



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: FEBRUARY 25, 2025**
FROM: CITY ATTORNEY **WARDS: ALL**
SUBJECT: NOISE ORDINANCE AMENDMENTS

ISSUE:

The issue for City Council consideration is whether to amend Riverside Municipal Code § 7.35.010 to include a “plainly audible” standard for enforcement of the City’s current noise ordinance, and allow for increased fine amounts permitted under the City Charter.

RECOMMENDATION:

That the City Council introduce and adopt an ordinance to amend Riverside Municipal Code § 7.35.010, and add Subdivision D, which prohibits any noise disturbance, as defined, which is plainly audible from 25 feet or more from the edge of the property, structure, or unit from which it originates, and allow for increased fine amounts to account for inflation.

BACKGROUND:

In recent months, residents who live in or adjacent to the Downtown Entertainment District have expressed increasing concern over the increased noise emanating from the bars and nightclubs that populate the downtown area.

RPD has also been investigating so-called “flyer parties” which occur throughout the City in vacant and/or rental properties, either with or without the consent of the owner. In these cases, the promotor or organizer will post an advertisement on social media 24 to 48 hours prior to the event, and not obtain any of the necessary permits, security, or inspections prior to operating. Further, these parties often result in the overconsumption of narcotics and alcohol by adults and minors. On July 28, 2024, RPD responded to a call of a shooting that occurred at one of these parties, which left at least one attendee in the hospital with serious injuries.

Currently, the applicable sections of the Municipal Code which restrict excessive or disturbing noise: 1.) require a sound level measurement by a decimeter which exceeds certain prescribed levels; 2.) require a noise disturbance plainly audible through a partition or wall *common to two dwelling units within a single building*; 3.) classify a noise disturbance based on whether the

sound measured exceeds a prescribed decibel level; and 4.) do not prohibit the use of sound amplifying equipment or a noise plainly audible from a distance of 25 feet or more. Additionally, all neighboring jurisdictions, including Riverside County, have a specific section in their ordinances which restrict plainly audible noise disturbances, which are disturbing to a reasonable person.

This amendment would bring the City of Riverside up to the current enforcement standards seen in neighboring jurisdictions. This amendment would specifically address noise disturbances that occur in the Downtown Entertainment District and during these “flyer parties” which are caused or allowed by individual persons, business owners, tenants, and/or property owners. This amendment would further allow the restriction of offensive noise using a reasonable person standard, in conjunction with the established factors listed in Section 7.35.010(A). This amendment would also classify as a noise disturbance any loud music or live performance, whether or not originating from any sound amplification equipment, which is plainly audible from 25 feet or more from the edge of the property or structure where it originates or is located.

Additionally, this amendment would provide for an increased fine up to the maximum permitted under the City Charter. This amendment would increase the fine amounts previously set by Chapter 1.17 to \$500 for a first violation, \$750 for a second violation, and \$1000 for a third or subsequent violation of the ordinance, commensurate with the current limits imposed by the City Charter. These limits were originally set by state statute and not increased in over 40 years.

This amendment will also address some of the difficulties in implementing the current noise enforcement framework that has allowed many of the aforementioned problems to occur. Under the current general noise regulation framework, what constitutes an “objectionable noise” before it becomes a “noise disturbance” depends on the decibel measurement of the sound, and the limits prescribed by the zoning of the area. RPD currently does not possess any sound measuring equipment which meets the specification requirements of the Municipal Code. Code Enforcement has also identified other issues with the logistics and number of devices it has available to enforce the current statutory scheme. All of these issues would be resolved by the adoption of this proposed amendment. Moreover, this amendment would create a simplified enforcement mechanism which both our citizens and city officials responsible for enforcement could easily understand and abide by.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Jacob Guerard, Deputy City Attorney

Approved as to form: Jack Liu, Interim City Attorney