

CHAPTER 24 - NOISE REGULATION^[1]

Footnotes:

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Cross reference— Administration, Ch. 2; use of electrical amplifying equipment regulated in parks, § 25.1.10(k); Police Reserves, Ch. 26.

ARTICLE I. - IN GENERAL

Sec. 24.1. - ADMINISTRATION:

The provisions of this Chapter shall be administered by the Chief of Police and his or her authorized representatives, except where expressly provided otherwise. All other officers and employees of the City shall assist and cooperate in the administration and enforcement of this Chapter.

(Ord. No. 1999, § 1, 7-24-89)

Sec. 24.2. - DEFINITIONS AND TECHNICAL TERMS:

A. Specific definitions: For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed thereto:

DWELLING UNIT: A structure or portion thereof, designed or used exclusively for resident occupancy.

EMERGENCY WORK: Essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

ENFORCEMENT OFFICER: The Chief of Police or the person designated by him/her to carry out the duties of such officer specified in this Chapter.

LOCAL AMBIENT: The lowest sound level repeating itself during a six-minute period as measured with a precision sound-level meter, using slow response and A-level weighting. The minimum sound level shall be determined with the noise source at issue silent and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this Chapter, in no case shall the local ambient be considered or determined to be less than:

1. Thirty (30) dBA for interior noise in Section 24.20B;
2. Forty (40) dBA in all other sections.

If a significant portion of the local ambient is produced by one or more individual identifiable sources which would otherwise be operating continuously during the six-minute measurement period and contributing significantly to the ambient sound level, determination of the local ambient shall be accomplished with these separate identifiable noise sources silent.

NOISE LEVEL: The maximum continuous sound level or repetitive peak sound level produced by a source or group of sources as measured with a precision sound-level meter. In order to measure a noise level, the controls of the precision sound level should be arranged to the setting appropriate to the type of noise being measured.

PRECISION SOUND-LEVEL METER: A device for measuring sound level in decibel units within the performance specifications in the American National Standards Institute Standard S1.4, Specification for Sound Level Meters.

PROPERTY PLANE: A vertical plane, including the property line, which determines the boundaries of real property in space.

RESIDENTIAL DISTRICT: The RH, R-1, R-2, RG, R-3, R-4, R-5 and MH Zoning Districts as designated and defined in Ordinance No. 1130, as amended, the Redwood City Zoning Ordinance.

SOUND LEVEL (expressed in decibels (dB)): The logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for the characteristics of human hearing, as set forth in the American National Standards Institute Standard S1.1, Acoustic Terminology, paragraph 2.9, as said reference may from time to time be amended, revised or superseded. All references to dB in this Chapter utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this Section.

B. Technical Terms: The meaning of technical terms not expressly defined herein shall be obtained from the American National Standards Institute Standard S1.1, Acoustic Terminology, paragraph 2.9, as said reference may from time to time be amended, revised or superseded.

(Ord. No. 1999, § 1, 7-24-89)

Secs. 24.3—24.9. - RESERVED:

ARTICLE II. - EXCESSIVE AND UNREASONABLE NOISES

DIVISION 1. - GENERALLY

Sec. 24.10. - PURPOSE:

The purpose of this Article is to promote the health, safety and general welfare of the public by:

- A. Declaring certain sound levels in excess of the local ambient to be excessive and unreasonable noises;
- B. Prohibiting such excessive and unreasonable noises; and
- C. Authorizing the imposition by the City of special response fees for costs, damages or expenses incurred by the City to abate certain such noises.

This Article does not create contractual rights in any person to police protection or services above and in addition to the normal entitlements of any inhabitant of the City.

