

Residents for Quality Neighborhoods

Newsletter

Winter 2010

City Council to hear Ordinances designed to Curb Neighborhood Rowdiness

Most students living in our neighborhoods are good people. They are kind, courteous and respectful. These initiatives are not about those students, they are about the ones who are rowdy, disrespectful, do not care that their actions effect others, and need “encouragement” to improve their behavior. Thanks to your strong support in September, the City Council will meet to consider the first in a series of five initiatives designed to better address the noise and behavior problems that have plagued neighborhoods for years. Your voice—by phone, fax, regular mail, e-mail, and/or your presence at the council meeting—will make a difference and can have a significant effect on the Council’s decision.

Council Meeting: 4:30 pm on January 19, 2010

Next Tuesday, January 19th, changes to the Noise Ordinance and to police procedures for dealing with noise violations and violators will be presented to the City Council.

1. Currently a residence can (and does) receive multiple warnings for violations of the noise ordinance. It takes two warnings in a 60-day period to place a house or apartment on a “Premise List” which, then, makes the tenants eligible to receive a citation and pay a fine on their next (third) offense. A residence placed on the “Premise List” stays there for six (6) months. In other words, you can host a noisy party every 61 days and never receive a citation and pay a fine, or you can host two noisy parties within 60 days and wait for six months before, again, hosting more noisy parties.

Chief Linden is proposing to put a residence on the “Premise List” after one warning. She is not proposing a change to the length of time that a residence remains on the list. So, a noisy party can be held every 6 months without repercussion.

When a residence is placed on the Premise List, a police officer *must* respond to any subsequent noise complaints. Only police officers may issue citations; however, an officer is not *required* to issue a citation. Officers may determine there is no violation (the sound travels less than 50 feet , or the sound would not “annoy or disturb reasonable persons of normal sensitivities”), they may give another warning or they may issue a citation.

The RQN Board feels that it is unnecessary to give more than one warning per year. The warning provides a wake-up call to those who really don’t know that the noise they are making is disturbing to neighbors, and it gives them the opportunity to be more careful in the future.

A second warning after six months merely allows someone to host a noisy party knowing there will be no penalty for doing so.

2. Fines for a noise violation remain the same.
First offense: \$350
Second offense: \$700
Third and subsequent offenses: \$1,000

3. Chief Linden has recommended a community-service option in lieu of all or part of the fine for those violators who appeal their first citation. The RQN Board *does not* support this option.

Prior to May 3, 2005, the fine for the first violation of the Noise Ordinance was \$100 (after receipt of *two* warnings). This amount was insufficient to deter violations; therefore, the Council raised the fine to its current level.

There are still almost 3,000 noise calls made every year; only about 8 percent of those calls result in a citation. The point of raising fines was to hit violators where it hurts, in the pocketbook, and, thus, deter them from being really noisy.

Allowing a community-service option is a step backwards. In addition to providing a second opportunity to violate the ordinance with little to no out-of-pocket expense, this option could result in more appeals being filed in order to avoid paying the fine. It would certainly increase the administrative burden of the program, time which could be spent on other programs (such as neighborhood enhancement (NEO).

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4. The RQN Board definitely supports Chief Linden's recommendation to provide a process whereby property owners or managers can lift the "Premise List" designation early when there has been a complete turn-over of tenants. New tenants should not have to bear the burden of the bad behavior of previous tenants.

5. The Board, also, supports the inclusion and increased involvement of property owners in the noise and other bad behaviors of their tenants.

Some owners currently have no sanctions in their rental/lease agreements to discourage tenants from engaging in behaviors which show little or no respect for the neighborhoods in which they live. This provision will rectify that by providing sample language for inclusion in the rental/lease agreement, and by providing the ability for a property owner to, also, receive an administrative citation if a third noise violation (one warning plus one citation) occurs within six months.

6. Unfortunately, there have been instances when an officer has knocked on the door of a residence that is in violation of the noise ordinance, and the occupants have refused to answer the door— thinking they can, thus, avoid paying a fine.

Chief Linden is recommending that if tenants refuse to answer the door when a police officer is attempting to abate a verified noise violation, notification to the property owner, or administrative action if the property owner has been notified previously of a violation within the past six months, will be triggered.

The Board supports Chief Linden's recommendation.

Additional detail can be found at:

<http://www.slocity.org/cityclerk/agendas/2010/011910/b2residentialnoiseordinanceintro.pdf>

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Four (4) additional ordinances designed to address problems affecting our neighborhoods will be presented to the City Council later this year. Your help will again be needed to ensure appropriate, neighborhood-friendly changes are made.

March 16, 2010

Unruly Gathering Ordinance

Nighttime Curfew Ordinance

April 6, 2010

Rental Property License Ordinance

Safety Enhancement Zone Ordinance