitting to be used or operated, for any purpose, any loud speaker, loudspeaker system, or similar device between the hours of 10:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category, except for any non-commercial public speaking, public assembly or other activity for which a variance has been issued.

3. Animals and Birds: Owning, possessing, or permitting to be harbored any animal or bird which frequently or for a continued duration howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial property line.

4. Loading and Unloading: Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects, or permitting these activities between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

5. Construction: Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, grading or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on week days and between 5:00 p.m. and 8:00 a.m. on Saturdays or at any time on Sunday or federal holidays.

6. Domestic Power Tools: Operating or permitting the operation of any mechanically powered saw, sander, drill grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line. Any motor, machinery, pump, compressor, generator etc., shall be sufficiently muffled and maintained so as not to create a noise disturbance.

7. Powered Model Vehicles: Operating or permitting the operation of powered model vehicles between the hours of 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

8. Stationary Non-emergency Signaling Devices: Sounding, or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, or similar device intended primarily for non-emergency purposes, from any place, for more than 10 seconds in any hourly period. Houses of worship and the Mission Inn carillons shall be exempt from the operation of this provision. Sound sources covered by this provision and not exempted under this subsection may be exempted by a variance.

9. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing. Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall only use the minimum cycle test time. In no case shall the test time exceed 10 seconds or occur more than once each calendar month.

10. Vehicle, Motorcycle, Motorboat or Aircraft Repair and Testing: Repairing, rebuilding, modifying or testing any motor vehicle, motorboat or aircraft, or permitting any these activities, in such a manner as to create a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category shall not be permitted except where said activities are directly related to officially sanctioned events. underlying land use category.

11. For other than noise sources identified in 1-10 above, the following noise disturbance shall be prohibited:

- a. Plainly audible across property boundaries;
- b. Plainly audible through partitions common to two residences within a building;
- c. Plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 7:00 a.m. and 10:00 p.m.; or
- d. Plainly audible at a distance of 25 feet in any direction from the source of music or sound between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 7341 §6, 2016; Ord. 6959 §2, 2007; Ord. 6328 § 1, 1996; Ord. 6273 § 1 (part), 1996)

Section 7.35.020 Exemptions.

The following activities shall be exempt from the provisions of this title:

- A. Emergency Work. The provisions of this Title shall not apply to the emission of

sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.

B. Entertainment Events. The provisions of this Title shall not apply to those reasonable sounds emanating from authorized school bands, school athletic and school entertainment events and occasional public and private outdoor or indoor gatherings, public dances, shows, bands, sporting and entertainment events conducted between the hours of 7:00 a.m. and 10:00 p.m.

C. Federal or State Preempted Activities. The provisions of this Chapter shall not apply to any other activity the noise level of which is regulated by state or federal law.

D. Minor Maintenance to Residential Property. The provisions of this Title shall not apply to noise sources associated with minor maintenance to property used for residential purposes, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.

E. Right-Of-Way Construction. The provisions of this Title shall not apply to any work performed in the City right-of-ways when, in the opinion of the Public Works Director or his designee, such work will create traffic congestion and/or hazardous or unsafe conditions.

F. Public Health, Welfare and Safety Activities. The provisions of this Title shall not apply to construction maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to, trash collection, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

G. Noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the City as required; and provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday or a federal holiday. (Ord. 7341 § 6, 2016; Ord. 6917 § 1, 2006; Ord. 6328 § 2, 1996; Ord. 6273 § 1 (part), 1996)

Chapter 7.40

VARIANCE PROCEDURE

Sections:

7.40.010 Variance procedure.

7.40.020 Appeals.

Section 7.40.010 Variance procedure.

A. The Zoning Administrator is authorized to grant variances for exemption from any provision of this title, and may limit area of applicability, noise levels, time limits, and other terms and conditions determined appropriate to protect the public health, safety, and welfare. The provisions of this section shall in no way affect the duty to obtain any permit or license required by law for such activities.

