

## ARTICLE II. - NOISE REGULATIONS

### 4-10 - NOISE CONTROL.\*

\* Editor's Note: For provisions regarding noise requirements at firing ranges, see Section 4-33 of this chapter.

#### 4-10.1 - Title.

This section shall be known as the Alameda Noise Regulations and is adopted as a health and safety measure.

(Ord. No. 2177 N.S.)

#### 4-10.2 - Definitions.

As used in this section:

*Ambient noise level* shall mean the all encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the noise in question, at the location and approximate time at which a comparison with the noise in question is to be made.

*'A' weighted sound level* shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micropascals using the 'A' weighted network (scale) at slow response. The unit of measurement shall be defined as dB(A).

*Church* shall mean any building or portion thereof regularly used by people as a place to worship God and known by those familiar with the neighborhood to be so used.

*Commercial properties* shall mean any building, structure, premises or portion thereof used for wholesale or retail purposes on which the property user or employees are engaged in work for which it is intended that compensation be received for goods or services.

*Construction* shall mean construction, erection, enlargements, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

*Cost effective* shall mean capable of achieving results which would justify the costs required.

*Decibel (dB)* shall mean a unit for measuring the amplitude of sounds, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

*Designated officer* shall mean the Planning Director or the Public Works Director or their duly authorized assistant.

*Emergency work* shall mean the use of any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

*Hospital* shall mean any building or portion thereof used for the accommodation and medical care of the sick, injured or infirm persons and includes rest homes and nursing homes.

*Impulsive noises* shall mean a noise of short duration usually less than one (1) second and of high intensity with an abrupt onset and rapid decay.

*Intruding noise level* shall mean the total sound level in decibels, created, caused, maintained or originating from the source of the noise in question at a specified location while the source of the noise in question is in operation.

*Noise disturbance* shall mean any sound which endangers or injures the safety or health of human beings or annoys or disturbs a reasonable person of normal sensitivity. The factors which may be considered in determining whether a noise disturbance exists shall include, but not be limited to the following:

- a. The relative sound level of the objectionable noise to the ambient noise.
- b. The proximity of the objectionable noise to residential sleeping facilities or public camping facilities.
- c. The number of persons affected by the objectionable noise.
- d. The day of the week and time of day or night the objectionable noise occurs.
- e. The duration of the objectionable noise and its tonal, informational or musical content.
- f. Whether the objectionable noise is continuous, recurrent or intermittent.
- g. The nature and zoning of the area within which the objectionable noise emanates.
- h. Whether the objectionable noise can be heard two hundred (200) feet away from where it emanates, during the day; and one hundred (100) feet away from where it emanates, during the nighttime hours.

*Noise in question* shall mean noise suspected of exceeding the limits of subsection 4-10.4.

*Noise source* shall mean the person responsible for the noise in question or noise which in fact exceeds the standards of subsection 4-10.4.

*Person* shall mean a person, firm, association, partnership, joint venture, corporation or any entity, public or private in nature.

*Recreational motor vehicle* shall mean any motor vehicle (as that term is defined in the California Vehicle Code) and shall also include, but not be limited to, motorcycles, go-carts, campers, dune buggies and commercial or non-commercial racing vehicles. A recreational motor vehicle does not include a motorboat.

*Residential property* shall mean a parcel of real property which is developed and used solely for residential purposes.

*School* shall mean public or private institutions, including vocational schools, conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

*Significant* shall mean annoying or disturbing to more than a small percentage of the people within the area impacted by noise in question.

*Simple tone noise* shall mean a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished. If measured, simple tone noise shall exist if the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the contiguous one-third (1/3) octave bands as follows: by five (5) dB for frequencies of five hundred (500) Hertz and above or; by eight (8) dB for frequencies between one hundred sixty (160) Hertz and four hundred (400) Hertz or; by fifteen (15) dB for frequencies less than or equal to one hundred twenty-five (125) Hertz.

*Sound level meter* shall mean an instrument used for measurement of sound levels, which means the American National Standard Institute's Standard S1.4-1971 or most recent revision thereof for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

*Sound pressure level* of a sound, in decibels, shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure which is twenty (20) micropascals.

(Ord. No. 2177 N.S.; Ord. No. 2793 N.S. § 1)

#### 4-10.3 - Noise Measurement Criteria.

- a. Any noise measurement made pursuant to the provisions of this section shall be made with a sound level meter using the "A" weighted network (scale) at slow meter response. Fast meter response shall be used for an impulsive noise. Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately prior to recording any noise data.
- b. The exterior noise levels may be measured at any point on the affected residential property, school, hospital, church, public library or commercial property. Where practical, the microphone shall be positioned three (3') to five (5') feet above the ground or floor level of the affected property and at least four (4') feet away from reflective surfaces.

