

ORDINANCE NO. 3683 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**AMENDING CHAPTERS 22 AND 38 OF THE CITY OF MONTEREY CODE ESTABLISHING
EXEMPTION CRITERIA AND NOISE PERFORMANCE STANDARDS RELATED TO
EMERGENCY GENERATORS DURING POWER OUTAGES**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, as a result of the 2022/2023 storm season, the Monterey Peninsula area experienced numerous widespread power outages in commercial and residential districts within the City of Monterey;

WHEREAS, residents and businesses depend on reliable power sources for economic prosperity, and public health and safety;

WHEREAS, the City of Monterey Community Development Department has received recent inquiries from residents and business owners about the use of generators for homes and commercial businesses;

WHEREAS, such generators serve as an important safety element during a prolonged power outage by maintaining power for refrigeration systems, medical equipment, and other electrical systems;

WHEREAS, climate change will continue to increase the intensity of storms and potential for wild fires, which will further exacerbate problems experienced by electricity utility providers to maintain electricity transmission infrastructure within their service areas;

WHEREAS, noise from emergency generators and other equipment used during emergency situations could potentially exceed the noise standards set forth in Monterey City Code Sections 22-18 and 38-111(A);

WHEREAS, at a public hearing on February 13, 2024, the Planning Commission considered and recommended the amendments to the zoning code;

WHEREAS, the City of Monterey Planning Office determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 18, Section 15269(c)) as this action would allow a specific, short-term action or activity that is to be undertaken or deemed necessary to prevent or mitigate an emergency.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: The foregoing are adopted as findings of the City Council as though set forth fully herein.

SECTION 3: Monterey City Code, Chapter 22, Section 18 is hereby amended to read as follows:

(a) Definitions.

1. "Emergency" refers to a situation arising from a sudden and unforeseen event such as an earthquake, flood, fire, storm, or similar event that poses a serious threat to the public safety, or any unforeseen event that results in an unanticipated power outage beyond the control of a property owner or occupant of a building or facility within the City of Monterey.
2. "Emergency generator" means a stationary device permanently installed and connected to a building or facility's electrical system that serves solely as a secondary source of electrical power during power outages that are beyond the control of the owner, occupant, or operator of the building or facility. An emergency generator operates only during emergency situations, for training of personnel under simulated emergency conditions, as part of emergency demand response procedures, or for standard performance testing procedures as required by law or by the generator's manufacturer.

(b) No person, unless otherwise stated in this section, shall cause, suffer, permit, or allow the repeated or persistent emission of any noise or sound produced by any such person, by an animal or fowl or through any mechanical means within their ownership, possession, or control, which by reason of its raucous nature habitually disturbs the peace and quiet of any person.

(c) Exceptions: Noise in Emergency Situations – Emergency Generators and Other Equipment.

1. Noise generated by any emergency response necessary to address health or safety risks, including but not limited to noise generated by emergency generators utilized during power outages.
2. Noise generated by any standby machinery or equipment used to alleviate the threat to public health, safety and property in emergency situations, including but not limited to: portable emergency generators, chain saws or other tree trimming or tree removal equipment used to abate hazards caused by trees or other vegetation damaged during storms or other natural disasters.

SECTION 4: Monterey City Code, Chapter 38, Section 111(A)(5) is hereby renumbered as Section 111(A)(6) without any substantive change.

SECTION 5: Monterey City Code, Chapter 38, Section 111(A)(5) is amended to read as follows:

5. *Exceptions.* The following are not subject to the provisions of this section:

- a. Noise created by emergency generators or any standby machinery or equipment necessarily operated during an emergency as defined in City Code section 22-18(a)(1) herein when the following requirements are met:
 - i. Emergency generators exempt under this Section shall not be located within any required front yard setback.
 - ii. Emergency generators within 10 feet of property lines shall use noise reduction enclosures and soundproofing materials or products meant for generator soundproofing.

SECTION 6: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

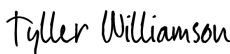
SECTION 7: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 16th day of April, 2024, by the following vote:


AYES:	3	COUNCILMEMBERS:	Garcia, Haffa, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	2	COUNCILMEMBERS:	Barber, Smith
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:

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 Mayor of said City

DocuSigned by:

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 City Clerk thereof