



Community Development Department
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

For the Meeting of August 20, 2024

☐ Consent Item; ☒ Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: August 12, 2024

Subject: Text Amendments to the Rio Dell Municipal Code (RDMC) amending Chapter 15.05 "Construction Codes" to establish construction activity noise regulations and Chapter 2.60 Planning Commission regulations of the Rio Dell Municipal Code (RDMC) to elect the Chair and Vice-Chair on a biannual (every other year) basis.

Recommendation:

That the City Council:

1. Allow staff to summarize the August 6, 2024, discussion regarding Ordinance No. 405-2024 amending the Rio Dell Municipal Code (RDMC) to amend Chapter 15.05 "Construction Codes" of the Rio Dell Municipal Code (RDMC) to establish construction activity noise regulations and Chapter 2.60 Planning Commission regulations of the Rio Dell Municipal Code (RDMC) to elect the Chair and Vice-chair on a biannual (every other year) basis; and
2. Receive comments from the public; and

3. Close the public hearing, deliberate, direct staff to make any changes; and
4. Approve and adopt Ordinance No. 405-2024 amending the Rio Dell Municipal Code (RDMC) to amend Chapter 15.05 "Construction Codes" of the Rio Dell Municipal Code (RDMC) to establish construction activity noise regulations and Chapter 2.60 Planning Commission regulations of the Rio Dell Municipal Code (RDMC) to elect the Chair and Vice-chair on a biannual (every other year) basis

Discussion:

As discussed at your meeting of August 6, 2024, every so often the City is contacted by contractors and neighbors regarding construction noise and allowed hours and days of construction. Currently there is nothing in the Rio Dell Municipal Code (RDMC) regarding allowed hours and days of construction.

Staff's original recommendation based on other jurisdictions, was to limit the construction hours from 7:00 am to 6:00 pm Monday through Friday.

A local resident spoke at the August 6th meeting and suggested increasing the allowed hours to accommodate folks who work during the week. Based on the comments and discussion, staff suggested allowable hours of construction from 7:00 am to dusk seven days a week, Monday through Sunday.

After reviewing other jurisdictions' allowable hours of construction, no other reviewed jurisdiction refers to "dusk". Staff believes that the "dusk" reference may be subjective and difficult to enforce should it be necessary. As such, staff is recommending the following options. Staff believes Option 1 most closely reflects the Council's direction.

1. 7:00 am to 8:00 pm, seven days a week, Monday through Sunday.
2. 7:00 am to 8:00 pm, Monday through Saturday; Sundays and holidays 9:00 am to 6:00 pm.

Of course, there are several other options as well that can be discussed.

Below is the **revised** suggested language:

15.05.060 Construction noise.

(1) No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection (2) of this section.

(2) Hours of construction. No construction activity shall commence prior to 7:00 a.m. nor continue later than 8:00 p.m., seven days a week, Monday through Sunday. The term "construction activity" shall include any physical activity, including those identified in subsection (1), on the construction site or in the staging area, including the delivery of materials. In approving modified hours, the Chief Building Official may specifically designate and/or limit the activities permitted during the modified hours.

(3) The provisions of subsection (2) of this section shall not apply to the following:

(a) Emergency work performed pursuant to written authorization of the City Manager, or Community Development Director, or Building Official

(b) Maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

i. The City Manager or department director determines that the maintenance, repair or improvement is immediately necessary to maintain public services;

ii. The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours; or

iii. The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day which would otherwise be prohibited pursuant to this section.

(4) No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.

(5) Modification. At any time before commencement of or during construction activity, the chief building official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The chief building official can reduce the hours of construction activity below the 7:00 a.m. to 8:00 p.m. time frame or increase the allowable hours.

(3) Sign required. If the hours of construction activity are modified, then the general contractor, applicant, developer or owner shall erect a sign at a prominent location on the construction site to advise subcontractors and material suppliers of the working hours. The contractor, owner or applicant shall immediately produce upon request any written order or permit from the chief building official pursuant to this section upon the request of any member of the public, the police or city staff.

