

ORDINANCE NO. 3619

AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER 1 OF PART V, ARTICLE 5 OF CHAPTER 1 OF PART IV, AND CHAPTER 21 OF PART I OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO EXCESSIVE PARTY NOISE AND PENALTIES FOR VIOLATIONS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. ARTICLE 7, CHAPTER 1 of Part V, SECTION 5-01-1215 is hereby amended to read as follows:

5-01-1215 PROHIBITION:

(a) It is unlawful for any person to permit, allow, host, or continue to permit, allow, or host a party on private property under his or her control if underage person(s) are present and the person(s) in control of the property knows or reasonably should know that (i) alcoholic beverages are being furnished to or consumed by any underage person(s), or (ii) marijuana is being furnished to or smoked, vaporized, ingested, or otherwise consumed by any underage person(s).

(b) Sound levels from Amplified Sound Devices and Excessive Noise Sources are prohibited from exceeding sixty-five (65) decibels, as measured at the boundary of the property on which the source of the noise or sound is located.

Section 2. ARTICLE 7, CHAPTER 1 of Part V, SECTION 5-01-1225 is hereby amended to read as follows:

5-01-1225 PUBLIC NUISANCE:

Conduct prohibited by Section 5-01-1215 is hereby declared to be a public nuisance, and is subject to criminal penalties, administrative fees, and civil actions for recovery thereof, cost recovery and reimbursement of attorney fees as provided in Articles 11 and 13 of Chapter 1 of Part IV of this Code.

Section 3. ARTICLE 7, CHAPTER 1 of Part V, Section 5-01-1235 is hereby amended to read as follows:

5-01-1235 PENALTIES FOR VIOLATION:

(a) Criminal. A violation of section 5-01-1215 shall constitute a misdemeanor and shall be punishable as specified in Section 125 of this Code.

(b) Civil. The declaration of a nuisance pursuant to section 5-01-1215 may be accompanied by the issuance of an administrative fine as authorized in Chapter 23 of Part I of this Code. Such a fine is subject to the notice, review, appeal, enforcement, and collection provisions in Chapter 23 of Part I of this Code. The imposition of administrative fines shall not preclude or prohibit criminal prosecution or additional nuisance declarations for other abatable conditions constituting public nuisances pursuant to regulating statutes and ordinances heretofore or hereafter enacted by the State, the County, or any other legal entity or agency having jurisdiction. Dollar amounts of administrative fines for violations of this article shall be as follows. Said amounts may be revised from time to time by resolution of the Board.

(1) For the first declaration of a nuisance pursuant to 5-01-1215 (b), the fine shall be \$1,000.

(2) For every subsequent declaration of nuisance pursuant to 5-01-1215 (b) within three years of the date that the first violation occurred, so long as the violation is declared against the same person or against a property occupied by the same person that occupied the property at the time of the first violation, the fine shall be \$3,000.

(3) For any declaration of a nuisance pursuant to 5-01-1215 (b) within three years of a prior violation by same person or against a property occupied by the same person that occupied the property at the time of the prior violation, the fine shall be \$3,000.

(c) For any declaration of a nuisance pursuant to 5-01-1215 (b) that also meets the definition of a "violation of an event permit requirement," as defined in California Government Code section 25132 (d)(2), fines may be determined in accordance with the schedule set forth in California Government Code section 25132 (d)(1).

Section 4. ARTICLE 5, CHAPTER 1 of Part IV, SECTION 4-01-1140 is hereby amended to read as follows:

4-01-1140 NOTICE OF VIOLATION AND ORDER TO ABATE: SERVICE:

Whenever an enforcement officer determines that a public nuisance described in section 4-01-1070 of this Chapter exists upon any real property within the County, the enforcement officer may prepare a notice of violation and order to abate ("notice/order"), and shall serve a copy thereof upon the owner of the real property upon which the nuisance exists, as shown on the last equalized assessment roll, or to the current owner if otherwise known to the enforcement officer.

Section 5. CHAPTER 21 of Part I, SECTION 1-21-1000 is hereby amended to read as follows:

1-21-1000 ISSUANCE OF CITATIONS: RESOURCE MANAGEMENT AGENCY:

In accordance with section 836.5 of the California Penal Code, the Director of the Resource Management Agency, the Assistant Director, the Supervising Building Inspector, and the several classes of Building-Zoning Inspectors are hereby authorized to make arrests without warrants for the violation of the following Ordinances which they have the duty to enforce:

- (c) Tulare County Ordinance No. 352, as amended.
- (d) Chapter 9 (commencing with section 4-09-1000) of Part IV of this Ordinance Code.
- (e) Article 7 (commencing with section 5-01-1200) of Chapter 1 of Part V of this Ordinance Code.
- (f) Part VI of this Ordinance Code.
- (g) Chapter 11 (commencing with section 7-11-1000) of Part VII of this Ordinance Code.
- (h) Article 1 (commencing with section 7-15-1000) of Chapter 15 of Part VII of this Ordinance Code.
- (i) Article 5 (commencing with section 7-15-1210) of Chapter 15 of Part VII of this Ordinance Code.
- (j) Article 7 (commencing with section 7-15-1350) of Chapter 15 of Part VII of this Ordinance Code.
- (k) Article 9 (commencing with section 7-15-1485) of Chapter 15 of Part VII of this Ordinance Code.
- (l) Article 11 (commencing with section 7-15-1565) of Chapter 15 of Part VII of this Ordinance Code.
- (m) Article 13 (commencing with section 7-15-1650) of Chapter 15 of Part VII of this Ordinance Code.
- (n) Chapter 19 (commencing with section 7-19-1000) of Part VII of this Ordinance Code.
- (o) Chapter 27 (commencing with section 7-27-1000) of Part VII of this Ordinance Code.
- (p) Chapter 27 (commencing with section 4-27-1000) of Part IV of this Ordinance Code.
- (q) Chapter 9 (commencing with section 8-09-1000) of Part VIII of this Ordinance Code.

Such arrests, including the issuance of citations, shall be made in conformity with said section 836.5 and the statutes referred to therein.

The ordinance will amend the County's existing Social Host Ordinance, as contained in the County's Public Morals Code, to regulate amplified and excessive noise sources in traditionally quiet areas during reasonable, specified hours. Individuals acting in violation of said regulations would be guilty of a criminal misdemeanor or infraction, and thus subject to written citations and fines.

The effective date of these changes will be thirty (30) days after adoption by the Board of Supervisors.

The ordinance herein was adopted by the Tulare County Board of Supervisors on December 13, 2022, at a regular meeting of said Board.

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND
TOWNSEND

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

COUNTY OF TULARE

By:

Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By:

Deputy Clerk



Approved as to Form:

Matthew Pierce

Deputy County Counsel

Matter No. 20191321