ORDINANCE NO. 2026-403

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLE 3, CHAPTER 5, DISTURBING THE PEACE, OF THE TOWN OF WINDSOR MUNICIPAL CODE TO UPDATE AND EXPAND REGULATIONS RELATED TO DISTURBING THE PEACE AND NOISE CONTROL, INCLUDING ENFORCEMENT MECHANISMS, DEFINITIONS, AND A FRAMEWORK FOR AUTHORIZING TEMPORARY NOISE PERMIT CONDITIONS

WHEREAS, the Town of Windsor Municipal Code currently includes Title 3, Chapter 5, Disturbing the Peace, adopted via Ordinance No. 95-69 § 1, which provides a basic framework for addressing disturbances of the peace, including loud noise, fighting, and offensive language in public; and

WHEREAS, over time, the Town has experienced increased community concerns and enforcement challenges related to noise, amplified sound, recurring disturbances, and unclear standards for temporary or event related noise; and

WHEREAS, staff has identified that the existing ordinance lacks sufficient definitions, objective standards, and modern enforcement tools necessary to ensure consistent, fair, and legally defensible application; and

WHEREAS, the Town's zoning code (Section 17.32.070) establishes noise limits and identifies exemptions but does not provide a process for requesting temporary relief from those standards, creating a procedural gap for events, construction, and other lawful activities that may exceed standard noise thresholds; and

WHEREAS, the Town Council desires to modernize and clarify the Town's approach to managing disturbances of the peace by adopting updated definitions, enforcement mechanisms, and a noise permit process that balances community expectations with the needs of lawful activities; and

WHEREAS, the proposed amendments introduce a purpose and intent section, expand and clarify definitions, establish a noise permit requirement, authorize administrative citations, and create a nuisance site designation for properties with repeated verified disturbances; and

WHEREAS, these updates support the Town's Strategic Plan goal of Livability, including preserving community character and enhancing quality of life for residents and visitors; and

WHEREAS, this ordinance is exempt from environmental review because it does not constitute a "project" under California Environmental Quality Act (CEQA) Guidelines Section 15378; and

WHEREAS, the Town Council finds that the amendments are necessary to protect public peace and welfare, ensure fair and consistent enforcement, and provide clear expectations for residents, property owners, and event organizers.

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 3, Chapter 5 of the Town of Windsor Municipal Code is hereby amended in its entirety to read as follows:

CHAPTER 5 DISTURBING THE PEACE

3-5-095 Purpose and Intent

The purpose of this chapter is to preserve the public peace and welfare by protecting residents and visitors from unreasonable noise and disturbances. This chapter is intended to complement the Town's zoning-based noise standards and provide a clear, enforceable framework for addressing disruptive conduct, while balancing the need for community events, construction, and other lawful activities. This chapter is further intended to provide an administrative enforcement framework that ensures fair notice, an opportunity to be heard, and clear responsibilities for both enforcement personnel and responsible individuals.

3-5-097 Definitions

Amplified Sound: Any sound projected or transmitted by electronic means, including speakers, microphones, or musical instruments.

Unreasonable noise: Any sound that exceeds the applicable limits in Section 17.32.070 of the Zoning Code or that substantially interferes with the quiet enjoyment of property.

Nuisance site: A location where two or more verified disturbances have occurred within a 12-month period and for which enhanced enforcement or corrective measures may be imposed under this chapter.

Verified violation: A violation documented by direct observation of an enforcement officer, credible witness statements, audio or video evidence, noise measurement confirming exceedance of zoning standards, or other reliable evidence deemed sufficient by the enforcement officer and which establishes a sufficient factual basis for enforcement or escalation.

3-5-100 General Provisions

a. On the Police Department's first response to a complaint for disturbance of the peace, the police chief or designee shall warn the responsible individual that the disturbance must cease. A warning applies to the property for purposes of subsequent enforcement, regardless of whether the responsible individual changes. Subsequent responses to the nuisance site may result in further enforcement action, including citation or referral, as appropriate under law. The warning requirement may be waived in circumstances involving threats to safety, largescale disturbances, or violations requiring immediate corrective action.

b. A disturbance of the peace shall include:

1. Any unlawful fighting in a public place or challenges to another person in a public place to fight;
2. Any malicious and willful disturbance by loud and unreasonable noise of another person's quiet enjoyment of his or her property including noise that exceeds the standards set forth in Section 17.32.070 of the Zoning Code, or noise that substantially interferes with the quiet enjoyment of property even when decibel measurement is not practicable; or
3. Any use of offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

c. Responsible individuals include

1. The property owner(s);
2. The person(s) in control of the property (such as a tenant, if present); or
3. The host(s)/hostess(es) of the party or similar gathering.

d. If a responsible individual is a minor, a parent or legal guardian may be issued an administrative citation when a parent or legal guardian failed to supervise the minor with reasonable care. Reasonable care shall be evaluated based on the totality of the circumstances, including the minor's age, the nature of the activity, and the parent or guardian's knowledge of the circumstances.

e. Persons making repeated unsubstantiated claims of disturbances or noise nuisance may be advised that further investigation will not necessarily be made, except at the discretion of the Police Department.

f. A nuisance site may be subject to enhanced enforcement measures, including increased penalties, corrective action plans, or referral under other nuisance abatement provisions of the Town Code.

3-5-102 Noise Permit Requirements

a. Any individual, organization, or entity intending to produce noise that may exceed the allowable limits established in Section 17.32.070 of the Zoning Code, including but not limited to amplified sound, outdoor events, construction activities outside permitted hours, or other temporary disturbances, shall obtain a noise permit from the Town prior to the activity. The Town may impose reasonable conditions on noise permits to mitigate impacts on surrounding properties, including duration limits, equipment placement requirements, and complaint-response measures.

b. The Town may revoke a noise permit if the permittee violates any permit condition, fails to comply with directions from enforcement personnel, or causes repeated disturbances

related to the permitted activity. Revocation decisions may be appealed pursuant to Title I, Chapter 1, Article 3 of this Code.

3-5-105 Administrative Citations and Penalties

a. The Town is authorized to issue administrative citations for violations of this chapter in accordance with the procedures established in the Town Code and applicable state law.

b. Enforcement shall begin with a verbal or written warning issued by the Police Department or designated enforcement officer. Warnings may be documented electronically or in writing and may be issued to any responsible individual associated with the property or event. If the disturbance continues or recurs, administrative penalties may be imposed.

c. The amount of any administrative penalty shall be established by resolution of the Town Council and listed in the Town's Master Fee Schedule. Penalties may vary based on the nature, severity, and frequency of the violation. Penalty amounts shall not exceed applicable limits under state law and shall remain proportional to the nature of the violation.

d. Each verified violation shall constitute a separate offense. The twelve-month period for assessing repeat violations shall be measured from the date of the first citation. For repeat-violation purposes, the verified violation must be supported by reliable evidence sufficient to establish that the disturbance occurred.

e. Citations may be issued to any responsible individual as defined in Section 3-5-100(c), including property owners, tenants, or event hosts. Where responsibility is shared, citations may be issued to multiple responsible individuals.

3-5-107 Appeals

Appeals of administrative citations issued pursuant to this chapter shall be processed in accordance with Title I, Chapter 1, Article 3 of this Code, Administrative Citations.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of this chapter is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Town Council declares that it would have adopted this chapter and each section, subsection, sentence, clause, and phrase irrespective of the fact that any one or more portions may be declared invalid.

SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days following its adoption.

SECTION 4. Posting. The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 4th day of February 2026, by the following vote:

AYES:	**COUNCILMEMBERS LEEP, SALMON, WALL, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK