

## NOISE CONTROL

### § 130.30 POLICY DECLARATION.

It is declared to be the policy of the city to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels, noises are detrimental to the health and welfare of the citizenry and, in the public interest, such noise levels shall be systematically proscribed.

(Ord. 1114, passed 5-1-96)

### § 130.31 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AMBIENT NOISE.** 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.

**A-WEIGHTED SOUND PRESSURE LEVEL.** The sound pressure level as measured with a sound meter using the "A"-weighting network. The standard notation is dBA.

**COMMERCIAL PURPOSE.** 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, for the purpose of demonstrating any such sound equipment.

**COMMERCIAL ZONE.** An area designated as neighborhood commercial (C-1), central business district (CBD), general commercial (C-2), or freeway commercial (FC) on the city zoning map.

**CYCLICALLY VARYING NOISE.** Steady or non-steady noise which varies in amplitude such that the same sound pressure level is obtained repetitively at reasonably uniform intervals of time. A beat is one class of noise.

**DAY.** The time period from 7:00 a.m. of one day to 7:00 p.m. of the same day.

**DECIBEL (dB).** A unit for expressing the ratio between two quantities of acoustical signal powers; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

**EMERGENCY WORK.** 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.

**IMPULSIVE SOUND.** A short-duration sound (such as might be produced by the impact of a drop hammer or a pile driver) with one second or less duration.

**INDUSTRIAL ZONE.** An area designated as commercial manufacturing (CM), office industrial (OI), industrial commercial (IC) or industrial (I) on the city zoning map.

**MOTOR VEHICLES.** Includes, but is not limited to, automobiles, trucks, motorcycles, mini bikes and go-carts.

**NIGHT.** The time period from 7:00 p.m. of one day to 7:00 a.m. of the following day.

**NONCOMMERCIAL PURPOSE.** The use, operation or maintenance of any sound equipment for other than a commercial use. **NONCOMMERCIAL PURPOSE** means and includes, but is not limited to, philanthropic, political, patriotic and charitable purposes.

**PERSON.** A person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature, excluding the city.

**PROPERTY BOUNDARY LINE.** An imaginary line at the ground surface, which separates the real property owned by one person from that owned by another person and its vertical extension. This includes multiple-family dwelling units, with the property boundary being the wall separating the adjoining dwelling units.

**PURE TONE.** A sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

**RESIDENTIAL ZONE.** An area designated as single family residential zone (R-I), residential garden

(RG), or high-density multiple-family residential zone (R-3) on the city zoning map.

**SOUND.** The sensation perceived by the sense of hearing. For the purpose of this chapter, the terms sound and noise shall be used synonymously.

**SOUND AMPLIFYING EQUIPMENT.** Any device or equipment which amplifies the volume of any sound.

**SOUND LEVEL (NOISE LEVEL).** Expressed in decibels (dB) is the sound measured with the "A"-weight scale and with slow response by a sound level meter.

**SOUND LEVEL METER.** An instrument including a microphone, an amplifier, an output meter, and "A" frequency weighting networks for the measurement of sound levels, which satisfies the pertinent requirements in American Standard Specifications for Sound Level Meters SL4-1971 or the most recent revision thereof.

**SOUND PRESSURE LEVEL.** Twenty times the logarithm to the base ten of the ratio of the root-mean-square sound pressure to the reference pressure, which is 20 micronewtons per square meter.

**SOUND TRUCK.** Any motor vehicle or any other vehicle, regardless of motive power, whether in motion or stationary, which carries, is equipped with or which has mounted thereon, or attached thereto, any sound amplifying equipment for commercial, political or charitable purposes.

**STEADY NOISE.** Noise for which the sound pressure level remains essentially constant during the period of observation. It does not vary more than six dBA when measured with the slow meter characteristic of a sound level meter.

(Ord. 1114, passed 5-1-96)

**§ 130.32 SOUND LEVEL MEASUREMENT.**

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the "A" weighting and response as indicated in § 130.31.

(Ord. 1114, passed 5-1-96)

**§ 130.33 NOISE MEASUREMENT PROCEDURES.**

The following procedures shall be utilized for measuring and evaluating exterior noise in the city unless otherwise specified in this chapter:

(A) Noise measurements shall be conducted any time during the day or night when the suspect noise source is in operation.

