

## Chapter 7.84 - REGULATION OF NOISE DISTURBANCES

### Sections:

#### 7.84.010 - General prohibition—Loud unnecessary and unusual noise.

Notwithstanding any other provisions of the Vallejo Municipal Code and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and 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 standard which may be considered in determining whether a violation of the provisions of this chapter exist may include, but not be limited to, the following:

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

(Ord. 1377 N.C. (2d) § 1 (part), 1997.)

#### 7.84.020 - Specific prohibitions.

In addition to and separate from the prohibition set forth in Section 7.84.010 above, the following acts, and the causing or permitting thereof, are hereby declared to be in violation of this ordinance. As used in this section, the term "noise disturbance" means any sound which (1) endangers or injures the safety or health of humans or animals; (2) annoys or disturbs a reasonable person of normal sensitiveness; or (3) endangers or injures personal or real property. The listing of specific prohibited activities in this section is not intended to limit the city's authority to regulate any and all loud, unnecessary and unusual noise pursuant to Section 7.84.010. Any noise not falling within the specific prohibitions set forth in this section is subject to regulation under the provisions of Section 7.84.010 above.

- A. Mechanical or (Electronic Devices. It shall be unlawful to use or permit to be used any mechanical or electronic device for the intensification of any sound or noise into the public streets which causes a noise disturbance.
- B. Advertisement. It shall be unlawful to use or permit to be used any instrument, whistle, drum, bell, or to make any other noise disturbance for the purpose of advertising, announcing, or otherwise calling attention to any goods, wares, merchandise, or any show, entertainment, or event. The provisions of this subsection shall not be construed to prohibit the selling by outcry of

merchandise, food, or beverages at lawfully permitted sporting events, parades, fairs, circuses or other similarly permitted entertainment events.

- C. **Animals and Birds.** It shall be unlawful for any person owning, possessing, or harboring any animal or bird to allow said animal or bird to howl, bark, meow, squawk, or make other annoying noises continuously and/or incessantly for an unreasonable period of time so as to create a noise disturbance across a residential real property line. For purposes of this subsection, the animal or bird noise shall not be deemed a noise disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated, or is using any other means to tease or provoke the animal or bird. This provision shall not apply to a zoo or animal theme park.
- D. **Emergency Signalling Device.** It shall be unlawful to intentionally sound or permit the sounding outdoors of any fire, burglar, or civil defense alms, siren, whistle or similar stationary emergency signalling device, except for emergency purposes or for testing, as provided in subsections D 1 and 2 below.
  - 1. The testing of a stationary emergency signalling device shall not occur before seven a.m. or after nine p.m. Any such testing shall use only the minimum cycle test time, and in no case shall such test time exceed sixty seconds.
  - 2. The testing of the complete emergency signalling system, including the functioning of the signalling device, and personnel response to the signalling device, shall not occur before seven a.m. or after nine p.m. In no case shall such test exceed ten minutes.
- E. **Burglar or Fire Alarm.** It shall be unlawful to intentionally sound or permit the sounding, or fail to take reasonable actions to prevent the sounding of any exterior burglar, security or fire alarm or any motor vehicle burglar or security alarm which is not terminated within ten minutes of activation.
- F. **Loading and Unloading.** It shall be unlawful to load, unload, open, close, or to do other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of nine p.m. and seven a.m. in such a manner as to cause a noise disturbance across a residential real property boundary. This subsection shall not apply to the collection and disposal of garbage and recyclable materials by the city's franchises.
- G. **Domestic Power Tools.** It shall be unlawful to operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn, or garden tool, lawnmower, or other similar device between nine p.m. and seven a.m. so as to create a noise disturbance across a residential real property boundary.
- H. **Sensitive Uses.** It shall be unlawful to create or permit to be created within the city any noise disturbance in the vicinity of any hospital, church during hours of worship services, court house during hours of operation, or school during school hours.

(Ord. 1377 N.C. (2d) § 1 (part), 1997.)

7.84.030 - Violations and penalties; violations deemed a public nuisance.

- A. Any person who violates or causes or permits another person to violate any provision of this chapter is subject to, but not limited to, the fines and penalties specified in Chapter 1.12 of the Vallejo Municipal Code, and the administrative fines and administrative citations authorized pursuant to Chapter 1.15 of the Vallejo Municipal Code.
- B. As an alternative to the procedures set forth in subsection A, a person violating any provision of this chapter may be given a written or verbal warning to abate the noise violation as an intermediate enforcement measure. If the noise violation persists for more than five minutes after the warning is given or recurs within a one week period from the warning, a citation may be given in place of the warning. It is not a prerequisite to the enforcement of any provision of this chapter or the

establishment of a violation of any provision of this chapter that a written or verbal warning to abate the noise violation be given to the person(s) responsible for such violation.

- C. In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is declared and deemed a public nuisance.

(Ord. 1377 N.C. (2d) § 1 (part), 1997.)

7.84.040 - Remedies not exclusive.

The remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 1377 N.C. (2d) § 1 (part), 1997.)

7.84.050 - Exceptions; public entities.

The prohibitions contained in this chapter shall not apply to the activities of any public entity, including but not limited to, the Greater Vallejo recreation district and the Vallejo City unified school district.

(Ord. 1377 N.C. (2d) § 1 (part), 1997.)