

## Chapter 9.36

### NOISE

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- 9.36.010 Findings and purpose of provisions.

It is hereby found and declared as follows:

A. That the making, creation or maintenance of loud, unnecessary, unnatural, unusual or habitual noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to the public health, comfort, safety, welfare and prosperity of the residents of the city; and

B. That the necessity in the public interest for the provisions and prohibitions set forth in this chapter is declared as a matter of legislative determination and public policy, and it is further declared that the provisions of this chapter are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and prosperity, and the peace and quiet of the city and its inhabitants;

C. That in many instances the problems created by such noise can best be solved by better communication between neighbors, which the city encourages, but that those problems can become sufficiently severe to warrant the impositions of the provisions and prohibitions set forth in this chapter. (Ord. 1128 § 2, 1983; 1960 code § 13B.1)

9.36.020 Loud, disturbing, unusual and unnecessary noise – Prohibited.

It is unlawful for any person to make or continue, or cause to be made or continued, any loud, disturbing, unnecessary, unusual or habitual noise, or any noise which annoys, disturbs, injures or endangers the comfort, health, repose, peace or safety of other persons within the city. (Ord. 1128 § 2, 1983; 1960 code § 13B.2)

9.36.030 Loud, disturbing, unusual and unnecessary noise – Designated.

The following noises, set out in LMC 9.36.040 through 9.36.100, among others, are hereby declared to be loud, disturbing, unnecessary, unusual or habitual noises in violation of the provisions of this chapter; provided, however, such enumeration shall not be deemed or construed as in any degree exclusive, but merely illustrative, it being the intent and purpose of the provisions of this chapter to include and prohibit all noises of the kind and character described in LMC 9.36.020. (Ord. 1128 § 2, 1983; 1960 code § 13B.3)

9.36.040 Blowers, fans and combustion engines.

The operation of any noise-creating blower, power fan or internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, is prohibited, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device to deaden such noise in such a manner so as not to be plainly audible at a distance of either 75 feet from the source of the noise, or between the hours of 6:00 p.m. Saturday to 7:00 a.m. Monday; 8:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursdays; 8:00 p.m. Friday to 9:00 a.m. on Saturday or at all on city-observed holidays. (Ord. 1672 § 1, 2002; Ord. 1128 § 2, 1983; 1960 code § 13B.3(g))

9.36.050 Exhausts from engines, boats or vehicles.

The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom in such a manner so as not to be plainly audible at the distance of either 75 feet from the source of the noise, or the property line, whichever is greater, is prohibited. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(c))

9.36.060 Loading and unloading vehicles and opening crates and containers.

The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is prohibited. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(d))

9.36.070 Noises adjacent to schools, courts, churches and hospitals.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court 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 is prohibited, provided conspicuous signs are displayed in such streets, indicating that the streets are adjacent to a school, hospital or court. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(e))

9.36.080 Hammers, pile drivers, pneumatic tools and similar equipment.

The operation between the hours of 6:00 p.m. Saturday to 7:00 a.m. Monday; 8:00 p.m. to 7:00 a.m. on Monday, Tuesday, Wednesday and Thursdays; 8:00 p.m. Friday to 9:00 a.m. on Saturday or at all on city-observed holidays of any pile driver, pneumatic tools, derrick, electric hoist, sandblaster or other equipment used in construction, demolition or other repair work, the use of which is attended by loud or unusual noise, is prohibited. (Ord. 1672 § 2, 2002; Ord. 1128 § 2, 1983; 1960 code § 13B.3(f))

9.36.090 Radios, phonographs, musical instruments and similar devices. The following are prohibited:

A. The using or operating, or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph 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 the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto; and

B. The operation of such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of either 75 feet

from the source of the noise, or the property line, whichever is greater, which shall be prima facie evidence of a violation of the provisions of LMC 9.36.040 through 9.36.100. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(a))

9.36.100 Yelling, shouting and similar noise.

Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity, is prohibited. (Ord. 1128 § 2, 1983; 1960 code § 13B.3(b))

9.36.110 Exceptions.

A. Any homeowner/resident constructing home improvements to their residence and doing the work themselves (without a contractor present) with a valid building permit (if required) shall be allowed to utilize noise generating construction tools and equipment between the hours of 7:00 a.m. through 11:00 p.m. seven days a week.

B. Industrial areas located more than 500 feet from a residential development are exempt from the noise hour restrictions.

C. The city engineer and/or building official shall have the authority to authorize construction activities during the hours restricted by this chapter for the following reasons:

1. A public agency, other than the city, requires as a condition of a permit that the construction be done during the restricted hours.

2. Public health, safety or welfare requires the work to be done during the restricted hours.

3. Specific construction activities (such as large concrete foundation pours) can be identified and approved to occur as an exemption to this ordinance in the conditions of approval for a project at the time of the public hearing.

D. If the city engineer and/or building official approves the exception or it is an exception allowed by the conditions of approval for the project, the following shall be done by the contractor or city staff:

1. Notify the Livermore police department, watch commander, at least 24 hours in advance.

2. Notify residents and business owners that are adjacent to the work area at least 24 hours in advance. The limits of this notification shall be determined by the city engineer and/or building official. (Ord. 1672 § 3, 2002)