(B) The location selected for noise measurement shall be on the noise receptor's property line at a point approximately ten feet from any building, wall or obstruction (trees, bushes, etc.).

(C) No individual other than the operator shall be within ten feet of the sound level meter during the measurement period.

(D) The sound level meter shall be calibrated in accordance with the manufacturer's instructions.

(E) With the noise source in operation, the operator shall record the instantaneous response at 15-second intervals or less, for a period of 15 minutes or greater. Or, for a noise source in operation for less than 15 minutes, the operator shall record the instantaneous response at 15-second intervals or less for the time the noise source is in operation.

(F) The suspect noise source shall only be measured for a violation of this subchapter when it is five dBA or greater than another noise source within the measurement vicinity.

(G) The corrective factors set forth in § 130.34(B) shall be applied to the noise standard established for the specific noise zone.

(H) The suspect noise level shall be compared with the standards in § 130.34(A). If the noise level generated from the suspect noise source exceeds the standard, the suspect noise source shall be considered to be in violation of this chapter.

(Ord. 1114, passed 5-1-96) Penalty, see § 10.99

**§ 130.34 AMBIENT BASE NOISE LEVELS.**

(A) It is unlawful for any person within the city to make, cause or allow to be produced noise which is received on property occupied by another person within the designated zone, in excess of the following levels, except as expressly provided otherwise herein:

**STANDARDS**

	Day	Night
	7:00 a.m.	7:00 p.m.
Zone	-7:00 p.m.	-7:00 a.m.

R-1	55 dBA	45
RG and R-3	60 dBA	55
Commercial	65 dBA	60
Industrial	70 dBA	70

At the boundary line between a residential property and a commercial and manufacturing property, the noise level of the quieter zone shall be used.

(B) Corrections to noise limits. The numerical limits given in division (A) of this section shall be adjusted by the following corrections, where appropriate:

**Noise Condition**                      **Correction (in dB)**

1. Repetitive impulsive noise, pure tones and sound with cyclically varying amplitude.                      -5
2. Steady whine, screech or hum                      -5
3. Noise occurring more than 5 but less than 15 minutes per hour.                      +2
4. Noise occurring more than 1 but less than 5 minutes per hour.                      +5
5. Noise occurring less than 1 minute per hour.                      +7

(Ord. 1114, passed 5-1-96) Penalty, see § 10.99

**§ 130.35 LOUD, UNNECESSARY AND UNUSUAL NOISE.**

Notwithstanding any other provision of this chapter, and in addition thereto, it is unlawful for any person to willfully make or continue, or cause to be made and continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to residents of the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:.

- (A) The level of the noise;
- (B) Whether the nature of the noise is usual or unusual;
- (C) The nature and zoning of the area within which the noise emanates;
- (D) The density of the inhabitation of the area within which the noise emanates;
- (E) The time of day or night the noise occurs;
- (F) The duration of the noise;
- (G) Whether the noise is recurrent, intermittent, or constant; and
- (H) Whether the origin of the noise is natural or unnatural.

(Ord. 1114, passed 5-1-96) Penalty, see § 10.99

**§ 130.36 VIOLATIONS; ADDITIONAL REMEDIES; INJUNCTIONS.**

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 causes 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.

(Ord. 1114, passed 5-1-96) Penalty, see § 10.99

**§ 130.37 SPECIAL NOISE SOURCES.**

(A) *Horns and signaling devices.* It is unlawful for any person to sound any horn or signaling device on an automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; to create by means of any such signaling device any unreasonably loud or harsh sound; to sound any such device for an unnecessary and unreasonable period of time; to use any signaling device except one operated by hand or electricity; to sound any horn, whistle or other device operated by engine exhaust; and to use any such signaling device when traffic is for any reason held up.

(B) *Radios, television sets, and similar devices.* 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 (between the hours of 7:00 p.m. of one day and 7:00 a.m. of the following day) 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.

(C) *Animals and fowl.* 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, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood.

(D) *Exhausts.* It is unlawful for any person to cause emission into the open air of the exhaust from any motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(E) *Construction of buildings and projects.* It is unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any piledriver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device (between the hours of 7:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefor has been duly obtained from the Department of Public Works. No permit shall be required to perform emergency work as defined in § 130.31.

(F) *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.

(G) *Drums.* 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 or who has been otherwise duly authorized to engage in such conduct.

