



Atascadero City Council

Staff Report – Police Department

Motorcycle and Noise Ordinance Review

(An analysis of the effectiveness of ordinances amended and adopted in 2004)

RECOMMENDATION:

Council give Staff direction with respect to motorcycle and noise Ordinance enforcement.

DISCUSSION:

Background: Council adopted an ordinance at the May 11, 2004 meeting permitting motorcycle riding on private property as an accessory use subject to certain regulations. At the same meeting, Council amended the noise ordinance to clarify application of noise standards and exemptions to those standards following the general plan update. Both ordinances contained a cost recovery component. Staff was directed at the April 27, 2004 Council meeting to conduct a review of both ordinances after 12 to 18 months to assess the effectiveness of the ordinances.

In order to accurately assess the issues surrounding the two ordinances, one has to first determine the true scope of the issues. The statistics provided in the records management system strongly suggest that motorcycle riding and noise complaints are isolated incidents. The complaints are scattered throughout the City with no discernable pattern. Occasionally a problem will require repeat calls; however, that is not usually the case.

Prior to implementation of the motorcycle ordinance, the Police Department averaged 118 complaint calls per year. The Department received only 54 calls in 2005. This represents a 45% decrease in the calls for service related to motorcycle complaints.

General noise complaints received prior to amendment of the noise ordinance averaged 468 calls per year related to music, bands, parties or other miscellaneous complaints. The year following implementation reflected an increase of less than 1% to 492 calls.

Analysis: The motorcycle ordinance has served as a guideline for those who ride on their property with respect to riding hours and number of vehicles allowed. It does have some inherent problems related to record keeping of the times that people are riding. That issue is mitigated by procedures in place that allow the dispatch center to log times reported by complainants, however, the validity of those times can be called into question if an individual is cited for an offense and would have to be supported by the complainant. The 12 hour time frame that pertains to cost recovery limits the ability of the City to recover costs related to repeat calls to the same incident. In the last year one incident met the criteria for cost recovery.

The more pressing issue with the motorcycle ordinance is the conflict with the allowed maximum noise level standard of 70 decibels contained in the noise ordinance. Motorcycles can easily exceed 70 to 80 decibels measured from a distance of 25 feet even when idling. By comparison, lawn mowers and leaf blowers measure 75 dB and 86 dB respectively at the same distance. The administrative citation process or cost recovery can be applied easily to enforcement of motorcycle violations if voluntary compliance cannot be obtained. Strict enforcement of the noise ordinance as it pertains to motorcycles essentially bans their use.

The changes to the noise ordinance have achieved the desired results with respect to clarifying application of noise standards and exemptions. Noise complaints as well are spread throughout the community. They are considered to be a nuisance and require following the abatement process for resolution or obtaining neighborhood signatures on a nuisance by neighborhood petition. Either method generates a notice of nuisance letter by Code Enforcement and allows a 30 day time frame for abatement of the noise source. Repeated violations at that point can be enforced using the administrative citation process. Applying cost recovery is also an option but not often applies because of the limited time frame requiring repeat calls to be within 12 hours.

Staff Response: In reviewing the enforcement efforts over the last year and a half it became apparent that, due to a change in personnel in the Police and Fire departments that steps needed to be taken to improve response and enforcement protocols. Police and Code Enforcement staff has taken the following measures to improve upon enforcement of noise and motorcycle ordinance violations in general:

- Police and Code Enforcement have collaborated to streamline and simplify response to complaints. Staff will work closely together to educate all parties involved in incidents to explain regulations and reporting procedures that will enable staff to respond better to their concerns.
- All personnel have been trained in the enforcement options of the two ordinances in addition to other customer service oriented problem resolutions.
- PD purchased an approved decibel meter and has trained supervisory staff in proper operation and documentation of noise measurements.

FISCAL IMPACT: None

ALTERNATIVES:

1. Direct staff to take appropriate enforcement actions on both ordinances as provided under current regulations according to improvement measures already initiated.
2. Direct staff to amend current ordinances to eliminate conflict.
3. Direct staff to take other measures as determined by Council discussion.