Planning Commission Appointments

In regards to modifying the election of the Planning Commission Chair and Vice-Chair, the current regulations require that the election be held each January. Staff discussed the current election requirements with the Planning Commission at their June 2024 meeting and the consensus of the Commissioners was to elect the Chair and Vice-Chair every other year in January or as soon thereafter. As such, staff is recommending amending Section 2.60.030(3) as follows:

2.60.030 Powers, duties and procedures.

(3) The Commission shall elect a chairperson and vice chairperson from among the appointed voting members every other year (biannually) at their first meeting in January ~~of each year or~~ as soon thereafter.

CEQA

The text amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility the Noise Control Ordinance or the timing of the appointment of the Planning Commission Chair and Vice-Chair, may have a significant adverse effect to the environment. Additionally, the Noise Control Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15308 in that the Noise Control Ordinance establishes maximum acceptable noise levels and enforcement mechanisms to protect the environment from excessive, unnecessary, and unreasonable noise.

Attachment 1: Draft Ordinance No. 405-2024

ORDINANCE NO. 405-2024



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING CHAPTER 15.05 "CONSTRUCTION CODES" OF THE RIO DELL
MUNICIPAL CODE (RDMC) TO ESTABLISH CONSTRUCTION ACTIVITY NOISE
REGULATIONS AND CHAPTER 2.60 PLANNING COMMISSION REGULATIONS OF
THE RIO DELL MUNICIPAL CODE (RDMC) TO ELECT THE CHAIR AND VICE-CHAIR
ON A BIENNIAL (EVERY OTHER YEAR) BASIS.**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS every so often the City is contacted by contractors and neighbors regarding construction noise and allowed hours and days of construction; and

WHEREAS currently there are no regulations in the Rio Dell Municipal Code (RDMC) regarding allowed hours and days of construction; and

WHEREAS staff believes it is in the public interest to establish allowed hours and days of construction; and

WHEREAS the current regulations regarding the election of the Planning Commission Chair and Vice-Chair, require that the election be held each January; and

WHEREAS staff discussed the current election requirements with the Planning Commission at their June 2024 meeting and the consensus of the Commissioners was to elect the Chair and Vice-Chair every other year in January or as soon thereafter; and

WHEREAS the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3). No further environmental review is necessary.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Chapter 15.05 is hereby amended as follows:

Sections:

15.05.010 Administration.

15.05.020 Building codes.

15.05.030 Work exempt from permit.

15.05.040 Fees for permits and inspections.

15.05.050 Person may do own work.

15.05.060 ~~Penalty.~~ [Construction noise.](#)

[15.05.070 Penalty.](#)

15.05.060 ~~Penalty~~ Construction noise.

(1) No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection (2) of this section.

(2) Hours of construction. No construction activity shall commence prior to 7:00 a.m. nor continue later than 8:00 p.m., seven days a week, Monday through Sunday. The term "construction activity" shall include any physical activity, including those identified in subsection (1), on the construction site or in the staging area, including the delivery of materials. In approving modified hours, the Chief Building Official may specifically designate and/or limit the activities permitted during the modified hours.

(3) The provisions of subsection (2) of this section shall not apply to the following:

(a) Emergency work performed pursuant to written authorization of the City Manager, or Community Development Director, or Building Official

(b) Maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

- i. The City Manager or department director determines that the maintenance, repair or improvement is immediately necessary to maintain public services;
- ii. The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours; or
- iii. The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day which would otherwise be prohibited pursuant to this section.

(4) No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.

(5) Modification. At any time before commencement of or during construction activity, the chief building official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The chief building official can reduce the hours of construction activity below the 7:00 a.m. to 8:00 p.m. time frame or increase the allowable hours.

(3) Sign required. If the hours of construction activity are modified, then the general contractor, applicant, developer or owner shall erect a sign at a prominent location on the construction site to advise subcontractors and material suppliers of the working hours. The contractor, owner or applicant shall immediately produce upon request any written order or permit from the chief building official pursuant to this section upon the request of any member of the public, the police or city staff.

Section 2.

Chapter 2.60, Section 2.60.030(3) is hereby amended as follows:

2.60.030 Powers, duties and procedures.

(3) The Commission shall elect a chairperson and vice chairperson from among the appointed voting members every other year (biannually) at their first meeting in January ~~of each year or~~ as soon thereafter.

Section 3 Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 4. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on August 6, 2024, and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on August 20, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 405-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on August 20, 2024.

Karen Dunham, City Clerk, City of Rio Dell