

## WHAT'S THE PROBLEM?

Disturbances caused by loud noise, music and parties are a significant problem in San Luis Obispo, especially in neighborhoods where students reside near long term residents. This causes tension and conflict among neighbors, and citations for violations are expensive.



## WHAT IS THE CITY LAW AND POLICY ABOUT NOISE?

It is a violation to make or allow any noise between 11:00 PM and 7:00 AM that can be heard across your property line or more than 60 feet away and across your property line anytime during the day. This includes loud music and other noise, such as loud parties at a party of gathering. This regulation is contained in section 9-12.050 of the City of San Luis Obispo Municipal Code.

Violations are enforced by the San Luis Obispo Police Department. Violators receive either a warning or a citation. It is very important to pay attention to the citation because if you fail to do so, the copier will be able to take more action. The copier will be able to take more action if you do not pay attention to the citation.

## WHAT DOES A NOISE CITATION COST?

The short answer is... it's a lot! The fines for noise violations are:

- \$250** for the first citation
- \$700** for the second citation
- \$1,000** for the third or subsequent citations

In addition, if the noise is not stopped after a warning and officers are required to return anytime within 24 hours, then the resident is also responsible for paying the cost of the officers' response time in addition to the citation. Think of all the better ways you could spend your money!

## WHAT IS SNAP AND WHY IS IT BETTER TO HAVE THEM RESPOND THAN POLICE OFFICERS?

Student Neighborhood Assistance Program (SNAP) employees are Cal Poly and Calstate students employed by the SLO Police Department. SNAP employees are sent to noise complaints and they verify a violation. They do not respond and issue a Disturbance Assessment Card (DAC), which is a form we fill out.

SNAP employees do not issue noise citations... but SNAP employees do not have the authority to issue citations or to take any other action. They are only able to report a violation to the police, police officers will respond and can issue a citation.

## AM I ENTITLED TO A WARNING FIRST?

No. Police officers may respond to noise complaints without issuing a warning first. Officers can issue a citation on the spot if they observe a noise violation. Officers may also respond to noise complaints and issue a citation without issuing a warning first.

## WHAT IF MY HOUSE RECEIVES ONE WARNING?

If a house is cited with a noise citation, the owner must pay a fine. The fine is \$250 for the first citation, \$700 for the second citation, and \$1,000 for the third or subsequent citations. The owner must also pay the cost of the officers' response time in addition to the citation. Think of all the better ways you could spend your money!

- \$250** for the first citation
- \$700** for the second citation
- \$1,000** for the third or subsequent citations

Officers do not issue citations... but officers do not have the authority to issue citations or to take any other action. They are only able to report a violation to the police, police officers will respond and can issue a citation.

## WHAT IF MY NEIGHBOR COMPLAINS BUT I AM NOT IN VIOLATION?

SNAP employees do not issue noise citations... but SNAP employees do not have the authority to issue citations or to take any other action. They are only able to report a violation to the police, police officers will respond and can issue a citation.

## WHAT CAN I DO TO AVOID NOISE COMPLAINTS?

- **THINK ABOUT OTHERS.** Recognize that everyone has a right to peace and quiet in their homes, and that your neighbors may have small children and early bed times.
- **GET TO KNOW YOUR NEIGHBORS.** When you first move in to your house, take the time to introduce yourself to your neighbors and talk over any concerns. Give them your cell phone number and ask them to call you if there is a problem. Then give them the courtesy of responding to their concerns if they do call you.
- **MAKE A PLAN.** If you are going to host a party or gathering, make sure you have a sober, responsible person to monitor your noise level. Let your neighbors know about the party in advance and encourage them to call you directly if things get too loud. Pay attention to your guests' behavior outside of your house. Just like you don't want strangers urinating or flaring in your yard, your neighbors don't either. Have fun but be respectful of your neighbors.



## WHAT IF I'M HAVING ON-GOING CONFLICTS WITH MY NEIGHBOR?

If talking with your neighbor isn't working, there is a free conflict resolution and mediation service called **SLO Solutions** available to all City residents. This service has been very successful in resolving on-going disputes in a positive and productive way. Information about SLO Solutions is available at [www.slosolutions.com](http://www.slosolutions.com) or by calling (800) 540-0442.

