



ORDINANCE No. 4598

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN
AS FOLLOWS:**

WHEREAS, excessive noise levels are detrimental to the public health, welfare and safety and contrary to the public interest; and

WHEREAS, the public finds excessive noise associated with pleasure motor boats on Lake Tahoe to be objectionable; and

WHEREAS, the State of Nevada Board of Wildlife Commissioners has adopted regulations which establish noise level criteria for motorboats, and these regulations are currently enforced on Lake Tahoe; and

WHEREAS, this ordinance establishes regulations that are consistent with Nevada's and are enforceable by the County of El Dorado;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. That portion of Lake Tahoe lying within El Dorado County is hereby designated a special-use area, pursuant to California Harbors and Navigation Code section 660, for purposes of this ordinance.

SECTION 2. A new Chapter 9.17, Pleasure Boat Motor Noise at Lake Tahoe, is hereby added to Title 9 of the County Ordinance Code, as follows:

**Chapter 9.17
Pleasure Motor Boat Noise at Lake Tahoe**

Sections:

9.17.010	Purpose
9.17.020	Definitions
9.17.030	General Testing Requirements
9.17.040	Sound Level Criteria for Pleasure Motor Boat Engines – Water-Based Measurement
9.17.050	Sound Level Criteria for Pleasure Motor Boat Engines – Shoreline-Based Measurement
9.17.060	Penalty for Violation

9.17.010 Purpose. The County Board of Supervisors declares and finds that excessive noise levels are detrimental to the public health, welfare and safety and contrary to the public interest. The intent of this noise ordinance is to reduce excessive noise associated with pleasure motor boats on Lake Tahoe.

This ordinance is consistent with the State of Nevada Board of Wildlife Commissioners amended NAC 488.460 Adopted Regulation R116-00, which establishes noise level criteria for motorboats, and is currently enforced on Lake Tahoe.

9.17.020 Definitions.

- A. "Ambient noise level" means the composite of noise from all sources excluding the noise of the pleasure motor boat being measured. In this context it represents the normal or existing level of environmental noise at a given location for a specified time of the day or night.
- B. "Decibel" means a unit of measuring the amplitude of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals.
- C. "Enforcement Officer" means any law enforcement officer or health officer.
- D. "Equivalent Sound Level (L_{eq})" means the equivalent or energy-averaged sound level.
- E. "Maximum Sound Level (L_{max})" means the maximum noise level measured on a sound level meter.
- F. "Pleasure motor boat" means any boat which is powered by an in-board, out-board or in-board/out-board motor and is used for recreational purposes, including boats that are or may be used commercially to support recreational use. This includes, but is not limited to, commercial fishing and sightseeing. A vessel competing in a regatta, boat race, or trial runs pursuant to the terms of a duly authorized government permit shall not be considered a "pleasure motor boat" for purposes of this Chapter
- G. "Sound level" means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network, and set for "slow response". The unit of measurement is referred to herein as dBA.
- H. "Sound level meter" means an instrument meeting American National Standard Institute Standard S1.4A-1985 for Type 1 or Type 2 sound level meters or an instrument and the

associated recording and analyzing equipment which will provide substantially equivalent data.

9.17.030 General Measurement Requirements. The measurement shall be conducted only by an enforcement officer or by persons qualified by training to perform these measurements, acting in the presence of an enforcement officer. Operating manuals or other literature provided by the sound level meter manufacturer should be consulted for both recommended operation of the instrument, and precautions to be observed. A field calibration of the sound level meter shall be performed immediately before and after each test sequence.

9.17.040 Sound Level Criteria for Pleasure Motor Boat Engines – Water-Based Measurement. Pleasure motor boat engines manufactured before January 1, 1993 shall not exceed a sound level of 90 dBA Leq as measured adjacent to the exhaust outlets by a sound level meter utilizing a water-based measurement testing procedure consistent with the Society of Automotive Engineers (SAE) International Marine Technical Committee testing procedures SAE J2005 and SAE J1970 or successor procedures which are recognized by the American National Standards Institute.

Pleasure motor boat engines manufactured on or after January 1, 1993 shall not exceed a level of 88 dBA Leq as measured adjacent to the exhaust outlets by a sound level meter utilizing a testing procedure consistent with the Society of Automotive Engineers (SAE) International Marine Technical Committee testing procedures SAE J2005 and SAE J1970 or successor procedures which are recognized by the American National Standards Institute. Specific testing procedures shall be as prescribed by duly adopted policies and procedures of the environmental management department.

9.17.050 Sound Level Criteria for Pleasure Motor Boat Engines – Shoreline-Based Measurement.

A. Pleasure motor boat engines shall not exceed a sound level of 75 dBA as measured by a sound level meter utilizing a shoreline-based measurement testing procedure consistent with the Society of Automotive Engineers (SAE) International Marine Technical Committee testing procedures SAE J2005 and SAE J1970 or successor procedures which are recognized by the American National Standards Institute. Specific testing procedures shall be as prescribed by duly adopted policies and procedures of the environmental management department.

B. Measurement of a sound level that meets the criterion set in subdivision A does not preclude the conducting of a test of sound level to determine compliance with section 9.17.040, above.

9.17.060 Penalty for Violation. Violation of any provision of this chapter shall be an infraction, punishable as prescribed in section 1.24.030 of the County Ordinance Code.

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SECTION 3. This Ordinance shall take effect and become effective thirty (30) days from and after its final adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 7th day of May, 2002, by the following vote of said Board:

Ayes: SUPERVISORS: Rusty Dupray, Helen K. Baumann, Carl Borelli, Penny Humphreys

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret E. Moody
Deputy Clerk

Noes: None
Absent: David A. Solero

Helen K. Baumann
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy