

Title 17. Environmental Protection

Chapter 17-16. NOISE

Article I. General Provisions

§ 17-16.010. Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

"Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, ambient noise level is the level obtained when the noise level is averaged over a period of 15 minutes without inclusion of noise from isolated, identifiable sources, at the location and time of day near that at which a comparison is to be made.

"Decibel" means a unit of level when the base of the logarithm is the 10th root of 10 and the quantities concerned are proportional to power.

"Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.

"Frequency" of a function periodic in time means the reciprocal of the primitive period. The unit is the hertz and shall be specified.

"Hertz" means the complete sequence of values of a period quantity which occurs during a period.

"Microbar" means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

"Period" of a periodic quantity means the smallest increment of time for which the function repeats itself.

"Periodic quantity" means oscillating quantity, the values of which recur for equal increments of time.

"Person" means a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

"Sound level" (noise level), in decibels (dB) is the sound measured with the "A" weighting and slow response by a sound level meter.

"Sound level meter" means an instrument including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirement in American Standard Specifications for sound level meters, S1. 4-1971 or the most recent revision thereof.

"Motor vehicles" include all-terrain vehicles including minibikes, go-carts, motorbikes, motorcycles and other such vehicles.

"Sound amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound. Sound amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed.

"Sound amplifying equipment," as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

"Sound truck" means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

"Commercial purpose" means and includes the use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating such sound equipment.

"Noncommercial purpose" means the use, operation or maintenance of any sound equipment for other than a commercial purpose. "Noncommercial purpose" means and includes, but is not limited to, philanthropic, political, patriotic and charitable purposes.

"Intensive commercial" means those office and commercial zones within the City which exhibit ambient noise levels in excess of the "Office and Commercial" areas defined in Section **17-16.030**.

(Prior code § 27.1)

§ 17-16.020. Sound level measurement criteria.

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the "A" weighting.

(Prior code § 27.2)

§ 17-16.030. Ambient base noise level criteria.

The following criteria will be used as a base (ambient noise level) from which noise levels can be compared.

Zone	Time	Sound Level A (decibels) Community Environment Classification
R1 and R2	10 p.m. to 7 a.m.	45
R1 and R2	7 p.m. to 10 p.m.	50
R1 and R2	7 a.m. to 7 p.m.	55
Multi-family	10 p.m. to 7 a.m.	50
Multi-family	7 a.m. to 10 p.m.	55
Office & Commercial	10 p.m. to 7 a.m.	55
Office & Commercial	7 a.m. to 10 p.m.	60
Intensive Commercial*	10 p.m. to 7 a.m.	55
Intensive Commercial	7 a.m. to 10 p.m.	65
Industrial	Anytime	70

Notes:

* See Appendix B as set forth on a map on file in the office of the City clerk.

(Prior code § 27.3)

§ 17-16.040. Standards for determining violations.

Notwithstanding any other provision of this chapter, and in addition thereto, it is unlawful for any person to wilfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to the following:

- (A) The level of noise;
- (B) The intensity of the noise;
- (C) Whether the nature of the noise is usual or unusual;
- (D) Whether the origin of the noise is natural or unnatural;
- (E) The level and intensity of the background noise, if any;
- (F) The proximity of the noise to residential sleeping facilities;
- (G) The nature and zoning of the area within which the noise emanates;
- (H) The density of the inhabitation of the area within which the noise emanates;
- (I) The time of the day or night the noise occurs;
- (J) The duration of the noise;
- (K) Whether the noise is recurrent, intermittent or constant;
- (L) Whether the noise is produced by a commercial or noncommercial activity.

(Prior code Ch. 27, Art. I, Div. 5)

§ 17-16.050. Violation.

Every person who violates any provision of this chapter is guilty of a misdemeanor. Each day a violation is committed, or permitted to continue after notification to desist, is a separate offense.

(Prior code § 27.4; Ord. 3238 § 28(b), 1996)

§ 17-16.060. Violation—Other remedies.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance cause discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Prior code § 27.5)

Title 17. Environmental Protection

Chapter 17-16. NOISE

Article II. Special Noise Sources

§ 17-16.070. Radios, television sets and similar devices.

- (A) Use Restricted. It is unlawful for any person within any residential zone of the City to use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.
- (B) Prima Facie Violation. Any noise level exceeding the ambient base level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five decibels shall be deemed to be prima facie evidence of a violation of this section.
- (Prior code § 27.15)

§ 17-16.080. Hawkers and peddlers.

It is unlawful for any person within the City to sell anything by outcry within any area of the City zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events.

(Prior code § 27.16)

§ 17-16.090. Drums and other instruments.

- (A) Use Restricted. It is unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the City. This section shall not apply to any person who is a participant in a school band or duly licensed parade who has been otherwise duly authorized to engage in such conduct.
- (Prior code § 27.17)

§ 17-16.100. Schools, hospitals and churches.

It is unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of learning or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital; providing conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital.

(Prior code § 27.18)

§ 17-16.110. Animals.

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied or controlled by such person any animal or fowl otherwise permitted to be kept which, by any sound, cry or behavior, causes annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood.

(Prior code § 27.19)

§ 17-16.120. Machinery and equipment.

It is unlawful for any person to operate any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five decibels.

(Prior code § 27.20)

§ 17-16.125. Leaf blowers.

(A) Offense. It is unlawful for any person to operate any gas-powered leaf blower or lawn broom in a residential district between the hours of eight p.m. and eight a.m. on weekdays or between the hours of eight p.m. and nine a.m. on Saturdays and Sundays.

