

Chico, CA Code of Ordinances

Chapter 9.38 NOISE

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9.38.010 Declaration of policy.

It is hereby declared to be the policy of the city that the peace, health, safety and welfare of the citizens of Chico require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to regulate and control the adverse effect of such noises on citizens under any conditions of use, especially those conditions of

use which have the most severe impact upon the auditory senses of any person.

(Prior code §28.1 (Ord. 1106 (part)))

9.38.015 Application and enforcement of chapter.

A. The provisions of this chapter shall apply to noises from any and all sources in the city except for noises originating from a city park or playground as defined in Chapter 12.04 of this code which shall be regulated in the manner provided for by the park rules and regulations adopted in Chapter 12R.04 of this code.

B. This chapter shall only be enforced after a citizen complaint has been received except section 9.38.056 regarding noise from vehicles and bicycles which may be enforced without receipt of a citizen complaint. This chapter allows for different methods of enforcement. The appropriate method of enforcement shall be determined by the enforcement officer.

(Ord. 1961; Ord. 2195, Ord. 2414)

9.38.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

A. Bicycle. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

B. dB. "dB" means decibel as herein defined.

C. dBA. "dBA" means decibels measures on an A-weighted scale, as herein defined in the subsection entitled "Noise level."

D. Decibel. "Decibel" or "dB" means a unit measure of sound (noise) level relative to a standard reference sound on a logarithmic scale. The decibel level of a given sound is determined as twenty times the logarithm to the base 10 of the ratio of the pressure in micronewtons per square meter of the sound being measured to the standard reference sound pressure of 20 micronewtons per square meter (0.0002 microbar).

E. Emergency response activities. "Emergency response activities" means activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

F. Highway. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

G. Noise level. "Noise level" means the level of noise measured in decibels on the A-weighted scale with a sound level meter satisfying at least the applicable requirements for Type 1 or Type 2 sound-level-meters as defined in the most recent American National Standard Specifications. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used.

For outside measurements the microphone shall not be less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and shall be protected from the effects of wind noises and other extraneous sounds by the use of screens, shields or other appropriate devices; for inside measurements, the microphone shall be at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be determined.

H. Noise, Unreasonable. "Unreasonable noise" means noise produced by human voice, machine, animal, or device, or any combination thereof, that is so loud, unnecessary, excessive, or unusual that it unreasonably disturbs the peace and quiet of any neighborhood, unreasonably impinges upon the quiet enjoyment of property, or unreasonably causes discomfort or annoyance to any reasonable person of normal sensitivity residing or working in the area.

I. Property Plane. "Property plane" means a vertical plane including the property line which determines the property boundaries in space.

J. Vehicle. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(Prior code §28.2 (Ord. 1106 (part); Ord. 2195, Ord. 2414)

9.38.030 Residential property noise limits.

A. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds, at any point outside of the property plane, seventy (70) dBA between the hours of seven a.m. and nine p.m. or sixty (60) dBA between the hours of nine p.m. and seven a.m.

B. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or devices or any combination of same, on multifamily residential property, a noise level more than sixty (60) dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(Prior code §28.3 (Ord. 1106 (part), Ord. 1707 §1); Ord. 2195)

9.38.040 Commercial and industrial property noise limits.

No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds seventy (70) dBA.

(Prior code §28.4 (Ord. 1106 (part), Ord. 1707 §2); Ord. 2195)

9.38.050 Public property noise limits.

Except as otherwise provided in this chapter, no person shall produce, suffer or allow to be produced on public property, by human voice, machine, animal, or device, or any combination of same, a noise level that exceeds sixty (60) dBA at a distance of 25 feet or more from the source.

(Prior code §28.5 (Ord. 1106 (part), Ord. 1499 §1, Ord. 1707 §3); Ord. 2195)

9.38.052 General noise regulations.

A. This section contains an entirely separate and independent method of determining whether a violation of this chapter has occurred. No person shall willfully or negligently make, produce, suffer, or allow to be produced, at any time, any unreasonable noise. Enforcement of this section shall not require the use of a sound level meter.