## WHO CAN I CALL IF I HAVE MORE QUESTIONS?

Aradh Trigenza  
Neighborhood Services Manager  
San Luis Obispo Police Department  
(805) 781-7180  
[atrgen@slcity.org](mailto:atrgen@slcity.org)  
[www.slopd.org](http://www.slopd.org)

## NOISE STANDARDS IN SAN LUIS OBISPO (HOW TO AVOID A TICKET)



respect slo bro  
[www.respectslobro.com](http://www.respectslobro.com)

SAN LUIS OBISPO POLICE DEPARTMENT  
Office of Neighborhood Services

1043 Walnut Street  
San Luis Obispo, CA 93401  
(805) 781-7180  
[www.slopd.org](http://www.slopd.org)

# San Luis Obispo County, CA Noise Ordinance

(NPC posted this March 2004)

## 23.06.040 - Noise Standards:

Sections 23.06.044-050 establish standards for acceptable exterior and interior noise levels and describe how noise is to be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and the full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property. It is the intent of this chapter to protect persons from excessive levels of noise within or near various residential development and other specified noise-sensitive land uses.

[Amended 1992, Ord. 2546]

## 23.06.042 - Exceptions to Noise Standards:

The standards of Sections 23.06.044-050 are not applicable to noise from the following sources:

- a. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events;
- b. The use of any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work to protect life or property;
- c. Safety signals, warning devices, and emergency pressure relief valves;
- d. Noise sources associated with construction, provided such activities do not take place before seven a.m. or after nine p.m. any day except Saturday or Sunday, or before eight a.m. or after five p.m. on Saturday or Sunday;
- e. Noise sources associated with the maintenance of a residential use as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan, provided that such activities take place between the hours of seven a.m. and nine p.m.;
- f. Noise sources associated with agricultural land uses as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan, including but not limited to wind machines used for direct climate control, water well pumps and pest-repelling devices, provided that such pest-repelling devices are used in accordance with accepted standards and practices;
- g. Noise sources associated with a lawful use which is other than a residential use as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan, caused by mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter; this exemption shall expire one year after the effective date of this chapter;

h. Noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities;

i. Noise sources associated with the collection of waste or garbage from property devoted to other than residential uses listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan.

j. Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity to the extent regulation thereof has been preempted by state or federal law.

[Amended 1992, Ord. 2546; 1993, Ord. 2591; 1995, Ord. 2715]

### 23.06.044 - Exterior Noise Level Standards:

The exterior noise level standards of this section are applicable when a land use affected by noise is one of the following noise-sensitive uses which are defined in the Land Use Element and Local Coastal Plan: residential uses listed in Table O, Framework for Planning, except for residential accessory uses and temporary dwellings; health care services (hospitals and similar establishments only); hotels and motels; bed and breakfast facilities; schools (pre-school to secondary, college and university, specialized education and training); churches; libraries and museums; public assembly and entertainment; offices, and outdoor sports and recreation.

a. No person shall create any noise or allow the creation of any noise at any location within the unincorporated areas of the county on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any of the preceding noise-sensitive land uses situated in either the incorporated or unincorporated areas to exceed the noise level standards in the following table. When the receiving noise-sensitive land use is outdoor sports and recreation, the following noise level standards shall be increased by 10dB.

EXTERIOR NOISE LEVEL STANDARDS		
	Daytime (7 a.m. to 10 p.m.)	Nighttime <sup>1</sup> (10 p.m. to 7 a.m.)
Hourly Equivalent Sound Level ( $L_{eq}$ , dB)	50	45
Maximum level, dB	70	65

<sup>1</sup> Applies only to uses that operate or are occupied during nighttime hours

b. In the event the measured ambient noise level exceeds the applicable exterior noise level standard in subsection (a), the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.

c. Each of the exterior noise level standards specified in subsection (a) shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

d. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the exterior noise level standards.

[Amended 1992, Ord. 2546]



### 23.06.046 - Interior Noise Level Standards:

The interior noise level standards of this section are applicable when the land use which is the source of noise and the land use which is affected by noise are both residential uses as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan, except for residential accessory uses and temporary dwellings.

- a. No person shall operate or cause to be operated a source of noise within a residential use in any location in the unincorporated areas of the county or allow the creation of any noise which causes the noise level when measured inside a residential use located in either the incorporated or unincorporated area to exceed the interior noise level standards in the following table:

INTERIOR NOISE LEVEL STANDARDS		
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly Equivalent Sound Level ( $L_{eq}$ , dB)	40	35
Maximum level, dB	60	55

- b. In the event the measured ambient noise level exceeds the applicable interior noise level standard in subsection (a), the applicable standard shall be adjusted so as to equal the ambient noise level plus one dB.
- c. Each of the interior noise level standards specified in subsection (a) shall be reduced by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
- d. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the interior noise level standards.

