



Napa Music Industry: The City Outdoor Amplified Permit

Commentary By Dalton J. Piercey Original Publication 10-14-2022

Have you been having a band practice, backyard music get together and out-door amplified music in general? And yes.... The Napa Police or Sheriffs roll to your location and follow up on a complaint about "loud music"? Then you need to read this...

Just when I thought the dilemma of the question of.... Is the music loud or is it not and/or is the amplified music permitted out doors? And is there still a permit available at the Police department? Well things have changed again.. Those of you that are new to the Napa Music Industry for locals may not know this, I have been advocating for changes to the municipal code section for Amplified music since 1981. *(Following is the updated information for Title 8 & Title 9).*

Some History: As a young high school musician in 1972 I was at the beer bust rock concert on Penny Lane. Near the quarry. There was a flatbed with a complete mid-size PA and amps including a couple of Marshalls. My pals and I had maybe a chance to get up and do a song or two later in the big outdoor Jam. As it got later and started misting rain, all grew quiet. Then a dog close to the event barked into the night. Then spotlights, head lights and red lights came on and it was all of Napa County's finest and friends armed with dogs and riot gear, batons and a megaphone announcing that it was a unlawful assembly and a "noisy gathering" and forthwith charged the crowd. My bandmates and I ran towards the quarry then out to Shurtleff and our car as many others were doing the same. Right behind us.

Now this is a pattern that may have a relationship to the 1968 concert at Town & Country Fair Grounds riot with Country Joe & The Fish and also the St. Helena event with the Halloween celebration, music concert and gathering. The St. Helena event was ignited when a individual chose to light up a reefer in front of the police resulting in the attempted arrest. The same response occurs as with the 1972 beer bust resulting in 4 different Law Enforcement groups from four different counties responding to the call for help. Of course you would not have knowledge of these incident history's for it is in classified documents filed somewhere in Napa County..

Semi Large music events, rowdy parties, mellow parties, family barbecues and backyard weddings have all become susceptible in general to this response fostered in Municipal Code Title 9 of the City of Napa. The Nusiance Code.

In that, if there is a complaint for loud noise and/or rowdy party the Police have to respond to the location. I will say law enforcement has mellowed out to some extent and assess the situation before calling in tactical squads these days.

The Mayor & I 2006: On Veterans Day providing amplified sound in Veterans Park for the Legion Post 113 veterans event. Afterwards I talked with Jill keeping with my advocacy, I bought the issue up of the Amplified Permit to the Mayor once more. Jill put her foot down as I was again going over the problems and she asked me "what is your solution"? I offered that we should have a one page permit that tells you what you can do and can't do, sets a specific time, describes your event and your residential address with contact information and could work well. For the larger events the established permitting and codes would still apply.

During the downtown specific planning, the permit as well came to be a part of the "new era" for outdoor amplified music. The Chief Of Police at that time as well offered that the permits for the residents to have amplified music would be placed on the tack board in the 911 call center so that when complaints would come in the complainant would be told that the outdoor amplified music was permitted for a period of time and then it would cease. That worked for sometime and the application for the permit was downloadable at the Napa Police Department website, plus there was no fee.

Today: As some may know and some may not know my survival of terminal cancer cost me my time and efforts away from music, my music career and music advocacy. I did not keep up on the Outdoor Amplified Permit. Now there have been changes. At one point recently the Police Department posted on their web page that they no longer issued the "Noise Permits". Many other reports came in from individuals whom had band practices, music get togethers etc.. And as well the elusive Amplified Sound Permit was so ever a chameleon disguising itself in different offices of the City Of Napa Government and complete questionable enforcement by responding officer's.

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Let’s be good and polite with the officers during intervention for noise complaints there are fines attached to the violation of Title 9 insticated by Title 8.

Well, let me tell you that there has been progress. Back in the day when I sought the permit for band practices that were in my house, I would on the average have law enforcement response as routine. So I found out that I would have to make application to the Mayor’s Office by letter through the City Clerk’s Office. Then it was distributed to the Police Department, the Fire Department, Planning Division and finally the Real-estate Officer Of the City Of Napa.

Other governmental offices including city council could possibly weigh in on the concern or approval. At that time we can see that there was a lot of “gatekeeping” and “obstructionism”.

So something had to be done, someone had to say something. I did. As other musicians in the community could not comprehend the issue or did not care to contemplate the issue. So many individuals today in the record of this debacle have fallen prey to the police response to Title 9 for which you receive a warning about your loud party or your loud music because you do not have a permit. And, then a second response to your address and another warning. By the time they roll to your location again they will cite you with a few violations and charge you for the cost of police response which doubles every time they roll to your location. I know one individual whom received a citation which amounted to 9,800.00. My suggestion is that you quit your music event if the police return a second time.

Yet, there are alternatives today, Wi-Fi and Blue-Tooth broadcast. Keeping in mind too that nuisance elements out side your event will create response to your location. For example Saketini’s was one such issue. But here is the inside information. Solano County in early 2000, there was so many problems in the venues county wide with Hip Hop, Rap and more popular music of the time the Solano Sheriff’s Department shut it all down county wide.

Solano music enthusiast’s came to Saketini’s in Belair instead of paying more cash to get to the Bay Area to the Disco’s and Techno Clubs. So there arrives a continuous party in the Belair parking lot.

Out of towner’s would BYOB drinking in the parking lot to avoid the cost of clubbing at Saketini’s. By the time Saketini’s asked me to help return to live performance of music it was too late.

The Police Department had already had a patrol car in the parking lot monitoring and recording all the continous nuisance violations. Including volume blasts everytime the doors would open and close to the club.

The Napa PD gathered all their intellegence. Called upon the owner and with the California ABC in partnership presented their evidence. Requesting of the Belair Shopping Center property owner that he not renew the lease for Saketini’s. That was the end of Saketini’s.

This form of city legal activity has been played out many, many times shutting down “ Barrell House” music clubs in Napa Town. And it begins with Title 8 that is the back bone of the legal lock. And lets not blame the City. Individuals whom seek a music operation in Napa some just choose to do what the want without first learning what the first steps are. I call it the Rooney/Garland Complex of “Lets Have A Show”.

As well local musicians because of our lack of unity between us. The local musicians in these concerns, are blinded by the vision that it is only about the gig, getting on stage and performing infront of an audience. Recieveing all the audoring and charming attention. Quite a few of us never learned that there were boundaries and restrictions behind our Music Industry with the controlling of the Art Of Music Performance.

I will have additional information on the changes in amplified music soon. For there is a Task Force working to frame out legal boundaries to expand the Entertainment District into the Oxbow. And! They are discussing decibels. More on this later..

Dalton

Appended from a earlier publication.



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