

9.22.080 Noise.

A. Purpose of section. The purpose of this section is to establish standards to protect the public comfort, health, safety, and welfare of those living and working in the City and to implement goals and policies of the Noise Element of the General Plan.

B. Declaration of Council policy. Excessive noise levels are detrimental to the health and safety of individuals. Excessive noise is considered a public nuisance and the City discourages annoying, excessive, or unnecessary noises from all sources. Causing, creating, maintaining, or allowing to cause, create, or maintain any noise in a manner prohibited by the provisions of this section, elsewhere in the Municipal Code, or the Noise Element, is a public nuisance and shall be punished in compliance with Chapter [92](#) of this title (Enforcement).

C. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. A-weighted sound level. The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
2. Ambient noise. The composite of all noise from sources near and far, excluding the alleged intrusive noise source. In this context, ambient noise shall constitute the normal or existing level of environmental noise at a given location.
3. Community noise equivalent level (CNEL). A twenty-four (24) hour energy equivalent level derived from a variety of single-noise events, with weighting factors of five (5) and ten (10) dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.
4. dB (decibel). A unit used to express the relative intensity of a sound as it is heard by the human ear.
5. dBA. The "A-weighted" scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of ten (10) dBA doubles the perceived loudness though the noise is actually ten (10) times more intense.
6. Emergency alarm, machinery, or vehicle. Any alarm, machinery, or vehicle employed, operated, performed, or used in an effort to protect, provide, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.
7. Emergency work. Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
8. Impulsive noise. A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.

9. Intrusive noise. The alleged offensive noise that intrudes over and above the existing ambient noise at the receiving property.

10. Ldn (day-night average sound level). The A-weighted average sound level for a given area (measured in decibels) during a twenty-four (24) hour period with a ten (10) dB weighting applied to nighttime sound levels. The Ldn is approximately numerically equal to the CNEL for most environmental settings.

11. Leq. The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared), typically measured over a shorter time period than CNEL (e.g., fifteen (15) minutes, thirty (30) minutes, or one hour). The Leq is a “dosage” type measure that is the basis for the descriptors used in current standards (e.g., the twenty-four (24) hour CNEL California).

12. Noise disturbance. An alleged noise that violates an applicable noise standard of this section, elsewhere in the Municipal Code, or the General Plan.

13. Noise level (LN). The noise level expressed in decibels that exceeds the identified (LN) value a percentage of total time measured. For example, an L25 noise level means that noise level that is exceeded twenty-five percent (25%) of the time measured.

14. Sound level meter. An instrument (e.g., amplifier, microphone, output meter, and frequency weighting network), for the measurement of sound levels, that satisfies the requirements pertinent for Type S2A meters in American National Standards Institute specifications for sound level meters.

D. Noise standards. The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated noise zone:

**TABLE 3-1
MAXIMUM EXTERIOR NOISE STANDARDS**

I Noise Zone	I Type of Land Use	Allowable Exterior Noise Level (15-Minute Leq)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Single-, two- or multiple-family residential	55 dBA	50 dBA
II	Commercial	65 dBA	60 dBA
III	Residential portions of mixed use	60 dBA	50 dBA

**TABLE 3-1
MAXIMUM EXTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (15-Minute Leq)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
	properties		
IV	Industrial or manufacturing	70 dBA	70 dBA

**TABLE 3-2
MAXIMUM INTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (15-Minute Leq)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Residential	45 dBA	40 dBA
II	Administrative/professional office	50 dBA	—
III	Residential portions of mixed use properties	45 dBA	40 dBA

1. If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

2. It is unlawful for any person to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any property measured at the property line, to exceed either of the following within the incorporated area of the City:

a. The noise standard for the applicable zone for any fifteen (15) minute period;

b. A maximum impulsive noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response). Impulsive noise which repeats four (4) or more times in any hour between 10:00 p.m. and 7:00 a.m. shall be measured as continuous sound and meet the noise standard for the applicable zone.

3. When properties of two (2) different noise zones abut one another, the maximum exterior noise level shall be the lower of the two (2) noise zones where one zone is residential, and in other contexts shall be the average of the two (2) zones.

4. Commercial, industrial, and recreational uses which create impulsive noise as part of their regular processes, such as through the use of pile drivers, forge hammers, punch presses, and gunshots, shall not be located in any zone district adjacent to a residential zone district unless a noise study is completed demonstrating the impulsive noise does not exceed the standards at the property line for the residential zone district. Impulse noise from these uses shall be measured as continuous sound. The noise study shall be subject to review and approval by the Director or his or her designee, and shall be completed as part of any discretionary permit process for the use or prior to obtaining a building permit. This provision shall not apply to uses existing on the effective date of the ordinance codified in this title.

