

Chapter 8.20 NOISE REGULATIONS

8.20.010 Findings.

The Council of the City of Stockton hereby finds and declares that:

A. Inadequately controlled noise presents a growing danger to the health and welfare of the residents of the City;

B. The making and creating of disturbing, excessive, or offensive noises within the jurisdictional limits of the City is a condition which has persisted, and the level and frequency of occurrences of such noise continues to increase as the City grows and as the availability and use of motor vehicle and sound equipment and power tools increase;

C. The making, creation or continuance of such excessive noises which are prolonged or unusual in their place, time, and use, affect and are a detriment to the public peace, health, comfort, convenience, safety and welfare of the residents of the City;

D. Every person is entitled to an environment in which the noise is not detrimental to his or her life, health or enjoyment of property; and

E. The necessity, and the public interest for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy and it is further declared that the provisions and prohibitions hereinafter contained are enacted and in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, peace and quiet of the City and its inhabitants. (Prior code § 5-700)

8.20.020 Definitions.

“Average sound level” means a sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in the American National Standard Specifications for Sound Level Meters, S1.4-1971. Average sound level is also called equivalent continuous sound level.

“Clearly audible” means can be heard by any person of average or normal hearing capability.

“Construction equipment” means any tools, machinery or equipment used in connection with construction operations, regardless of whether such construction site be located on highway or off highway.

“Decibel (dB)” means a unit of measure of sound (noise) level.

“Emergency work” means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger or damage, or work by public or private utilities when restoring utility service.

“Motor vehicles” means any and all self-propelled vehicles as defined in the California [Vehicle Code](#), specifically including, but not limited to, minibikes and go-carts.

“Noise level” means the same as sound level. The terms may be used interchangeably herein.

“Sound level” means in decibels, that quantity measured with a sound level meter as defined herein, by use of the “A” frequency, weighting and “fast” time averaging unless some other time averaging is specified.

“Sound level meter” means an instrument of the measurement of sound including a microphone, amplifier, an attenuator, networks for at least the standardized “A” frequency weighting, and an indicating instrument having at least the standardized dynamic characteristic “fast,” as specified in the American National Standards Institute Specifications for Sound Level Meters, S1.4-1971. (Prior code § 5-701)

8.20.030 Public nuisance noise.

The following special noise restrictions are hereby established without regard to their sound level impact and may be enforced without the prerequisite of a sound level measurement.

A. General Noise Regulations.

1. Notwithstanding any other provisions of this chapter, and in addition thereto, it is unlawful for any person to willfully make or continue or permit or cause to be made or continued, any loud, unnecessary, or unusual noise which unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in

the area.

2. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- a. The volume of the noise;
- b. The intensity of the noise;
- c. Whether the nature of the noise is usual or unusual;
- d. Whether the origin of the noise is natural or unnatural;
- e. The volume and intensity of the background noise, if any;
- f. The proximity of the noise to residential sleeping facilities;
- g. The nature and zoning of the area within which the noise emanates;
- h. The density of the inhabitation of the area within which the noise emanates;
- i. The time of the day or night the noise occurs;
- j. The duration of the noise;
- k. Whether the noise is produced by a commercial or noncommercial activity.

3. This section shall be inapplicable to emergency work.

B. Disturbing, Excessive or Offensive Noise. The following activities are declared to cause disturbing, excessive or offensive noise in violation of this section, but said enumeration shall not be deemed exclusive:

1. It is unlawful for any person to sound a horn or other signaling device on any vehicle except as an emergency or danger warning signal.

a. This provision shall be inapplicable to the sounding of any horn, bell, whistle, siren or other audible warning device which is operated in compliance with Section 7604 of the California Public Utilities Code, or other State or Federal laws governing railroad operations.

b. The sounding of burglar alarms shall not constitute a violation of this section except after 20 minutes of continuous activation. Further, on or after one (1) year from the effective date of the ordinance codified in this chapter, no owner of a motor vehicle, dwelling or commercial property shall have in operation an audible

burglar alarm therein unless such burglar alarm shall be capable of terminating its operation within 20 minutes of its being activated.

2. It is unlawful to operate any radio, phonograph, loud speaker, sound amplifier, or similar device upon the public streets, rights-of-way or parks for the purpose of attracting the attention of the public in any manner without a special event permit.

3. It is unlawful for any person to use any drum or musical instrument clearly audible for a distance in excess of 50 feet, upon public streets, rights-of-way or parks without a special event permit.

4. It is unlawful to operate any radio, television set, musical instrument, phonograph, stereo or audio system, whether or not said noise source is inside a building or motor vehicle, so as to cause an unreasonable annoyance to others located or living nearby, or so as to disturb the peace and quiet of any neighborhood, unless an exception is granted by a special event permit. It is hereby found and declared as a matter of legislative policy that the operation of the aforesaid equipment or instruments on the public streets and rights-of-way adjacent to public parks during the hours from 10:00 p.m. to 7:00 a.m., in such a manner as to be clearly audible for a distance in excess of 25 feet constitutes prima facie evidence of a violation of this section. This section shall be inapplicable to radio systems operated by FCC licensees in the regular course of business.

5. It is unlawful to operate any radio, stereo, tape player or other audio equipment on public streets and rights-of-way at a volume or sound level which endangers the safety of any person using the public streets and rights-of-way. It is hereby found and declared, as a matter of legislative policy, that any such audio equipment, either in or on a motor vehicle or a bicycle, which is clearly audible at 50 feet distance, endangers the public safety and welfare by interference with the normal human capability for hearing nearby traffic movement and warning signals. Violation of this section shall be an infraction. This section shall be inapplicable to radio systems operated by FCC licensees in the regular course of business.

6. It is unlawful for any passenger to operate any radio, phonograph or tape player or similar device on a public transit bus in such manner that it is clearly audible to any other person in the bus.

7. It is unlawful to operate or to permit the noncommercial

operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device, in residential areas during the hours from 9:00 p.m. to 8:00 a.m. so as to cause a noise disturbance across a residential real property boundary. (Ord. 007-07 C.S. § 4; prior code § 5-702)

8.20.040 Animal noise.

A. Notwithstanding any other provision of this code, it is unlawful for any person to keep or maintain, or to permit the keeping or maintenance upon any premises owned, occupied or controlled by him or her, any animal or animals which by any frequent or long continued noise shall disturb or cause discomfort to any reasonable person of normal sensitiveness residing in the vicinity.

B. The noise of any such animal or animals that disturbs two (2) or more residents who are in general agreement as to the times and duration of the noise, and who reside in separate residences (including apartments and condominiums) located on property adjacent at any point to the property on which the subject animal or animals are kept or maintained, or within 300 feet thereof, shall be prima facie evidence of a violation of this section, which shall be a misdemeanor.

C. Exception. This section shall not apply to a legally operated kennel or cattery. (Prior code § 5-703)

8.20.050 Violations.

A. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, unless otherwise specified, and upon conviction thereof shall be subject to a fine not exceeding \$500.00, or imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. Each violation shall constitute a separate offense and shall be punishable as such.

B. As an additional remedy, the operation or maintenance of any device, instrument or machinery as set forth in Section 8.20.030(B), supra, 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, health or peace of residents in the area, shall be deemed and is hereby 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. (Prior code § 5-704)