(H) *Schools, churches, libraries, hospitals and convalescent homes.* It is unlawful for any person to create any noise on any city street, sidewalk, or public place adjacent to any school, institution of learning, church or library while the same is in use or adjacent to any hospital or convalescent home, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in such medical facilities, provided conspicuous signs are placed in such streets, sidewalks or public place indicating the presence of these facilities.

(I) *Machinery, equipment, fans and air conditioning.* It is unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device (between the hours of 7:00 p.m. of one day and 7:00 a.m. of the following day), use of which is attended by loud or unusual noises.

(J) *Exceptions.* There are exempted from this chapter the following:

- (1) Lawfully conducted parades;
- (2) Emergency work as defined in § 130.31;
- (3) Aircraft flight operations;
- (4) Bells, chimes or carillons while being used in conjunction with religious services;
- (5) Commercial motor vehicle operations;
- (6) Emergency energy release devices;
- (7) Speed or endurance events authorized by the city, involving motor or other vehicles;
- (8) Surface carriers engaged in commerce by railroad, except for horns and whistles operated within city limits;
- (9) Systems used to warn community of attack or imminent public danger such as flooding or explosion;
- (10) Any noise or situation within the scope of Sections 23130 or 23109 of the Vehicle Code of the state.

(Ord. 1114, passed 5-1-96) Penalty, see § 10.99

### **§ 130.38 VEHICLES.**

(A) *Vehicle repairs.* It is unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle (between the hours of 7:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or

annoyance.

(B) *Motor-driven vehicles.* 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 sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street, or right-of-way shall be excluded from the provisions of this section.

(Ord. 1114, passed 5-1-96) PPenalty, see § 10.99

### **§ 130.39 SOUND AMPLIFYING EQUIPMENT; APPLICABILITY.**

No person shall use sound amplifying equipment within the city, except in compliance with the provisions of this subchapter.

(Ord. 1114, passed 5-1-96) Penalty, see § 10.99

### **§ 130.40 COMMERCIAL ACTIVITIES.**

(A) No person shall use any sound amplifying equipment for the purpose of advertising the sale or lease of any goods, wares, merchandise or services, except:

(1) Within an enclosed building in a manner permitted pursuant to § 130.42; or

(2) If the sound amplifying equipment is affixed to, or mounted in, a motor vehicle; and the goods, wares or merchandise being advertised for sale are available in the vehicle; and the sound being amplified is a sound, other than the human voice, which is customarily utilized in conjunction with the sale, by vehicle, or such goods, wares and merchandise; provided, that the activities may be conducted only between the hours of 10:00 a.m. and 10:00 p.m. of any day.

(B) Notwithstanding any other provision of this code, a violation of this section shall be deemed to be an infraction.

(Ord. 1114, passed 5-1-96) Penalty, see § 10.99

### **§ 130.41 NONCOMMERCIAL ACTIVITIES.**

The use of sound amplification equipment for noncommercial activities shall be permitted, subject to the following:

(A) That such use shall be permitted only when the sound amplifying equipment is mounted in or affixed to, a motor vehicle.

(B) That such use shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m. of any day.

(Ord. 1114, passed 5-1-96)

### **§ 130.42 USE OF SOUND AMPLIFYING EQUIPMENT; COMPLIANCE WITH LAW.**

Nothing contained in this subchapter shall be deemed to prohibit the use of sound amplifying equipment, or other similar equipment, by any person at his place of residence, if the use is in compliance with the provisions of § 130.40.

(Ord. 1114, passed 5-1-96)

### **§ 130.43 FEES FOR USE OF POLICE PERSONNEL AT LOUD OR UNRULY ASSEMBLAGES.**

(A) When any loud or unruly assemblage occurs or is held, and the city's police officers are required to respond to the scene in response to citizen complaints and the first responding police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, police action may be taken, criminal penalties may be imposed, and city costs collected as provided in this section.