(Ord. No. 2177 N.S.)

#### 4-10.4 - Exterior Noise Standards.

- a. It is unlawful for any person at any location within the City to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which does not comply with the provisions of this subsection unless the provisions of either subsections 4-10.8 or 4-10.9 have been met.
- b. Exterior noise levels when measured at any receiving single or multiple family residential, school, hospital, church, public library or commercial property situated in the City do not conform to the provisions of this subsection when they exceed the noise level standards set forth in Table I or Table II following:

TABLE I - RECEIVING LAND USE

Single or Multiple Family Residential, School, Hospital, Church, or Public Library PropertiesNOISE LEVEL STANDARDS, dB(A)

<i>Category</i>	<i>Cumulative Number of Minutes in Any One (1) Hour Time Period</i>	<i>Daytime (7:00 a.m. to 10:00 p.m.)</i>	<i>Nighttime (10:00 p.m. to 7:00 a.m.)</i>
1*	30	55	50
2	15	60	55
3	5	65	60
4	1	70	65
5	0	75	70

\* For example, this means the measured noise level may not exceed fifty-five (55)dB(A) for more than thirty (30) minutes out of any one (1) hour time period.

## TABLE II - RECEIVING LAND USE

Commercial PropertiesNOISE LEVEL STANDARDS, dB(A)

<i>Category</i>	<i>Cumulative Number of Minutes in Any One (1) Hour Time Period</i>	<i>Daytime (7:00 a.m. to 10:00 p.m.)</i>	<i>Nighttime (10:00 p.m. to 7:00 a.m.)</i>
1	30	65	60
2	15	70	65
3	5	75	70
4	1	80	75
5	0	85	80

- c. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standards shall be adjusted so as to equal said ambient noise level.
- d. Each of the noise level standards specified above shall be reduced by five (5) dB(A) for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
- e. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards in Table I or Table II.
- f. Notwithstanding the noise level standards set forth in subsection 4-10.4a, the noise level standard applicable to the emission of sound from transformers, regulators, and associated equipment in electrical substations shall be 60 dB(A).

(Ord. No. 2177 N.S.)

4-10.5 - Prohibited Acts.□

- a. *Noise Disturbance Prohibited.* No person shall willfully or negligently make, continue, or cause to be made or continued, any noise disturbance.
- b. *Specific Prohibitions.* The following acts, and the causing or permitting thereof, are a violation of this section:
  1. **Radio, Television Sets, Musical Instruments and Similar Devices.** Operating, playing or permitting the operation or playing for noncommercial purposes of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to create a noise disturbance.
  2. **Animals and Birds.** Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other noises continuously and/or incessantly for a period of ten minutes or intermittently for one-half (½) hour or more which creates a noise disturbance across a residential or commercial real property line. For the purpose of this subsection, the animal or bird noise shall not be deemed a disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird.
  3. **Places of Public Entertainment.** Operating or permitting to be operated, any loudspeaker, musical instrument or other source of sound in any place of public entertainment that exceed ninety-five (95) dB(A) at any point normally occupied by a customer, without a conspicuous and legible sign stating, "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT." Nothing in this subsection shall be construed to permit any violation of subsection 4-10.4 of this section or any noise disturbance in any place of public entertainment.
  4. **Emergency Signaling Devices.** The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing; provided such testing is conducted as follows:
    - (a) The testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time; in no case shall such test time exceed sixty (60) seconds.
    - (b) The testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time specified in (a) above shall not apply to such complete system testing.
  5. **Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within fifteen (15) minutes of activation.** Preexisting installations will be allowed a period of ninety (90) days for correction.
  6. **Stationary Non-Emergency Signaling Devices.**
    - (a)

Sounding or permitting the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than ten (10) seconds in any hour period.

- (b) Churches shall be exempt from the operation of this provision.
  - (c) Sound sources covered by this subparagraph and not exempted under (b) above may be exempted by a variance issued by the Zoning Administrator under the provision of subsection 30-21.2 of the Zoning Ordinance.
7. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line. This action shall not apply to such activities where the items handled are still in interstate commerce.
  8. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty (150') feet (forty-six [46] meters) from the source if on a public space or public right-of-way.
  9. Vehicle and Portable Radio, Tape or Disc Devices Audible in Public Places. Operating, playing or permitting the operation or playing of vehicle or portable radio, tape or disc devices in public places so that the device is audible fifty (50') feet from the device.
  10. Construction. Construction other than during the following hours: 7:00 a.m. to 7:00 p.m. Monday through Fridays and 8:00 a.m. to 5:00 p.m. on Saturdays. This prohibition does not apply to:
    - (a) Construction that does not require a City permit; or
    - (b) Construction where the City Manager or his/her designee grants an exception upon a showing of significant financial hardship; or
    - (c) Emergency work to protect or restore safe conditions where immediate construction is required; or
    - (d) Construction by any person on his/her principal place of residence or rental property.
  - c. *Residential Air Conditioning and Refrigeration.* Notwithstanding the provisions of subsection 4-10.4, where the intruding noise source, as measured pursuant to subsection 4-10.4, is a residential air conditioning or refrigeration system or associated equipment installed prior to the effective date of this section, the exterior noise level shall not exceed fifty-five (55) dB(A). The exterior noise level shall not exceed fifty (50) dB(A) for such equipment installed after the effective date of this section.

(Ord. No. 2177 N.S.; Ord. No. 2333 N.S.; Ord. No. 2712 N.S. § 1)

*Footnotes:*

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*Editor's Note: For provisions regarding unlawful noise while boycotting or picketing, see Section 4-55.1 of this chapter.*

#### 4-10.6 - Motor Vehicle Noise Limits.

- a. *Recreational Motorized Vehicles Operating Off a Public Highway.* No person shall operate or cause to be operated any recreational motorized vehicle off a public highway in such a manner as to create a noise disturbance or exceed the standards set forth in subsection 4-10.4 of this section.
- b. *Vehicle, Motorboat or Aircraft Repair and Testing.* No person shall repair, rebuild, modify or test any vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance or exceed the standards set forth in subsection 4-10.4 of this section.

(Ord. No. 2177 N.S.; Ord. No. 2232 N.S.)

#### 4-10.7 - Special Provisions (Exceptions).

- a. *Emergency Exception.* The provisions of this section shall not apply to:
  1. The emission of sound for the purpose of alerting persons to the existence of an emergency; or
  2. The emission of sound in the performance of emergency work.
- b. *Warning Devices.* Warning devices, necessary for the protection of public safety as, for example, police, fire, and ambulance sirens shall be exempted from the provisions of this section.
- c. *Federal or State Preempted Activities.* The provisions of this section shall not apply to any other activity to the extent regulation thereof has been preempted by State or Federal law.
- d. *Public Health, Welfare and Safety Activities.* The provisions of this section shall not apply to construction or maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including, but not limited to street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.
- e. *Construction.* The provisions of this section shall not apply to noise sources associated with construction provided the activities take place between the hours of 7:00 a.m. to 7:00 p.m. Monday through Fridays or 8:00 a.m. to 5:00 p.m. on Saturdays.
- f. *Maintenance of Residential Property.* The provisions of this section shall not apply to noise sources associated with the maintenance of residential property provided the activities take place between the hours of 7:00 a.m. and 9:00 p.m. on any day except Saturday or Sunday, or between the hours of 9:00 a.m. and 8:00 p.m. on Saturday or Sunday.
- g. *Application.* This section shall not apply where noise requirements are specified by other chapters of the Municipal Code.
- h. *Proviso.* Notwithstanding the provisions of paragraph d. through f. above no exceptions to the provisions of this section shall apply to activities specified in the sections where equipment used for those activities, including mufflers, is not maintained in the condition for which it was designed or intended and thereby unnecessarily increases noise levels so as to cause a noise disturbance or exceed the standards set forth in subsection 4-10.4 of this section.
- i. *City Parks.* The provisions of this Chapter shall not apply to recreational programs or activities conducted within City parks between the hours of 9:00 a.m. and 10:15 p.m.
- j.



*Refuse and Garbage Collection.* The provisions of subsections 4-10.4, 4-10.6, 4-10.8, 4-10.9 and 4-10.11 and paragraph 7 of this subsection shall not apply to noise sources associated with the collection of refuse and garbage by a City of Alameda authorized scavenger as defined by Section 21-1 of the Municipal Code provided that said activities do not take place between the hours of 10:00 p.m. and 5:30 a.m. and that the authorized scavenger shall promptly resolve any noise complaints associated with the collection of refuse or garbage to the satisfaction of the City Manager or his/her designated representative. The City Manager may require modifications to pick-up schedules, equipment used, or any other reasonable means deemed appropriate by the City Manager to resolve the noise complaints, including changing the 5:30 a.m. time to a later time up to 7:00 a.m. for any portion of the City.