B. Any person seeking a variance pursuant to this section shall file an application with the Zoning Administrator. The application shall be signed by the property owner or owner's representative using forms supplied by the Community & Economic Development Department - Planning Division. The application shall contain information which demonstrates that bringing the source of the sound or activity into compliance with this title would constitute an unreasonable hardship to the applicant, the community, or other persons. The Zoning Administrator may require additional information if it is necessary to make a determination regarding the variance request. The application shall be accompanied by a fee established by resolution of the City Council.

C. A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership or several fixed sources on a single property may be combined into one application. Any person who claims to be adversely affected by the allowance of the variance may file a statement with the Zoning Administrator containing any information to support his claim. If the Zoning Administrator determines that a sufficient controversy exists regarding a variance application, the variance may be set for public hearing before the Planning Commission.

D. Public notice of the consideration of a proposed variance from the standards of this chapter shall be provided by the Zoning Administrator by mailing such notice to property owners within three hundred feet of the exterior boundaries of the property under consideration. The notice shall invite interested persons to notify the Planning Division of any concerns or comments within ten days of the date of the notice.

E. In determining whether to grant or deny the application, the Zoning Administrator or the Planning Commission shall consider comments received from property owners within three hundred feet, hardship on the applicant, the community, or other persons affected and property affected and any other adverse impacts. The requested variance may be granted in whole or in part and upon such terms and conditions as it deems necessary if, from the facts presented on the application, the Zoning Administrator or the Planning Commission finds that:

1. The strict application of the provisions of this title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of this title;
2. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood;
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

4. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan.

F. A variance shall be granted by a notice to the applicant containing all the necessary conditions, including any time limits on the permitted activity. The variance shall not become effective until all the conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this chapter for which the variance was granted.

G. A variance shall be valid for a period not exceeding one year after the date on which it was granted. Applications for extensions of the time limits specified in variances or for the modification of other substantial conditions shall be treated like applications for initial variances.

H. In the event the Zoning Administrator does not approve an application for a variance within ten days after the application is filed it shall be placed on the agenda of the next regularly scheduled Planning Commission, unless the Commission refers the matter to the City Council. (Ord. 7341 § 6, 2016; Ord. 6967 § 7, 2007; Ord. 6462 § 8-10, 1999; Ord. 6273 § 1 (part), 1996)

Section 7.40.020 Appeals.

Any person aggrieved by the approval or disapproval of a variance, may appeal the decision of the Zoning Administrator or Planning Commission to the City Council within ten days after the date of such approval or disapproval. The City Council shall hold a hearing thereon, upon notice to the applicant, considering the same criteria presented to the Zoning Administrator. (Ord. 6462 § 11, 1999; Ord. 6273 § 1 (part), 1996)

Chapter 7.45

SEVERABILITY

Section:

7.45.010 Severability

Section 7.45.010 Severability

If any section, subsection, sentence, clause or phrase in this title is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The City Council hereby declares that it would have passed this title and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 6328 § 3, 1996)

TITLE IV—PUBLIC WELFARE, MORALS AND CONDUCT

CHAPTER 3—NOISE IN THE DOWNTOWN PLAZA AREA

(Ord. 1249, eff. 4/5/1996)

ARTICLE 1—GENERAL PROVISIONS

Sec. 4300 Title.

This Chapter shall be known as and referred to as the Downtown Plaza Area Noise Ordinance, and is adopted as a measure addressing public health, welfare and conduct.

Sec. 4305 Declaration of Policy and Intent.

(a) It is hereby declared to be the policy of the City of Arcata to prohibit unnecessary, excessive and annoying noise from all sources in the Downtown Plaza area subject to its police power. The City declares and finds that excessive noise levels, offensive noise, and unreasonably disturbing noise are detrimental to the public health, welfare and safety and are contrary to the public interest as follows:

1. By interfering with sleep, communication, relaxation and the full use of private property;
2. By interfering with the use and enjoyment of the Arcata Plaza by the general public;
3. By interfering with noise-sensitive land uses, particularly residential apartments and transient lodging, which are allowed within the Downtown Plaza area;
4. By contributing to hearing impairment and a wide range of adverse physiological stress conditions;
5. By interfering with productive commerce;
6. By adversely affecting the value of real property.