B. A violation of this section shall be proven by reference to one or more of the following criteria:

1. The volume or loudness of the noise (measured by the distance away from the source at which the noise can be clearly heard);
2. The pitch or frequency of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural (i.e., not caused or produced by a person or persons) or unnatural;
5. The tonal or rhythmic quality of the noise;
6. Whether the noise is recurrent, intermittent, or constant;
7. Whether the noise is from a commercial or noncommercial activity;
8. If the noise is from a commercial activity, whether the particular use is permitted in the area, and whether the noise could be reasonably expected to derive from the use;
9. Whether the noise is a necessary attribute of a particular use (i.e., routine solid waste collection or a properly functioning mechanical device);
10. The proximity of the noise to residential sleeping facilities;
11. The proximity of the noise to offices or places of work;
12. The number of persons affected, or the density of inhabitation of the area;
13. The nature or zoning of the area within which the noise emanates or in which the impact of the noise occurs;
14. The amount and type of background noise, if any;
15. The time of the day or night the noise occurs (indicating the relationship of the noise to the normal activities that occur at a given time);
16. The day of the week; and

17. The duration of the noise.

(Ord. 2195)

9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.

A. When an enforcement officer responds to an initial citizen complaint of unreasonable noise and perceives activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer shall give a verbal or written warning specifying those activities or circumstances to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.

B. Notwithstanding the above, an enforcement officer is not required to issue a warning and may issue a citation for a violation of section 9.38.030, 9.38.050 or 9.38.052 under any of the following circumstances:

1. The enforcement officer has received two or more distinct citizen complaints of unreasonable noise regarding the same location, activities or circumstances; or

2. The noise occurs between the following hours:

- a. 10:00 p.m. Sunday and 7:00 a.m. Monday;
- b. 10:00 p.m. Monday and 7:00 a.m. Tuesday;
- c. 10:00 p.m. Tuesday and 7:00 a.m. Wednesday;
- d. 10:00 p.m. Wednesday and 7:00 a.m. Thursday;
- e. 10:00 p.m. Thursday and 7:00 a.m. Friday; or
- f. 12:01 a.m. and 7:00 a.m. on Saturday and Sunday.

C. If, during the 180-day period following the issuance of warning pursuant to paragraph A above, another citizen complaint concerning unreasonable noise at the same location is received, the complaining citizen may be asked to fill out and sign a statement form stating the manner in which the citizen was disturbed and agreeing to appear as a witness at trial. If the enforcement officer thereafter corroborates the assertion of the complainant that section 9.38.030, 9.38.050 or 9.38.052 was or continues to be violated within the 180-day period, either by obtaining a signed statement form so stating from an individual residing at an address different from that of the complainant or by perceiving activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer may issue a citation to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.

D. A warning issued pursuant to paragraph A above shall be binding upon all existing residents of the property subject to the warning but shall not be binding upon future residents not residing on the property at the time the warning is issued.

E. If no other individual can be found to whom a citation can be issued for the second or

continuing violation, a citation may be issued for the first violation to the individual to whom the warning was issued on the first response.

(Ord. 2195, Ord. 2298, Ord. 2331)(Ord. 2434, §1)

9.38.056 Noise from vehicles and bicycles.

A. No person shall use or operate any sound amplification system in or on a vehicle located within a public park, within a public parking lot, or on any other public property other than a highway within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle nor shall any person use or operate any such sound amplification system on or in a vehicle located on private property where the sound amplification system is audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle or beyond the property line of such private property, whichever is greater. Noise from a sound amplification system in or on a vehicle located on a public highway shall be regulated in the manner provided for by the California Vehicle Code.

B. No person shall use or operate any sound amplification system on or from a bicycle on any highway, within a public park, within a public parking lot, or on any other public property within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such bicycle.

C. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when a vehicle is at rest, or when a situation endangering life, health, or property is not imminent.

(Prior code §28.12 (Ord. 1106 (part), Ord. 1765 §2); Ord. 2195, Ord. 2414)

9.38.060 Categorical exemptions.

The following activities or sources of noise are exempt from the provisions of this chapter:

A. Alarms and Warning Devices. Any aural alarms or warning devices, including but not limited to fire alarms, burglar alarms and emergency vehicle sirens and air horns. However, if a standard or minimum noise level is prescribed for a particular type of aural alarm or warning device by the laws or regulations of the State of California, the noise emitted from such alarm or warning device shall not exceed such standard or minimum level by more than three (3) dBA.

B. Construction and Alteration of Structures. Notwithstanding any other provision of this chapter, between the hours of ten a.m. and six p.m. on Sundays and holidays, and seven a.m. and nine p.m. on other days, construction, alteration or repair of structures shall be subject to one of the following limits:

1. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment.

2. The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.

C. Emergency Response Activities. Noise from emergency response activities.

D. Special Events at Which No Mechanical or Amplifying Equipment is Employed. Noise from special events conducted lawfully and without the use of sound of any kind that is mechanically produced or amplified or focused by any means.

E. Audio Equipment Used by Public Safety Officers. Noise from audio equipment used or operated by public safety officers in the performance of their duties.