(B) Penalty. A violation of this section shall constitute an infraction with a maximum penalty of a fine not to exceed \$100.00.

(Ord. 2773 § 1, 1989)

Title 17. Environmental Protection

Chapter 17-16. NOISE

Article III. Vehicles

§ 17-16.130. Pandemoniac vehicles defined—Prohibited—Violation—Penalty.

- (A) Defined. A "pandemoniac motor vehicle" is a motor vehicle of any appearance, performance or capability, designed, constructed or operated in such a manner as to create audible noise related to tire friction by accelerating said vehicle.
 - (B) Prohibited. It is unlawful for any person to operate a pandemoniac motor vehicle on any street or in any other place within the City.
 - (C) Exemption. This section shall not apply to an area expressly designated by ordinance or resolution as a "raceway" or "dragstrip."
 - (D) Penalty. A first violation of this section shall constitute an infraction with a maximum penalty of \$25.00. Upon execution by the suspect of a written promise to appear, said suspect may be released from custody. A second and subsequent violation of this section shall be a misdemeanor.
- (Prior code § 27.24)

§ 17-16.140. Vehicle repairs.

It is unlawful for any person within any residential area of the City to repair, rebuild or test any motor vehicle in such manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

(Prior code § 27.25)

§ 17-16.150. Motor-driven vehicles—Noise.

It is unlawful for any person to operate any motor-driven vehicle within the City in such a manner that a reasonable person of normal hearing sensitivity residing in the area is caused discomfort or annoyance. Motor vehicles shall not exceed the noise levels set forth and provided for in Section 23130 of the California **Vehicle Code**.

(Prior code § 27.26; Ord. 3238 § 29, 1996)

Title 17. Environmental Protection

Chapter 17-16. NOISE

Article IV. Amplified sound

§ 17-16.160. Purpose of article.

The Council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety and welfare of its citizenry. While recognizing that the use of sound-amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the Council nevertheless feels obligated to reasonably regulate the use of sound-amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise.

(Prior code § 27.30)

§ 17-16.170. Regulations generally.

The commercial and noncommercial use of sound-amplifying equipment shall be subject to the following regulations.

- (A) The only sounds permitted shall be either music or human speech, or both.
- (B) The operation of sound-amplifying equipment shall only occur between the hours of nine a.m. and six p.m. each day except on Sundays and legal holidays. No operation of sound-amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound-amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10 a.m. and six p.m. The City Manager or his or her designee may waive the provisions of this subsection upon a determination that a particular event will not cause an unreasonable disturbance to neighboring uses.
- (C) Sound level emanating from sound-amplifying equipment shall not exceed 15 decibels above the ambient base noise level.
- (D) Notwithstanding the provisions of subsection (C), sound-amplifying equipment shall not be operated within 200 feet of churches, schools or hospitals (see Section **17-16.100**).
- (E) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

(Prior code § 27.35; Ord. 2472 § 1, 1985; Ord. 3238 § 30, 1996)

§ 17-16.180. Registration—Required.

It is unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the City a loudspeaker or sound-amplifying equipment in a fixed or

movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of person in or upon any street, alley, sidewalk, park, place or public property without first filing a registration statement and obtaining approval thereof as set forth in this article.

(Prior code § 27.31)

§ 17-16.190. Registration—Requirements—Approval or disapproval.

(A) Registration Statements—Filing. Every user of sound-amplifying equipment shall file a registration statement with the Police Department three days prior to the date on which the sound-amplifying equipment is intended to be used, which statement shall contain the following information:

- (1) The name, address and telephone number of both the owner and user of the sound-amplifying equipment;
- (2) The maximum sound-producing power of the sound-amplifying equipment, which shall be the wattage to be used, the volume in decibels of sound which will be produced, and the approximate distance for which sound will be audible from the sound-amplifying equipment;
- (3) The license and motor number if a sound truck is to be used;
- (4) A general description of the sound-amplifying equipment to be used;
- (5) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.

(B) Registration Statements—Approval. The Police Department shall return to the applicant an approved certified copy of the registration statement unless he finds that:

- (1) The conditions of the motor vehicle movement are such that in the opinion of the Police Chief or his representative use of the equipment would constitute a detriment to traffic safety; or
- (2) The conditions of pedestrian movement are such that the use of the equipment would constitute a detriment to traffic safety; or
- (3) The registration statement required reveals that the applicant would violate the provisions set forth in Section **17-16.170** or any other provisions of this code.

(C) Disapproval. In the event the registration statement is disapproved, the Police Chief or representative shall endorse upon the statement his or her reasons for disapproval and return it forthwith to the applicant.

(Prior code § 27.32)

§ 17-16.200. Appeals.

Should any applicant for a permit pursuant to this chapter be dissatisfied with the action of the City Police Department not to grant a permit or for the revocation of a permit, then the applicant may make written objection to the Council of the City, setting up the grounds of dissatisfaction. Upon receipt of such objection, the Council shall set the matter for hearing at its next regular meeting, giving written notice thereof to the applicant. Upon such hearing, the City Council may sustain, suspend or overrule the decision of the Police Department and its decision shall be final and conclusive. Pending the hearing before the Council, the decision of the Police Department shall remain in full force and effect and any reversal thereof by the City Council shall not be retroactive, but shall take effect as of the date of the Council's decision.

(Prior code § 27.33)

§ 17-16.210. Fees.

Prior to the issuance of the registration statement, a fee in the amount of five dollars per day, or any portion thereof, shall be paid to the City if the loudspeaker or sound-amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound-amplifying equipment for noncommercial purposes.

(Prior code § 27.34)