(b) The City further finds that noises which are boisterous, penetrating, repetitive, of unusual rhythmic or tonal character, of long duration, or that are unreasonably distracting in any other manner, are especially likely to be detrimental and harmful to the Downtown Plaza area and offensive to the area's residents, merchants, employees, patrons and other users of ordinary sensitivity.

(c) It is the intent of this Chapter to protect the public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the Downtown Plaza area, its inhabitants, employees, patrons and other users by reducing excessive noise levels and by prohibiting the making of offensive or unreasonably disturbing noises.

Sec. 4310 Definitions.

All terms and phrases used in this chapter shall have the meanings as defined herein. The definition of a term or phrase shall apply to any of that term's or phrase's variants.

1. A-weighted sound level means the sound level in decibels as measured on a sound level meter using the A-weighting scale, abbreviated as dBA, measured as set forth in this chapter.
2. Ambient noise level means the composite of noise from all sources near and far measured at a particular location and time but without inclusion of noise from individual identifiable sources which are not normally present. The ambient noise level shall be measured as an average sound level during a five-minute period as measured with a precision sound level meter, using slow response and "A-weighting" and with the noise source at issue silent. The ambient noise level constitutes the normal or existing level of

environmental noise at a given location, minus the source which is the subject of enforcement. However, for purposes of this Chapter, in no case shall the ambient noise level be considered or determined to be less than 55 dBA during the time period from 10:00 p.m. to 7:00 a.m. or less than 65 dBA during the time period from 7:00 a.m. to 10:00 p.m.

3. Amplified Sound means any sound created by the use of sound amplifying equipment.
4. Decibel (dB) means a unit of measurement which indicates the relative intensity of a sound. It is equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals.
5. Downtown Plaza area shall mean that area defined in Section 4171 of Chapter 2 of this Title.
6. Intrusive or intruding noise means that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence, rhythmic character and tonal or informational content as well as the prevailing ambient noise level.
7. Noise disturbance means any sound which violates the standards of this ordinance.
8. Noise control officer means the Police Chief of the City of Arcata, or his or her designee.
9. Public right-of-way means any street, avenue, highway, alley, sidewalk or similar place which is owned or controlled by a governmental entity.
10. Public space means any real property or structures thereon which are owned or controlled by a governmental entity.
11. Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.
12. Sound amplifying equipment means any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and, as used in this Chapter, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.
13. Sound level means the level of sound measured in decibels.
14. Sound level meter means a sound measuring instrument meeting American National

Standard Institute's Standard S1.41971 or the most recent revision thereof for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which provide equivalent data.

Sec. 4315 Standards for Determining Violation.

Notwithstanding any other provisions of this Chapter, and in addition thereto, it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continue, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of the Downtown Plaza Area, or which causes any discomfort or annoyance to any reasonable person of normal sensitivity residing, working, shopping or otherwise using or visiting in the Downtown Plaza Area. The standards which shall be considered in determining whether a violation of the provisions of this section exist shall include, but not be limited to the following:

1. the level of the noise;
2. whether the nature of the noise is usual or unusual;

3. the level and intensity of the ambient noise;
4. the proximity of the noise to residential or transient lodging facilities;
5. the number of persons affected by the noise;
6. the time of the day or night the noise occurs;
7. the duration of the noise;
8. whether the noise is recurrent, intermittent or constant; and
9. the tonal and rhythmic content of the noise.

ARTICLE 2—GENERAL NOISE STANDARDS AND REGULATIONS

Sec. 4320 Exterior Noise In General.

A. No person shall make, cause, suffer or permit to be made any noises or sounds at any location within the Downtown Plaza area which causes the average sound level when measured on any other property to exceed:

1. 60 dBA between the hours of 10:00 p.m. and 7:00 a.m. or 65 dBA between the hours of 7:00 a.m. and 10:00 p.m. for a cumulative period of more than 10 minutes in any hour; or
2. the standard expressed in item 1 above plus five dB for a cumulative period of five minutes in any hour; or
3. the standard expressed in item 1 above plus 15 dB for any period of time; or
4. the ambient noise level, for a period of five or more minutes.

B. If the measured ambient noise level exceeds that permissible within any of the first three noise limit categories above, the allowable noise exposure standard shall be the ambient noise level.