(B) Upon the first responding police officer's determination that the assemblage constitutes a threat to the public peace, health, safety or general welfare, then that first responding police officer, or his or her successor or designee, shall do the following:

(1) Notify the owner of the property and/or the person in charge of the property where the assemblage exists, and/or the person responsible for the assemblage, of the following:

(a) Of the circumstances of the assemblage that constitute a threat to public peace, health, safety or general welfare;

(b) That if such person or persons fail or are unable to mitigate, and the Police Department is required to respond a second time, the circumstances of the assemblage constituting a threat to the public peace, health, safety or general welfare such that the threat no longer exists, the Police Department shall have the right to enter the property and any structures or premise thereon and order all individuals participating in the assemblage to exit the property and disperse from the area;

(c) That such person or persons, or in the case of a minor, the parents and/or guardians of the minor, will be held personally liable for all costs in providing additional police personnel on special security assignment over and above the normal services provided by the Police Department in response to the

assemblage, including all costs required to enter the property and disburse individuals participating in the assemblage;

(2) If, after a reasonable time following the second notice given according to the provisions of division (B), the supervisor at the scene determines that the circumstances of the assemblage that constitute a threat to public peace, health, safety or general welfare have not been mitigated, or that additional circumstances have arisen which constitute an additional threat to public peace, health, safety or general welfare, that supervisor may direct any subordinate police officer or officers to do the following:

(a) To notify the owner of the property and/or the person in charge of the property where the assemblage exists, and/or the person responsible for the assemblage, that the assemblage will be terminated for failure to mitigate the circumstances of the assemblage that constitute a threat to public peace, health, safety or general welfare;

(b) To enter the property, and any and all structures and premises thereon, on which the assemblage is occurring and order all individuals participating in the assemblage to exit the property and disperse from the area;

(c) To direct, supervise, assist, escort, and manage individuals exiting the property such that their exit proceeds as quickly and safely as is reasonably possible under the circumstances;

(d) To order all individuals participating in the assemblage to disperse from the area following their exit from the property, and to direct, supervise, assist, and manage said dispersal from the area such that their dispersal proceeds as quickly and safely as is reasonably possible under the circumstances;

(3) If any senior police officer at the scene determines that the assemblage constitutes an imminent threat to the physical safety of individuals or property, the senior police officer shall forgo the provisions for giving notice provided in division (B)(1), and shall immediately take action to prevent the threat pursuant to the provisions of division (B)(2).

(C) All police personnel necessarily utilized to control the threat to the public peace, health, safety or general welfare pursuant to division (B) shall be deemed to be on special security assignment over and above the normal services provided and the owner of the property where the assemblage occurs, and/or the person responsible for the assemblage, shall be personally responsible for the cost of the special security assignment according to the following terms:

(1) Any cost of special security assignment levied pursuant to this subdivision shall be determined upon a cost accounting basis by the city, and shall include the cost damage to city property and/or injury to city personnel, all costs relating to police personnel actions to disperse individuals from the assemblage area pursuant to division (B)(2), and any other costs incurred;

(2) All costs levied by this subdivision shall be due and payable upon presentation, constitute a valid and subsisting debt in favor of the city, and may be collected by the city by any legal means, including filing a cause of action for collection in any court of competent jurisdiction;

(3) Any party aggrieved by a levy of costs pursuant to this section may appeal the matter to the City Council in accordance with the provisions of § 30.04.

(D) Any individual who obstructs police actions taken pursuant to division (B)(2) shall be guilty of a misdemeanor punishable by fine of up to \$1,000, imprisonment for up to six months, or both such fine and imprisonment. This penalty shall be in addition to any other administrative, civil, or criminal penalty which may exist in statute, regulation, ordinance, or other provision of law.

(E) Any individual who fails or refuses to comply with a police officer's order to exit property where the assemblage exists, or who fails or refuses to comply with a police officer's order to disperse from an assemblage area, shall be guilty of a misdemeanor punishable by fine of up to \$1,000, imprisonment for up to six months, or both such fine and imprisonment. This penalty shall be in addition to any other administrative, civil, or criminal penalty which may exist in statute, regulation, ordinance, or other provision of law.

(Ord. 1114, passed 5-1-96; Am. Ord. 1196, passed 11-6-02)

#### **§ 130.44 SOUND AMPLIFICATION SYSTEMS.**

(A) No person shall operate, or permit operation of, any sound amplification system mounted or installed in any motor vehicle which can be heard from 50 or more feet, from public or private property, unless that system is being operated to request assistance or warn of a hazardous situation.

(B) This section does not apply to authorized emergency vehicles or vehicles operated by gas, electric, communications or water utilities. This section does not apply to the sound systems of vehicles used in

parades or other special events.  
(Ord. 1114, passed 5-1-96) Penalty, see § 10.99