(Ord. No. 2177 N.S.; Ord. No. 2232 N.S.; Ord. No. 2555 N.S. § 1; Ord. No. 2712 N.S. § 2)

#### 4-10.8 - Noise Complaints.

- a. Persons who believe that noise sources exceed the standards set forth in subsection 4-10.4 may file a complaint with the Planning Department or the Public Works Department stating the location, nature, and extent of the noise in question.
- b. The Planning Department or the Public Works Department shall determine the extent of the impact of the noise in question on the neighborhood of the complainant. If the impact of the noise in question on that neighborhood is not significant and the noise in question does not constitute a health hazard to the complainant, the Planning Department or the Public Works Department shall not process the complaint but shall help, if possible, to work out an informal solution to the complaint between the noise source in question and the complainant. In all other cases the Planning Department or the Public Works Department shall provide for the sound measurements indicated by subsection 4-10.4.
- c. Where sound measurements establish that the noise in question exceeds the standards of subsection 4-10.4, the Planning Department or the Public Works Department shall develop, with the noise source, methods of reducing noise, either at the source or at the location of the complainant, to a point where it no longer exceeds the standards set forth in subsection 4-10.4. Where the Planning Department or Public Works Department is satisfied that the methods employed actually provide such noise reduction or the complainant refuses to permit the implementation of such methods, the Planning Department or the Public Works Department shall not process the complaint further. In all other cases the Planning Department or Public Works Department shall, pursuant hereto, notify the noise source that it must satisfy the provisions of subsection 4-10.4 within six (6) months or cease and desist the production of the noise in question.
- d. The provisions of this subsection shall be satisfied either by the filing of an Intent Not to Process a Complaint by the Planning Department or Public Works Department with the City Clerk or the execution by a noise source of a promise to implement noise reduction measures required by the Planning Department or Public Works Department or the Planning Board in the time required and performance thereof.

(Ord. No. 2177 N.S.; Ord. No. 2537 N.S. §§ 11-581—11-584)

#### 4-10.9 - Noise Reduction.

- a. Noise sources that do not comply with the provisions of subsection 4-10.4 or 4-10.8 shall provide the Planning Department or the Public Works Department with:

1. A noise inventory describing each source of noise in question under its control, the level and duration (in 24-hour periods) of each source; and
  2. A noise reduction plan showing all means of reducing or eliminating noise from each source or at the points of reception and the anticipated time of implementation of such plan.
- b. Noise sources shall provide such reports, prepared by qualified acoustical consultants and cost estimators, as the Planning Department, Public Works Department or Planning Board may require to ascertain the facts necessary for a decision under this subsection.
  - c. Unless a settlement on noise reduction measures is agreed upon by all complainants and noise sources, a hearing shall be set before the Planning Board to determine which noise reduction measures are cost effective. The Planning Board shall require the noise source to implement, immediately or on a schedule of events, those actions to reduce noise which are cost effective.
  - d. To comply with the provisions of this subsection a noise source must execute an agreement to implement those actions required by the Planning Board or the City Council pursuant to this subsection 4-10.9 within the time required and implement them within the time required.
  - e. All operations responsible for noise which may be reduced by cost effective measures must cease and desist the production of noise exceeding the standards of subsection 4-10.4 within ninety (90) days of the decision rendered by the Planning Board or City Council pursuant to subsection 4-10.9 unless the noise source executes the agreement required by paragraph d. above within ninety (90) days. Persons failing to comply with the agreement will cease and desist the operations upon order of the designated officer.

(Ord. No. 2177 N.S.; Ord. No. 2537 N.S. §§ 11-591—11-595)

#### 4-10.10 - Appeals.

- a. Decisions of the Planning Department rendered pursuant to subsections 4-10.8b and 4-10.8c.; or decisions of the City Manager made pursuant to subsection 4-10.5(b)(10)(b) or subsection 4-10.7(j) may be appealed to the Planning Board by filing notice within ten (10) days of the decision with the Planning Department.
- b. Decisions of the Planning Board may be appealed to the City Council by filing notice within fifteen (15) days of the decision with the Planning Department.
- c. The City Council or the Planning Board shall redetermine the issues appealed.

(Ord. No. 2177 N.S.; Ord. No. 2555 N.S. § 2; Ord. No. 2712 N.S. § 3)

#### 4-10.11 - New Equipment.

- a. Operators of machines or equipment to be installed or altered may, prior to installation or alteration, apply to the Planning Board for a Certificate of Compliance with subsection 4-10.9.
- b. Applicants for a certificate hereunder shall comply with all of the provisions of subsection 4-10.9 using projections of noise from new machines or equipment.
- c. A certificate of compliance hereunder shall satisfy the provisions of subsection 4-10.9 after operations have commenced. The Board may refuse to issue the certificate however, on grounds that data for noise projections is inadequate.

(Ord. No. 2177 N.S.)

4-10.12 - Enforcement.

- a. *Continued Compliance.* Compliance pursuant to Subsections 4-10.8d and 4-10.9d shall satisfy the provisions of this section only as long as there is no increase in noise emissions thereafter.
- b. *Violations.* Any violation of this section is an infraction. Each twenty-four (24) hour day or fraction thereof that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- c. *Additional Remedies.* As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this section, so as to cause a noise disturbance, 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.

(Ord. No. 2177 N.S.)