C. If possible, the ambient noise level shall be measured at a location along the real property boundary on the property adjoining the parcel which is the location of the alleged offending noise source. If the intruding noise source is continuous and cannot be reasonably discontinued or stopped for a time period whereby the ambient noise level can be measured, the ambient noise level shall be determined by traveling away from the noise source to a point where a steady state decibel reading is achieved. If this test is not possible, the noise level shall be compared directly to the noise level standards in section A above.

D. Adjustment for character of sound. In the event the alleged offensive noise, as judged by the noise control officer, contains a steady, pure tone such as a whine, screech, or hum, or is an impulsive sound such as hammering or riveting, or is repetitive or rhythmic in character, the standards set forth in section A above shall be reduced by five dB.

Sec. 4325 Offensive or Unreasonably Disturbing Noises.

A. Notwithstanding the standards set forth in Section 4320, no persons shall make, cause, suffer or permit to be made any offensive or unreasonably disturbing noise which disturbs any person within hearing distance of such noise.

B. Offensive noise means any noise which is loud, boisterous, irritating, penetrating, repetitive, rhythmic or unusual, or that is unreasonably distracting in any other manner, such that it is likely to disturb people of ordinary sensitivity in the vicinity of such noise.

Sec. 4330 Exceptions to the Provisions of this Article.

The provisions of this Article shall not apply to the following:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work;
2. The emission of sound from warning devices necessary for the protection of public safety, as for example, police, fire and ambulance sirens, and the testing of such devices;
3. Those short-term construction activities which are conducted in a reasonable manner and employing appropriate measures intended to prevent or reduce unnecessary noise impacts to adjoining properties;
4. Delivery vehicles making deliveries to businesses located within the Downtown Plaza area between the hours of 7:00 a.m. and 7:00 p.m.
5. Activities authorized by or consistent with a Conditional Use Permit previously approved by the City and which includes standards for noise.

ARTICLE 3—REGULATIONS FOR SPECIAL NOISE SOURCES**Sec. 4335 Specific Prohibitions.**

- A. Noise disturbances prohibited. It is unlawful for any person to unnecessarily make, continue, or cause to be made or continued, any noise disturbance.
- B. Use of musical instruments restricted. It is unlawful for any person to use any musical instrument or device of any kind in any public space or right-of-way within the Downtown Plaza area for any cumulative period exceeding fifteen minutes within any twenty-four hour period. This section shall not apply to any person who has been duly authorized to engage in such conduct by the granting of a variance by the noise control officer pursuant to Section 4360 of this Chapter. Such variances shall normally be limited to parades or special events sanctioned by the City.
- C. Establishments with musical entertainment. It is unlawful for any person operating a business establishment with musical entertainment to permit the operation or playing of any loudspeaker, musical instrument or any other source of amplified sound in any manner so as to create any noise which would:
 1. exceed ninety-five dBA as read on the scale of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating: "WARNING SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT"; or
 2. cause the sound level on any other property, including public spaces, to exceed the standards expressed in Section 4320 of this chapter.
- D. Radios, television sets and similar devices. It is unlawful for any person within the Downtown Plaza area to use or operate any radio receiving set, phonograph, tape or compact disc player, television set or any other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of residents, employees, patrons or other persons using or inhabiting the Downtown Plaza area and of reasonable and normal sensitivity.

Sec. 4340 Amplified Sound.

- A. No person shall use or cause to be used at any place in the Downtown Plaza area, whether on public property or private property, any sound-amplifying device or equipment without first having secured a permit to do so from the noise control officer, except as provided in subsection F herein.

B. Any person desiring to obtain a sound amplification permit shall submit a written application to the police department no later than 30 days prior to proposed date for commencement of the amplified sound. The application shall include the following:

1. a description of the activity proposed to be conducted for which the sound amplification permit is requested;
2. a description of the amplification equipment or devices to be used;
3. a statement of the measures that the applicant will take to insure that the sound amplification will not unreasonably disturb other people in the vicinity;
4. the exact time periods and location where the sound amplification will take place;
5. the name of the person who shall be responsible for monitoring and insuring compliance with the terms of any permit that is granted;
6. any City fee for processing the application; and
7. any other information that the noise control officer determines is reasonable needed to assure compliance with the provisions of this chapter.

