

Dalton J. Piercey

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Attention Planning Commission, City Council & Concerned Parties
& Local Music Artist's.

THE TERM NOISE IS NOT APPROPRIATE:

I am Dalton J. Piercey the Gretschkat a musician whom has lived in Napa since 1972. I have been acknowledged as a subject matter expert with my experience in the local music culture. In my time I have come to understand that Napa City and Napa County has used the term NOISE to describe the amplification and performance of live MUSIC ART, as noise and nuisance. By applying a negative view to local music art, City Administration, Law Enforcement and Code Enforcement in it's misinterpretations have created variations to Municipal Code Title 8 and Municiple Code Title 9 for the enforcement and legal action against the Art of the Live Performance Of Music.

THE BASIS FOR MIS-INTERPRETATION:

The Congress Of The United States Of America enacted Title 42 of the United States Code, the Noise Control Act Of 1972. The Public Health & Welfare Chapter 65, Noise Control. It was executed by the Administrator Of The EPA. Such law was enacted to address economic development by corporations in use of industry for such concerns as airports, freeways, bus terminals, factories and many other authentic industry based contributors to noise. My first knowledge of this policy from the United States came in 1987 when I discovered this law in the records of the Planning Department for the City Of Napa and it was filed by the City Attorney Of Napa in 1972.

DISCOVERY:

When I first discovered the City Administrative reliance on this policy I did research and discovered that many of the cities in our United States used the law to apply legal restrictions and control over the 1960 Hippie's Counter Culture movement which enjoyed musical gatherings too large concerts. Such was the case with Napa County and the townships therein. That is when we see Napa County which at the time was an ultra conservative community begin a campaign to control the live performance of music art using the framework of the 1972 noise control policy. Since Local Music Cultutre has been plagued with mismanaged operation of enforcement and control of amplified music from these departments: City Council, City Planning Commission, City Attorney's Office, Napa Police Department, City Code Enforcement and the public community for which at least one individual or multiple persons will appear to complian emphatically about the noise and disturbance upon their person.

THE PROBLEM:

We have a discrimination in perception that has blinded our administrative authorities by the use of the term NOISE. As a Musician and Recording Engineer holding a Bachelors in audio production. I find in Napa my work and my profession is not distinguished between noise and music. It is plainly discriminated as noise by our city admin and community. For five decades in our county, and as long as I can remember that is the problem.

THE SOLUTION:

Napa now has a Local music culture once again considering our five decades of attrition. I can remember when there was one venue with music on Main Street and the lights on First Street were turned off. Think about it?

The soltuion is to understand that we have a local music culture. In that local music culture we have music artist's. Whom follow the passion for the Live Performance of Music Art in public. When that performance begins it is permitted through it's duration to the end. (period). When the end is reached it is not permitted. In the permitted duration all the tools used for that Performance Of Music Art are permitted as well.

There should clearly be defined a boundary between noise and Music Art. To apply the term NOISE objectively and subjectively to Music Art it only continues a diminishing attrition to Local Music Culture. The solution is that the Performance Of Music Art should be separate from NOISE regulation and enforcement. Mechanical performance of music is a separarte issue as well.

And lets keep in mind that enforcement against Local Music Culture and the performance of Music Art under Municiple Code Title 9 is also a separate matter to be discussed. Once again music is art and not to be so quickly defined as noise.

Thank You

Dalton J. Piercey

Gretschkat Music

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