(Ord. No. 1999, § 1, 7-24-89)

Secs. 24.11—24.19. - RESERVED:

DIVISION 2. - PARTY, DANCE, MEETING OR OTHER ASSEMBLAGES

Sec. 24.20. - EXCESSIVE AND UNREASONABLE NOISES:

The following are deemed and declared to be excessive and unreasonable noises:

- A. Noise levels, generated on or within any property between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M. by a party, dance, meeting or other assemblage of three (3) or more persons, which are more than six (6) dB above the local ambient measured at any point within a residential district of the City and outside the plane of said property;
- B. Noise levels, generated on or within any property in a residential district between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M., by a party, dance, meeting or other assemblage of three (3) or more persons which are more than six (6) dB above the local ambient measured three feet (3') from any wall, floor or ceiling inside any dwelling unit on the same property when the windows and doors of such dwelling unit are closed, except within the dwelling unit in which the noise source or sources is located.

(Ord. No. 1999, § 1, 7-24-89)

Sec. 24.21. - PROHIBITED NOISE LEVELS IN RESIDENTIAL DISTRICTS:

It shall be unlawful for any person, after having been given notice by the enforcement officer pursuant to Section 24.22, to suffer or allow, within twelve (12) consecutive hours following such notice, noise levels to be generated between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M. by a party, dance, meeting or other

assemblage of three (3) or more persons on any property:

- A. At more than six (6) dB above the local ambient measured at any point within a residential district and outside the plane of said property; or
- B. At more than six (6) dB above the local ambient measured three feet (3') from any wall, floor or ceiling inside any dwelling unit on the same property within a residential district, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources are located.

(Ord. No. 1999, § 1, 7-24-89)

Sec. 24.22. - NOTICE TO ABATE:

- A. Notice Served: Upon determining that an excessive and unreasonable noise exists, the Enforcement Officer shall give written notice to abate said noise to the owner of the property in or on which the noise source or sources is or are located and/or persons suffering or allowing the party, dance, meeting or assemblage of three (3) or more persons to generate the excessive and unreasonable noise are present, in substantially the following form:

WARNING—YOU MAY BE CITED FOR A VIOLATION OF THE REDWOOD CITY NOISE REGULATIONS AND UPON CONVICTION THEREOF BE LIABLE FOR ALL COSTS ASSOCIATED WITH POLICE RESPONSE

The undersigned, as Enforcement Officer of the Noise Regulations of the City of Redwood City (Redwood City Code, Chapter 24), does hereby notify you that he or she has determined that a party, dance, meeting or other assemblage of three or more persons is occurring at _____, Redwood City, California; and such persons are generating excessive and unreasonable noise as defined by Section 24.20 of the Redwood City Code.

You are hereby notified that, if said excessive and unreasonable noise continues, you and all other persons to whom this notice is given may be cited for a violation of the Noise Regulations of the City of Redwood City pursuant to Redwood City Code Section 24.21.

You are hereby further notified that, if said noise continues, you and all other persons to whom this notice is given, and in the event of minors, then the parents or guardians of said minors, may be held liable to the City of Redwood City for all costs incurred by the City in any subsequent police responses within twelve hours of this notice, including actions to abate such noise, any arrests that are necessitated as a result of such responses or abatement actions, and all costs incurred in the prosecution of criminal actions resulting from such arrests, and all costs, including court costs and attorneys fees, incurred in the collection of the foregoing costs.

(Name and Address of Person being Notified)

;date rule;

Dated

Enforcement Officer

- B. Liability: After a person has been given notice as hereinabove provided, and said person continues to suffer or allow the excessive and unreasonable noise to continue between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M., then such persons, or in the event that all or any of the foregoing persons are minors, the parents and/or guardians of such minors, shall be jointly and severally liable for the entire cost to the City of the following items:

1. Any police response or responses to the incident, subsequent to the response at which notice was given, calculated on a time-and-materials basis at a rate set by the City's Director of Finance (which rate shall be determined on a full-cost-accounting basis and includes overhead, imputed rent and depreciation on equipment), which are or may be required to abate the excessive and unreasonable noise generated by the party, dance, meeting or other assemblage of three (3) or more persons;
 2. In the event that arrests are made arising out of the occurrence of illegal behavior at, or in the vicinity of and related to the party, dance, meeting or other assemblage of three (3) or more persons, all police time incurred in the arrest, booking, jailing, and report preparation process;
 3. In the event that police personnel are required to appear and/or provide evidence at a court proceeding relating to the arrest of persons at the party, dance, meeting or other assemblage of three (3) or more persons, all police time incurred in the appearance;
 4. In the event that it becomes necessary to institute litigation to enforce the collection of any amounts hereunder due (for any of the costs identified above in subparagraphs 1 through 3, inclusive), all costs incurred by the City in the prosecution of the amount billed hereunder, including all court costs, attorneys fees and police officer court appearance costs not to exceed fifteen thousand dollars (\$15,000.00).
- C. Compromise of Debt: The City Manager shall have, and is hereby granted the authority to reduce or compromise such portion of the foregoing debt as he or she may, in his or her judgment, deem appropriate in the best interests of the City.