(Prior code §28.6 (Ord. 1106 (part), Ord. 1456, Ord. 1499 §2, Ord. 1765 §4); Ord. 2195)

9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.

A. A conditional noise permit may be granted to temporarily exempt a particular source of noise from one or more provisions of this chapter if the applicant can show that, notwithstanding the application of all available noise abatement techniques, the immediate compliance by the applicant with one or more requirements of this chapter would be impractical or unreasonable. The term of a noise permit shall not exceed six months, provided that the term may be renewed upon a further showing of good cause and that any extension is conditioned upon a schedule of compliance with the requirements of this chapter, including the details of methods to effectuate that compliance.

B. Applications for a conditional noise permit shall be made to the department assigned by the city manager to process such permits upon a form provided therefor. Such application shall be processed in the following manner:

1. The city manager or the assigned department is empowered to deny any such application.

2. The city manager of the assigned department is empowered to approve an application subject to such conditions or limitations deemed advisable, taking into consideration the purpose and intent of this chapter, which approval shall be submitted to the city council at its next regular meeting. If the council does not reject the conditional approval by the city manager or the assigned department, then following the council meeting, the city manager or the assigned department will issue to the applicant the proposed conditional noise permit.

C. This section shall apply to public agencies, including the city. However, the city manager or assigned department may issue a conditional noise permit to a public agency upon good cause shown and without referral to the city council if the proposed activity subject to the permit involves public health, safety, welfare or benefit.

(Prior code §28.7 (Ord. 1106 (part), Ord. 1499 §3); Ord. 2195)

9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.

A. The public works director may issue a permit exempting from the requirements of this chapter any special event conducted on public property at which noise is produced by any mechanical or amplifying equipment which will, or is likely to, exceed the noise limits imposed by this chapter if the director determines that:

1. The event is of interest to a substantial number of persons residing in the city;
2. The event is open to all persons residing in the city, subject only to the payment of a reasonable fee, if any, by those persons attending the event; and
3. Compliance with this chapter would unreasonably interfere with the conduct of the event.

B. Applications for a permit under this section shall be filed with the director at least 14 days prior to the date the special event is to take place. Such application shall be in the form prescribed by the director and shall contain the name of the person or persons sponsoring the event, a description of the event, the date and times the event is scheduled to take place, and such other information as may be required by the director.

C. Following the filing of an application for a permit under this section, the director shall issue a permit granting such exemption if the director finds that such special event complies with all the requirements of this section. However, in approving and issuing such permit the director may impose reasonable conditions on the conduct of the special event, including limitations on the dates and times during which the event may take place, limitations on the level of noise produced at the event which shall not be more stringent than the limitations on noise produced on public property hereinbefore provided by this chapter, and a requirement that the permittee take reasonable measures as may be prescribed by the director to mitigate the adverse effect of the noise produced at the event.

(Prior code §28.8, Ord. 1106 (part), Ord. 1499 §4, Ord. 2054, Ord. 2136 §3, Ord. 2195, Ord. 2364 §99, Ord. 2439 §73)

9.38.090 Appeal.

Any person aggrieved by the decision of any administrative officer empowered to administer the provisions of this chapter, except a decision to issue an administrative or criminal citation, may appeal the decision of any such officer to the city council in accordance with the provisions of Chapter 2.80 of this code.

(Prior code §28.9 (Ord. 1106 (part)), Ord. 2004 §9, Ord. 2195)

9.38.100 Enforcement.

The city manager shall assign to an appropriate department or departments the duty of enforcing this chapter, and such departments are empowered to issue administrative or criminal citations for violations.

(Prior code §28.10 (Ord. 1106 (part)), Ord. 2195)

9.38.130 Violations - Penalties.

Any person violating, or causing or permitting a violation of, any of the provisions of this chapter is guilty of an infraction and shall be punished by a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third offense. These minimum fines include the base

fine and any and all fines, fees and assessments imposed by the Butte County Superior Court. A separate offense is committed for each and every hour or part of an hour during which any such violation is committed or caused or permitted to continue. Each offense is punishable separately from every other offense.

(Prior code §28.13 (Ord. 1106 (part)), Ord. 2195) (Ord. 2434 §2)

9.38.140 Violation - Additional remedies - Injunction.

As an additional remedy, any violation of the provisions of this chapter is hereby declared to be a public nuisance and the city attorney is authorized to file an action to abate such nuisance in a court of appropriate jurisdiction in the manner provided by law.

(Prior code §28.14 (Ord. 1106 (part), Ord. 1707 §5))