[Added 1992, Ord. 2546]

### 23.06.048 - Other Noise Sources:

The noise level standards in this section apply to the following noise sources:

- a. **Air conditioning and refrigeration:** Notwithstanding the provisions of Section 23.06.044, when the intruding noise source is an air conditioning or refrigeration system or associated equipment installed prior to the effective date of this chapter, the exterior noise level as measured as provided in Section 23.06.050 shall not exceed 55 dB, except where such equipment is exempt from the provisions of this chapter. The exterior noise level shall not exceed fifty dB for such equipment installed or in use after one year after the effective date of this chapter.
- b. **Waste and garbage collection equipment:** Notwithstanding the provisions of Section 23.06.044, noise sources associated with the collection of waste or garbage from a residential use (as listed in Table O, Framework for Planning of the Land Use Element and Local Coastal Plan) by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before seven a.m. or after seven p.m., and the noise level created by such activities when measured at a distance of fifty feet (50) in an open area shall not exceed the following standards:

(1) Eighty-five (85) dB for equipment in use, purchased or leased within six months from the effective date of this chapter.

(2) Eighty (80) dB for that equipment set forth in subsection a(1) after five years from the effective date of this chapter.

(3) Eighty (80) dB for new equipment purchased or leased after six months from the effective date of this chapter.

(4) Seventy-five (75) dB for new equipment purchased or leased after thirty-six months from the effective date of this chapter.

- c. **Electrical substations:** Notwithstanding the provisions of Section 23.06.044, noise sources associated with the operation of the following electrical substations shall not exceed an exterior noise level of fifty dB between 10 p.m. and 7 a.m. and fifty-five dB between 7 a.m. and 10 p.m., as determined at the property line of the receiving land use: the Cholame, San Miguel, Templeton, Cambria, Perry, Cayucos, Baywood, Highway 1 between Morro Bay and the California Men's Colony, Goldtree, Foothill, San Luis Obispo, Oceano, Mesa, Union Oil, Calendar, and Mustang electrical substations. If any of these existing electrical substations undergo modifications that increase noise levels, they shall be mitigated in accordance with the policies of the Noise Element Document.

[Added 1992, Ord. 2546]

### 23.06.050 - Noise Level Measurement:

For the purpose of evaluating conformance with the standards of this chapter, noise levels shall be measured as follows:

- a. **Use of meter:** Any noise measurement made pursuant to the provisions of Sections 23.06.044-048 shall be made with a sound level meter using the A-weighted network (scale). Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.
- b. **Measuring exterior noise levels:** Except as otherwise provided in Sections 22.06.044-048, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Section 23.06.044. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.
- c. **Measuring interior noise levels:** Interior noise levels shall be measured within the affected residential use listed in Section 23.06.046, at points at least four (4) feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

[Added 1992, Ord. 2546]

## City of San Luis Obispo Noise Ordinance Modifications

Disturbances caused by loud noises, music and parties are a significant problem in San Luis Obispo, especially in neighborhoods where students reside near long term residents. Due to continuing issues related to noise and parties in City neighborhoods the San Luis Obispo City Council on February 2, 2010, adopted several amendments to the City's Noise Ordinance contained in section 9.12.050 of the City of San Luis Obispo Municipal Code, and the San Luis Obispo Police Department (SLOPD) procedures for enforcing the noise ordinance.

The modifications take effect on **March 5<sup>th</sup>, 2010** and the significant changes include:

- **Violators are only eligible to receive one warning before receiving a citation.**  
Previously violators of the noise ordinance were eligible to receive several warnings each year before receiving a citation since they were only put on the Police Department's No Warning (Premise) list if they received more than two violations in a 60-day period. After March 5, 2010, violators will be eligible to receive only one warning in any nine-month period. After March 5, when a Student Neighborhood Assistance Program (SNAP) employee or a SLOPD officer issues a Disturbance Advisement Card warning (DAC) or a citation for a noise violation, the residence will be immediately placed on the No Warning (Premise) list and will remain there for 9 months from the date of the most recent violation. Any further noise complaints received for the residence while it is on the No Warning list will result in officers being dispatched to the call instead of SNAP and citations may be issued.

Violations of the Noise Ordinance are still subject to the same administrative fines:

First violation: \$350.

Second violation: \$700. for a second violation within a 12 month period

Third violation: \$1000. for a third or subsequent violation within a 12 month period.

- **Property Owners can also be issued a citation.**  
The new ordinance modifications allow the issuance of an administrative citation to property owners who allow noise violations to repeatedly occur at their property. When a tenant is issued a warning or a citation for a noise violation, SLOPD will send a letter to the property owner notifying them of the violation. If subsequent violations are allowed to occur after a reasonable period of time has passed for the owner to address the problem (at least two weeks), the owner may receive an administrative citation (in addition to any citation issued to the tenants). Fines for administrative citations issued to property owners are:  
First violation: \$350.  
Second violation: \$700. for a second violation within a 12 month period  
Third violation: \$1000. for a third or subsequent violation within a 12 month period.