(Ord. No. 1999, § 1, 7-24-89)

Secs. 24.23—24.29. - RESERVED:

DIVISION 3. - CONSTRUCTION

Sec. 24.30. - EXCESSIVE AND UNREASONABLE NOISES:

The following are deemed to be excessive and unreasonable noises:

- A. Noise levels generated by construction activities, including demolition, alteration, repair or remodeling of or to existing structures and construction of new structures on property within the City, at more than 110 dB measured at any point within a residential district of the City and outside of the plane of said property;
- B. Noise levels generated by an individual item of machinery, equipment or device used during construction activities, including demolition, alteration, repair or remodeling of or to existing structures and construction of new structures on property within the City, at more than 110 dB measured within a residential district of the City at a distance of twenty-five feet (25') from said machinery, equipment or device. If said machinery, equipment or device is housed within a structure on the property, then the measurement shall be made at a distance as near to twenty-five feet (25') from said machinery, equipment or device as possible.

(Ord. No. 2013, § 1, 4-2-90)

Sec. 24.31. - PROHIBITED NOISE LEVELS:

It shall be unlawful for any person to suffer or allow noise levels to be generated by:

- A. Construction activities, including demolition, alteration, repair or remodeling of or to existing structures and construction of new structures on property within the City, at more than 110 dB measured at any point within a residential district of the City and outside of the plane of said property; or
- B. An individual item of machinery, equipment or device used during construction activities, including demolition, alteration, repair or remodeling of or to existing structures and construction of new structures on property within the City, at more than 110 dB measured within a residential district of the

City at a distance of twenty-five feet (25') from said machinery, equipment or device. If said machinery, equipment or device is housed within a structure on the property, then the measurement shall be made at a distance as near to twenty-five feet (25') from said machinery, equipment or device as possible.

(Ord. No. 2013, § 1, 4-2-90)

Sec. 24.32. - TIME LIMITATIONS:

Notwithstanding the provisions in this Division to the contrary, it shall be unlawful for any person to engage in construction activities, including demolition, alteration, repair or remodeling of or to existing structures and the construction of new structures on property in a residential district or within five hundred feet (500') of a residential district in the City, between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. the following day, Monday through Friday of any week or at any time on Saturdays, Sundays or holidays if the noise level generated by any such activity exceeds the local ambient measured at any point within the residential district and outside of the plane of said property.

(Ord. No. 2013, § 1, 4-2-90)

Sec. 24.33. - CONSTRUCTION SITE NOTICE:

A. Generally: The owner of any property in a residential district of the City or of any property located within five hundred feet (500') of any such district upon which construction activities, including demolition, alteration, repair or remodeling of or to existing structures, and construction of new structures are proposed to occur, shall post a sign at all entrances to the work site prior to commencement of the work for the purpose of informing all contractors and subcontractors, their employees, agents, materialmen and all other persons at the property of the basic limitations upon noise and construction activities provided in this Division. Said sign(s) shall be posted at least five feet (5') above ground level and shall be on a white background with black lettering, which lettering shall be a minimum of one and one-half inches (1 ½") in height.

B. Sign Text: Said sign(s) shall read as follows:

NOISE LIMITATIONS UPON WORK ON PROPERTIES IN OR NEAR RESIDENTIAL DISTRICTS

(Includes any and all deliveries)

NOISE PROHIBITED

MONDAYS through FRIDAYS	8:00 p.m. to 7:00 a.m.
SATURDAYS, SUNDAYS and HOLIDAYS	ALL DAY

During the foregoing periods, no noise above the local ambient level in Residential Districts shall be generated by construction work or activities.