E. Measurement of sound levels. Measurement of sound levels shall be as follows:

1. Sound level meter. Sound levels shall be measured on the A-weighting network of a sound level meter meeting the requirements of ASA Standards S14-1971 for General Purpose Sound Level Meters, or the latest revision published by the American National Standards Institute, Inc., using the slow meter response. The meter shall be calibrated and used according to the manufacturer's instructions.

2. Location of microphone. Measurements shall be taken with the microphone located at any point on the property line of the noise source, but no closer than three feet (3') from any wall and not less than three feet (3') above the ground.

3. Minimum of two (2) readings. A minimum of two (2) readings shall be taken for a period of ten (10) minutes each with ten (10) minute intervals between measurements. The sound level shall be the average of these readings.

F. Activities exempt from regulations. The following activities shall be exempt from the provisions of this section:

1. Emergency exemption. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

2. Warning devices. Warning devices necessary for the protection of public safety, (e.g., ambulance, fire, and police sirens, and train horns).

3. Railroad activities. All locomotives and rail cars operated by a railroad that is regulated by the State Public Utilities Commission.

4. Federal or State pre-exempted activities. Any activity, to the extent regulation thereof has been pre-exempted by Federal or State law.

5. Pre-existing uses. Uses existing at the time of the effective date of the ordinance codified in this title, which are in compliance with all applicable standards in effect prior to adoption, and which are not otherwise operating as a nuisance in violation of Article 6 of Chapter 27 of Title 5.

6. Public health and safety activities. All transportation, flood control, and utility maintenance and construction operations conducted by government entities or utility companies at any time on public rights-of-way, and those situations that may occur on private property deemed necessary to serve the best interests of the public and to protect the public's health and well-being, including, but not limited to: debris and limb removal; removal of damaged poles and vehicles; removal of downed wires; restoring electrical service; repairing traffic signals; repair of water hydrants; repair of mains, gas lines, oil lines, and sewers; repair and maintenance of flood control and storm water facilities; repair and maintenance of streets and sidewalks.

7. Ordinary municipal activities. Ordinary municipal activities conducted by the City or other entity having jurisdiction in the City, including, but not limited to: solid waste collection; street sweeping; operation, maintenance, and repair of water production, treatment, and distribution facilities; operation, maintenance, and repair of sewage treatment, collection and distribution facilities; and vacuuming catch basins.

8. Public safety training activities. Training activities by fire, law enforcement, and public utility officials that cannot reasonably take place within the parameters of this section, including but not limited to training that involves: hydrant testing, pumping hose lays, running chain saws, operating power tools, demolition, vehicle noise, and use of generators.

9. Public celebrations. Public celebrations, holidays, or occasions generally celebrated, or public parades held under authorized permits; any sporting event or activity conducted under the direction and supervision of any public or private school.

G. Acts deemed violations of section. The following acts are a violation of this section:

1. Noise-related nuisances defined in Chapter 27 of Title 5. Violations of Article 6 of Chapter 27 of Title 5 pertaining to unlawful noise-related nuisances shall also be considered a violation of this section.

2. Construction noise. Construction activities shall be subject to the provisions of Section 5.27.604, which sets forth the permissible hours for construction activity. At all other times, no person shall operate, or cause to be operated, tools or equipment used in alteration, construction, demolition, drilling, or repair work so that the sound creates a noise disturbance across a residential property line, except for emergency work. Stationary equipment (e.g.,

generators) shall not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the review and approval of the Director.

3. Places of public entertainment. Operating, playing, or allowing the operation or playing of a drum, musical instrument, phonograph, radio, sound amplifier, television, or similar device that produces, reproduces, or amplifies sound in a place of public entertainment at a sound level greater than ninety-five (95) dBA, (read by the slow response on a sound level meter) at any point that is normally occupied by a customer is prohibited, unless conspicuous signs are located near each public entrance, stating "Warning: Sound Levels Within May Cause Hearing Impairment."

4. Stationary nonemergency signaling devices. Sounding or allowing the sounding of an electronically amplified signal from a stationary bell, chime, siren, whistle, or similar device intended primarily for nonemergency purposes, from any place, for more than ten (10) consecutive seconds in any hourly period is prohibited.

5. Compacting mechanisms. Operating or allowing the operation of the compacting mechanism of any motor vehicle that compacts refuse and that creates, during the compacting cycle, a sound level in excess of eighty-five (85) dBA when measured at fifty feet (50') from any point of the vehicle is prohibited between the hours of 9:00 p.m. and 5:00 a.m.

6. Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in a manner as to cause a noise disturbance across property lines or within a noise-sensitive zone is prohibited.

H. Responsibility to eliminate or reduce acts deemed violations of section. Improvements to eliminate or reduce negative impacts between uses deemed violations of this section shall be provided by the new use, rather than the existing use. (§ 2, Ord. 14-13, eff. October 8, 2014)

Article 6. Unlawful Noise Related Nuisances

5.27.601 Loud noise.

The making or continuing, or causing to be made and continued, of any loud, unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood, or which causes discomfort or annoyance to reasonable persons of normal sensitivities residing on the property or in the area, shall be considered a nuisance. A violation of this section shall be determined by applying objective standards and by considering the following: any applicable noise standard adopted by the City including the provisions of this article; whether the activity is allowed by special permit and whether the permit addressed the issue of noise; the number of persons affected by the noise; the day of the week and the time of day; ordinary urban noise that can reasonably be expected for the area; and any other factors relevant to the determination.

In addition to the remedies provided for in this chapter, a noise nuisance may be abated by the City by all reasonable means including, but not limited to, an order requiring that the noise

cease. The person(s) responsible for making the noise, or having direct control over the premises where the noise is emanating, is subject to citation and/or arrest. (§ 1, Ord. 14-02, eff. March 5, 2014)

5.27.602 Noise and other activities during specified hours.

No person shall make, or cause or suffer or permit to be made or caused, on any premises owned or occupied by him/her, between the hours of 11:00 p.m. and 7:00 a.m. on any Friday or Saturday, or between the hours of 10:00 p.m. and 7:00 a.m. of any other day, any sporting, business, or social event, race, or other activity in such manner as to disturb the peace and quiet of any neighborhood. This section shall not apply to the following: any public celebration, public holiday, or public occasion generally celebrated, or public parades held under authorized permits; any sporting event or activity conducted under the direction and supervision of any public or private school; activities relating to the provision of public safety and public utility services. (§ 1, Ord. 14-02, eff. March 5, 2014)

5.27.603 Sound amplifiers.

No person shall use or operate, or cause to be used or operated, any mechanical device, machine, apparatus, or instrument for the intensification or amplification of the human voice, or any sound or noise, in any public or private place between the hours of 11:00 p.m. and 7:00 a.m. on any Friday or Saturday, or between the hours of 10:00 p.m. and 7:00 a.m. of any other day, except in residences, dwellings, and other buildings so enclosed as to prevent sound or noise escaping or emanating therefrom. This section shall not apply to the following: any public celebration, public holiday, or public occasion generally celebrated, or public parades held under authorized permits; any sporting event or activity conducted under the direction and supervision of any public or private school; activities relating to the provision of public safety and public utility services. (§ 1, Ord. 14-02, eff. March 5, 2014)

5.27.604 Construction activities.

Unless otherwise expressly provided by permit, construction activities are only permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday. From June 1st through September 15th, permitted construction activity may commence after 6:00 a.m. Monday through Friday. Extended construction work hours must at all times be in strict compliance with the permit. (§ 1, Ord. 14-02, eff. March 5, 2014)

5.27.605 Decibel standards.

Notwithstanding anything to the contrary in this article, a violation of the City's decibel standards set forth in the City's General Plan and Development Code shall be considered a nuisance except where a special permit allows for exceeding those standards on a temporary basis. (§ 1, Ord. 14-02, eff. March 5, 2014)

5.27.606 Animals.

The excessive noise provisions of Chapter 1 of Title 6 shall apply to animal noises. (§ 1, Ord. 14-02, eff. March 5, 2014)

5.27.607 Noisy advertising.

No person shall, without a permit issued by proper authority, in or upon any public street, doorway, stairway, window, or public place in the City, blow any bugle, horn, or trumpet, or beat any drum, or ring any bell, or play music or drive any animal or vehicle to which is attached any bell or gong which rings or sounds when such animal or vehicle is in motion, or make any other loud or unusual noise for the purpose of, or with the intention of, advertising, proclaiming, publishing, announcing, or calling attention to any business, calling, occupation, firm, dealer, amusement, show, exhibition, event, prize fight, boxing contest, goods, wares, merchandise, or other property. (§ 1, Ord. 14-02, eff. March 5, 2014)

5.27.608 Loud and raucous noises from vehicles.

No person shall play, use, or operate for advertising purposes, or for any other purpose whatsoever, on or upon any public street, alley, or thoroughfare any device known as a sound amplifier, or radio or phonograph with a loudspeaker or sound amplifier, or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or parked upon the streets or public places. (§ 1, Ord. 14-02, eff. March 5, 2014)