- **Community Service Option for first time violators.**

First time violators of the noise ordinance will be allowed to apply for community service in lieu of paying some or the entire fine, at a rate of \$10.00 for each hour of service completed. The total 35 hours of community service will be required to be completed within 3 months or any remaining time will be due and payable as a monetary fine. To request community service for noise citations received after March 5, 2010 appellants must contact the City's Finance Dept. at 990 Palm St. and fill out the application within 10 days for receiving a citation (as indicated on the citation).

- **Petition for Early Removal from Premise List.**

If a complete turnover in tenants occurs at a property that is on the No Warning list, the property owner or manager may apply to the Police Department for early removal from the No Warning list. Proof of complete tenant turnover and lease language containing noise violation language will be required for the residence to be removed from the No Warning list. Affidavit petitions for Request For Early Removal from the No Warning list will be available in the SLOPD lobby and on line at the SLOPD website [www.slopd.org](http://www.slopd.org)



## City's New Unruly Gathering Ordinance to Take Effect May 20, 2010

On April 20, 2010 the San Luis Obispo City Council adopted Ordinance No. 1546 (9010 Series) adding Chapter 9.13 to the San Luis Obispo Municipal Code prohibiting unruly gatherings on private property. The ordinance is designed to reduce or discourage the number of large gatherings or parties in City neighborhoods. The new Unruly Gathering Ordinance provisions take effect on May 20, 2010.

The key elements of the Unruly Gathering Ordinance include:

1. Number of Attendees: Involves 20 people or more; AND
2. The gathering involves unlawful conduct that creates a substantial disturbance in a significant segment of a neighborhood

Unlawful Conduct which results in a substantial disturbance can include such things as excessive noise, public drunkenness, serving alcohol to minors, fighting, urinating in public, crowds overflowing into yards, sidewalks, or streets, or similar unlawful behaviors.

The fines for an Unruly Gathering citation start at \$700.00 for each host of the gathering; there are no warnings and no option for community service. In addition, the Police Dept. will notify the property owner of the unruly gathering violation. The property owner may be fined \$500.00 if they allow additional unruly gathering to occur on their property.

The new Unruly Gathering Ordinance is not intended to replace the City's noise ordinance, which is quite broad and addresses various kinds of noise violations, not just those associated with loud music and parties. Rather, the proposed Unruly Gathering ordinance is intended to address gatherings on private property that have a significant impact on the surrounding neighborhood and tend to use excessive police resources to control. The ordinance allows administrative action against property owners if subsequent violations occur at their property after they have received adequate notice of an unruly gathering violation (by mail from the San Luis Obispo Police Department).

For additional information, please contact Neighborhood Services Manager, Ardith Tregenza at (805) 781-7186.

## *Facts about the Unruly Gathering Ordinance City of San Luis Obispo*

### What is the purpose of the Unruly Gathering ordinance?

The Unruly Gathering ordinance is intended to prevent and address gatherings on private property which create a *substantial disturbance* in a neighborhood caused by unlawful and disruptive behavior.

### What constitutes an Unruly Gathering violation?

You will be in violation of the Unruly Gathering Ordinance if you host a gathering on private property that:

1. Involves 20 people or more; **AND**
2. The gathering involves unlawful conduct that creates a substantial disturbance in a significant segment of a neighborhood

### What is meant by Unlawful Conduct?

Unlawful conduct which results in a substantial disturbance can include such things as excessive noise, public drunkenness, serving alcohol to minors, fighting, urinating in public, crowds overflowing into yards, sidewalks, or streets, or similar unlawful behaviors.

### Is any gathering involving more than 20 people an Unruly Gathering under this ordinance?

No. The ordinance does not prohibit gatherings of more than 20 people, as long as the gathering doesn't result in unlawful conduct that creates a substantial disturbance in the neighborhood. In fact, many people host larger gatherings that are kept under control and do not cause a disturbance. This is done through hosts being responsible, controlling attendance and alcohol consumption, talking with the neighbors in advance, and ensuring guests are acting respectfully of the neighbors.

### What are the fines for an Unruly Gathering violation?

The fine for an unruly gathering citation starts at \$700 for each host of the gathering; there are no warnings and no option for community service. In addition, the Police Department will notify the property owner of the unruly gathering violation. The property owner may be fined \$500 if they allow additional unruly gatherings to occur on their property.

### Can someone get an Unruly Gathering citation and a Noise citation at the same time?

If an unruly gathering also involves a noise violation at the same time, the hosts will not receive citations for both. However, if police respond when the gathering is smaller and issue a noise citation, then have to come back later because the gathering grew and became an unruly gathering, the hosts can then receive an unruly gathering citation in addition to the earlier noise citation.

For more information, please go to [www.slopd.org](http://www.slopd.org) or call Neighborhood Services Manager Ardith Tregenza at (805) 781-7186