C. The noise control officer may grant the sound amplification permit if he or she determines that the sound amplification will be conducted in such a manner as not to unreasonably disturb the neighbors of other persons in the vicinity of the site and that the measures, if implemented, will be adequate. In granting a permit, the noise control officer may impose such conditions as may be appropriate or necessary to protect the public peace, safety, and welfare.

D. Any permit granted pursuant to this section shall be revocable at any time by the noise control officer for good cause.

E. Any person aggrieved by any decision rendered by the noise control officer pursuant to this section shall have the right to appeal the decision to the City Council. Any appeal shall be in writing and shall be submitted no later than thirty (30) calendar days following the date of the decision.

F. The permits otherwise required by this section shall not be required under the following circumstances:

1. Sound-amplification equipment or devices used on privately-owned property where the sound produced does not carry beyond the real property boundary or does not unreasonably disturb any person outside the property where the sound is generated.
2. Sound-amplification equipment or devices used in conformity with a conditional use permit issued under the provisions of Title X, the Land Use and Development Guide.
3. Sound-amplification equipment or devices used on emergency vehicles or by government employees in connection with any activity undertaken for the protection of the public welfare or safety;
4. When a permit has been issued for sound amplification pursuant to "Chapter 1 of Title X of the Municipal Code for events held within the Plaza or upon any City grounds, or on any public street or sidewalk.

ARTICLE 4—ENFORCEMENT AND PENALTIES

Sec. 4345 Enforcement Procedures.

A. Upon observing a potential violation or receiving a complaint, the noise control officer, equipped with a sound level meter, shall investigate the matter. The investigation shall consist of a measurement and the gathering of data to adequately define the noise disturbance and shall include the following:

1. the type of noise source;
2. the specific location of the noise source and in relation to the complainant location, if applicable;
3. the duration and characteristics of the noise;
4. the date(s), time(s) and specific location(s) of noise measurement(s);
5. the noise level(s) as measured by the sound level meter with "slow" meter response and using the "A" weighting scale; and
6. information about the person responsible for the noise.

B. If it is determined by the noise control officer that a violation of the provisions of this chapter exists, the following procedure shall be followed:

1. A written warning shall be issued by the noise control officer or his designee to the person responsible for the event causing the noise disturbance.
2. If the noise disturbance persists for more than a reasonable period of time necessary to discontinue the noise following the notice, or recurs at any time within an eight-hour period, then the person responsible for the noise disturbance shall be guilty of an infraction and shall be subject to the penalties described in Section 4350.

Sec. 4350 Violations and Penalties.

Any person violating any of the provisions of this Chapter shall be deemed guilty of an infraction and shall be subject to the penalties stated in "Chapter 3 of Title 1 of the Arcata Municipal Code.

Sec. 4355 Subsequent Violations.

Each subsequent violation of the provisions of this chapter within each twenty-four hour period shall constitute a separate offense and shall be subject to additional penalties.

Sec. 4360 Variances.

A. The creation of noise which violates the provisions or standards of this chapter shall require the issuance of a variance. The noise control officer shall evaluate all applications for variances and may grant said variance or permit subject to such terms, conditions and requirements as he or she may deem reasonable to achieve the purposes of this chapter. In considering the merits of a requested variance, the noise control officer shall consider the extent of any nuisance caused by the offensive noise, the length of time of any non-compliance with the standards of this chapter, the time of day of the noise, the magnitude and character of the noise, and the potential number of people affected by the noise. An application shall be submitted no less than ten (10) working days prior to the date when the variance is needed. A nominal fee shall be charged to each applicant for processing a variance request. Applicants for variances may be required to submit such information as the noise control officer may reasonably require. Variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance. A decision of the noise control officer may be appealed to the City Council within five working days by any aggrieved person.

B. Variance requests related to use of public buildings and grounds shall be reviewed and issued concurrent with the permit required for such use by Section 10006 of Chapter 1 of the Municipal Code.

The Arcata Municipal Code is current through Ordinance

1476, passed September 7, 2016.

Disclaimer: The City Clerk's Office has the official version of the Arcata Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.
