



Item No. 5

Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: STEVE McCULLEY, CHIEF OF POLICE

DATE: JANUARY 18, 2022

**SUBJECT: SECOND READING AND WAIVE FUTURE READINGS OF AN
ORDINANCE AMENDING ATHERTON MUNICIPAL CODE
CHAPTER 8.16 RELATED TO NOISE CONTROL**

RECOMMENDATION

Second reading and waive future readings of an Ordinance amending Atherton Municipal Code Chapter 8.16 related to Noise Control.

BACKGROUND

The Atherton community has a long history of social gatherings on private property and to this day, property owners will often host large events at their property with live music, DJs, tents, valet parking, and more. The various types of events encountered include weddings, birthday parties, fundraisers, and large dinner events. Large and small gatherings do have the potential to create noise levels which can be a nuisance and may cause a negative impact to our residents' daily lives.

The current Atherton Municipal Code Noise Control Ordinance (Chapter 8.16) has been in place since 1999. The Ordinance provides very specific guidelines for allowed noise levels, exceptions to established noise levels, and enforcement of noise ordinance violations.

In July 2022, an Atherton resident sent an email to Councilmembers describing ongoing noise violation incidents involving their neighbor, highlighting a specific social gathering in June 2022. In the email, the resident also made suggestions and recommendations for changes to the current noise control ordinance. Some of those suggestions were:

- Changing the penalty for violation from an infraction to a misdemeanor
- Increase the fine amount for successive violations from the same property
- Consider adopting a 2nd Response Ordinance to assess the property owner the Town's cost of response to a non-compliant property
- Change the Social Gathering Time for event on Sundays to end at 8 pm (from 10 pm)

- Lower the Social Gathering Noise Limitation to 65 dBA (from 75)

ANALYSIS

During the November 16, 2022, Council meeting, the Council reviewed and discussed possible options to amend the current noise control ordinance. Council also received a noise level demonstration from an Atherton resident. As a result of the discussion and noise level demonstration, the Council provided the following direction to staff on requested amendments to the current noise control ordinance, Chapter 8.16:

- Provide a definition within the Ordinance for Social Gatherings.
- Reduce the hours of exception for a Social Gathering exception on Sundays to 8 p.m.
- Reduce the decibel level for noise from 10 pm to midnight for the Social Gathering exception to 70 dBA: and
- Amend the violations provisions to provide for more discretion in enforcement.

During the December 21, 2022, Council meeting, the Council had further discussion on an additional proposed change. The additional change was to reduce the Social Gathering dBA exception from 75 dBA to 70 dBA, Friday, and Saturday, from 10:00 am to midnight, and on Sunday, from 10:00 am to 8:00 pm. The Council's final decision was to maintain the ordinance changes agreed to at the November 16, 2022, Council meeting.

Those changes, as recommended by the Council, are incorporated in the attached Ordinance for the second reading and adoption.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area B – Preserve Small Town Character and Quality of Life

FISCAL IMPACT

There is no fiscal impact to the Town.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents

as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ____ has or __X__ has not been before a Town Committee or Commission.

ATTACHMENTS

Attachment A – Amended Atherton Municipal Code Noise Control Ordinance (Chapter 8.16)