WORK NOISE LIMITS AT ALL OTHER TIMES:

1. No individual item of machinery, equipment, or device used in or near a residential district shall produce sound in excess of 110 dBA, measured twenty five feet (25') from such machinery, equipment, or device;
- 2.

Work noise level at any point outside of the construction site property plane shall not exceed 110 dBA within any part of a residential district.

The foregoing provisions are requirements of the Noise Regulations of the City, violations of which are punishable pursuant to the provisions of this Chapter.

(Ord. No. 2013, § 1, 4-2-1990)

Sec. 24.34. - EXCEPTIONS; PERMITS:

Upon a showing by a property owner to the enforcement officer that a diligent investigation of available noise abatement techniques indicates that compliance with the requirements of this Division would be impracticable or unreasonable, the enforcement officer may issue a permit allowing an exception to the provisions contained in all or any portion of this Division subject to such reasonable and appropriate conditions as the enforcement officer may impose, including, but not limited to, a compliance schedule, restrictions upon construction methods or use of machinery, equipment or devices, permission to engage in construction activities on Saturdays, Sundays, and holidays only between the hours of nine o'clock (9:00) A.M. and eight o'clock (8:00) P.M., or implementation of such other practices as the enforcement officer deems appropriate. Any such permit shall be effective for a period not to exceed six (6) months and shall be of such reasonably short duration as the enforcement officer shall determine giving due regard to the extent and the complexity of the construction to which it pertains.

Any person aggrieved by the decision of the enforcement officer in issuing or denying the issuance of a permit pursuant to this Section may appeal the enforcement officer's decision to the Community Development Director. Such appeal shall be filed, processed and heard in accordance with the provisions of Chapter 1 of this Municipal Code.

(Ord. No. 2013, § 1, 4-2-1990; Ord. No. 2167, § 1, 7-26-1999)

(Ord. No. 2374, § 16, 1-9-12)

Sec. 24.35. - EXEMPTIONS:

Noise levels generated by construction activities, including demolition, alteration, repair or remodeling of or to existing structures and the construction of new structures on property within the City: a) in the course or within the scope of emergency work; and b) in the course of work performed personally by the owner or resident of a dwelling unit with respect to said unit on Mondays through Fridays between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M. and on Saturdays, Sundays, and holidays between the hours of nine o'clock (9:00) A.M. and eight o'clock (8:00) P.M., are exempt from the provisions of this Division.

(Ord. No. 2013, § 1, 4-2-1990; Ord. No. 2167, § 2, 7-26-1999)

Secs. 24.36—24.39. - RESERVED:

ARTICLE III. - ENFORCEMENT

Sec. 24.40. - RESPONSIBILITY:

Except as expressly provided to the contrary in this Chapter, the primary responsibility for enforcement of the provisions of this Chapter shall be vested in the Chief of Police; provided, however, that the Chief of Police shall be and is hereby authorized and empowered to delegate his or her authority to such officers, employees or agents of the City as he or she shall designate.

(Ord. No. 1999, § 1, 7-24-1989)

Sec. 24.41. - PENALTIES:

Any person who violates any of the provisions of this Chapter shall be deemed guilty of an infraction and, upon conviction thereof, shall be punishable therefor as provided by subsection 1.7B of this Code.

(Ord. No. 1999, § 1, 7-24-1989)

Sec. 24.42. - PUBLIC NUISANCE; INJUNCTIVE REMEDIES:

Any excessive or unreasonable noise as defined in this Chapter shall be deemed and is hereby declared to be a public nuisance. Such nuisance may be abated, removed or enjoined, and damages assessed therefor in any manner provided by law.

(Ord. No. 1999, § 1, 7-24-1989)

Sec. 24.43. - REMEDIES CUMULATIVE:

The remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any and all of the remedies available to the City for the violation of any provision of this Chapter.

(Ord. No. 1999, § 1, 7-24-1989)