

ORDINANCE NO. 2015- 1761

**AN ORDINANCE AMENDING CHAPTER 2.2 OF THE SOLANO COUNTY
CODE, RELATING TO NOISE MAKING DEVICES**

WHEREAS, gas cannons, scare guns, automatic exploders, or other similar noise making devices, when used in a manner consistent with proper and accepted customs and standards on agricultural land, are an important aspect of agricultural operations in Solano County; and

WHEREAS, when not used properly, such noise making devices may constitute a nuisance under Chapter 2.2 of the Solano County Code (the "Right to Farm Ordinance").

The Board of Supervisors of the County of Solano ordains as follows:

Section 1. Section 2.2-70 [Severability] is renumbered as Section 2.2-80.

Section 2. Section 2.2-70 is added:

Sec. 2.2-70. Noise making devices

(a) For purposes of this section, "noise making device" means a gas cannon, scare gun, automatic exploder, or any similar device used to frighten birds or other wildlife away from an agricultural crop.

(b) The use of a noise making device is prohibited and constitutes a nuisance except under the following conditions:

(1) It may only be used for the protection of an agricultural crop susceptible to bird or other wildlife damage.

(2) It shall not be operated more than 11 times per hour, and only from ½ hour after sunrise to ½ hour before sunset.

(3) No more than one noise making device shall be allowed for every five (5) acres of land in production with a crop susceptible to bird or other wildlife damage.

(4) A noise making device within 50 feet of the property line must be relocated at least 200 feet every four days. A noise making device placed in the center of the property or the center of the crop to be protected does not have to be relocated.

(5) A noise making device shall not be directed towards any residence unless the residence is more than 400 yards from the device. For residences less than 400 yards from the device, the noise making device must rotate automatically and have a sound baffle erected between the residence and the noise making device. The baffle shall be mounted no more than 5 feet from the noise making device.

(c) Operating a noise making device in a manner inconsistent with the requirements of this section shall result in a written warning issued by the Agricultural Commissioner, Sheriff, or other authorized representative of the county for the first violation. Each subsequent violation is an infraction punishable as provided by Government Code section 25132.

Section 3. Severability

If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, including but not limited to being preempted by state law, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof nor other applications of the ordinance which can be given effect without the invalid provision or application.

Section 4. Effective Date

This ordinance shall be effective thirty (30) days after its passage.

Section 5. Publication

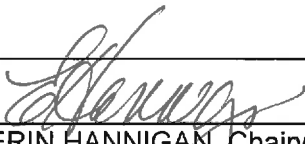
A summary of this ordinance shall be published once within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in the County of Solano.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on July 28, 2015 by the following vote:

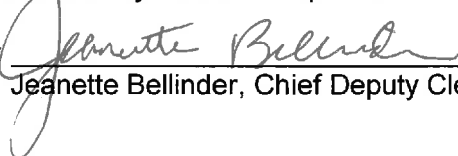
AYES: Seifert, Spering, Thomson, Vasquez
and Chairwoman Hannigan

NOES: None.

EXCUSED: None.


ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: 
Jeanette Bellinder, Chief Deputy Clerk

Introduced: June 23, 2015

Adopted: July 28, 2015

Effective: August 28, 2015