

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING
SANTA CRUZ MUNICIPAL CODE CHAPTER 9.36 (“NOISE”) AND CHAPTER 9.40
(“SOUND AMPLIFYING EQUIPMENT”) AND ADDING OBJECTIVE STANDARDS TO
BOTH CHAPTERS

WHEREAS, the City Council for the City of Santa Cruz finds that unreasonably loud noise in commercial areas is a major issue in the City impacting the public’s health, use, and enjoyment of both public and private spaces; and

WHEREAS, the City Council desires to set more objective standards related to unreasonable loud noise, similar to the objective standard contained in California Vehicle Code § 27007, which provides, in relevant part that, “[n]o driver of a vehicle shall operate . . . any sound amplification system which can be heard outside the vehicle from 50 or more feet when the vehicle is being operated”; and

WHEREAS, the City Council desires to set objective standards to create a community understanding about unreasonably loud noise and to foster an environment of mutual respect, while at the same time promoting self-expression; and

WHEREAS, these amendments to Chapters 9.36 and 9.40 establish objective standards as to when certain noises should be presumed to be unreasonably loud, in violation of Santa Cruz Municipal Code sections 9.36.020 and 9.40.010.

BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

SECTION 1. City Council Intent.

The City Council for the City of Santa Cruz finds that unreasonably loud noise in commercial areas is a major issue in the City impacting the public’s health, use, and enjoyment of both public and private spaces.

The City Council desires to set more objective standards related to unreasonable loud noise, similar to the objective standard contained in California Vehicle Code § 27007, which provides, in relevant part that, “[n]o driver of a vehicle shall operate . . . any sound amplification system which can be heard outside the vehicle from 50 or more feet when the vehicle is being operated”.

The City Council desires to set objective standards to create a community understanding about unreasonably loud noise and to foster an environment of mutual respect, while at the same time promoting self-expression.

These amendments to Chapters 9.36 and 9.40 establish objective standards as to when certain noises should be presumed to be unreasonably loud, in violation of Santa Cruz Municipal Code sections 9.36.020 and 9.40.010.

With these amendments, the Council intends for enforcement officers who observe violations of Section 9.36.020 and 9.40.010 to be able to cite for those violations without necessarily requiring a victim's signature, similar to when enforcement officers witness other violations of law, such as running a stop sign or smoking on Pacific Avenue.

SECTION 2. Santa Cruz Municipal Code section 9.36.020, within Chapter 9.36 "Noise", is hereby amended to read as follows:

"9.36.020 UNREASONABLY DISTURBING NOISES.

- A. No person shall make, suffer or permit to be made any noises or sounds which are unreasonably loud, raucous, jarring or disturbing to people of ordinary sensitiveness.
- B. The factors to be considered in determining whether to issue a citation for a violation and whether a violation of this section has occurred shall include, but not be limited to, the following:
 - 1. The volume and intensity of the noise, music, or related sound;
 - 2. The duration, continuousness or repetitive nature of the noise, music, or related sound;
 - 3. Whether the origin of the noise, music, or related sound is natural or unnatural to the area in which it occurs;
 - 4. The volume and intensity of the ambient or background noise or sound, if any;
 - 5. The proximity of the noise, music, or related sound to residential sleeping facilities or to overnight accommodations, such as hotels and motels;
 - 6. The proximity to offices, places of business or other areas where work is known to be carried on, of the noise, music, or related sound;
 - 7. The nature and zoning of the area within which the noise, music, or related sound emanates;
 - 8. The time of day or night the noise, music, or related sound occurs and the relationship of this time to the normal activities of the area in which it occurs and in relation to the other factors listed in this subsection; and
 - 9. Whether the noise, music, or related sound is produced by a commercial or a noncommercial activity.
- C. If the noise producing source is on public property in a commercial zone (as defined below), amplified noise and/or repetitive banging or percussive noises that can be heard 75 or more

feet from the noise-producing source are presumptively unreasonably loud or disturbing as prohibited by this section. This presumption, however, shall not apply to permitted amplification or percussion used in special events or performances permitted by the City under a different part of the Municipal Code (e.g., Public Gathering and Expression Events (Chapter 10.65) and Major Public Special Events (Chapter 10.64)).

1. Within this section and SCMC § 9.40.010(B)(3), the term “commercial zone” means one of the following places: (i) the area within the boundaries of the Downtown Plan Area, as currently adopted or as amended; or (ii) the area along or within 75 feet of any point of Soquel Ave. within the City of Santa Cruz; or (iii) the area along or within 75 feet of any point on Mission St./Highway 1 within the City of Santa Cruz.”

SECTION 3. Santa Cruz Municipal Code section 9.40.010, within Chapter 9.40 “Sound Amplifying Equipment”, is hereby amended to read as follows:

“9.40.010 RESTRICTIONS ON USE OF SOUND AMPLIFYING EQUIPMENT AND SOUND TRUCKS.

- A. No person shall use or cause to be used any sound amplifying device or equipment at any place in the city, whether on public property or private property, except in accordance with subsection B.
- B. Sound amplifying equipment and sound trucks:
 1. Shall only be used to produce music or human speech, or both;
 2. Shall not be emitted near hospitals, churches, schools, courthouses or city facilities in a manner that unreasonably disrupts, obstructs, impairs or interferes with the normal use and operation of such facilities for their intended purposes;
 3. Shall be operated at a volume of sound that is not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the range of audibility, considering the factors set forth in Section 9.36.020(B). If the noise producing source is on public property in a commercial zone (as defined by SCMC § 9.36.020(C)(1)), amplified noise that can be heard 75 or more feet from the noise-producing source is presumptively unreasonably loud or disturbing as prohibited by this subsection. This presumption, however, shall not apply to permitted amplification used in special events or performances permitted by the City under a different part of the Municipal Code (e.g., Public Gathering and Expression Events (Chapter 10.65), Major Public Special Events (Chapter 10.64));
 4. Shall be operated in a manner that directs sound, to the extent feasible, toward open unoccupied space and away from residential and business uses; and
 5. Shall not be used between the hours of 10:00 p.m. and 8:00 a.m.”

SECTION 4. Environmental Review. The Council finds that approval of this ordinance is not a “project” under the California Environmental Quality Act (CEQA). An activity undertaken, supported, or authorized by a public agency is a “project” subject to CEQA only if it “may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (Pub. Resources Code, § 21065.) Approval of this ordinance is not a “project” under CEQA because it does not have the potential to cause physical change in the environment directly or indirectly.

In the alternative, if this ordinance is considered a “project” under CEQA, the “common sense” exemption applies because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (14 Cal Code Regs 15061(b)(3).)

Furthermore, the following exemptions are applicable:

- Class 7 Categorical Exemption because the Council action is intended “to assure the maintenance, restoration, or enhancement of a natural resource.” (Cal. Code Regs., tit. 14, § 15307.)
- Class 8 Categorical Exemption because the Council action is intended “to assure the maintenance, restoration, enhancement, or protection of the environment.” (Cal. Code Regs., tit. 14, § 15308.)

The project does not include construction activities or relaxation of standards allowing environmental degradation as prohibited by these exceptions.

SECTION 5. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 11th day of February, 2025, by the following vote:

AYES: Councilmembers Brunner, Newsome, Golder, O’Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley.

NOES: Councilmember Trigueiro.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2025-03

PASSED FOR FINAL ADOPTION this 25th day of February, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2025-03 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator