

## **Chapter 9.10 REGULATION OF NOISE AND VIBRATION**

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### **Article I. Noise and Vibration from Fixed Sources**

**9.10.010 Purpose.**

It is determined and declared by the City Council of the City that certain noise or vibration levels are detrimental and contrary to the public health, welfare and safety and that persons in the City of Santa Clara require protection from unnecessary, excessive, and unreasonable noise or vibration from fixed sources in the community. It is the intent of the City Council in adopting this chapter to control unnecessary, excessive, unusually loud, and annoying noise or vibration

within the jurisdictional boundaries of the City which are prolonged or unusual in their time, place, and use and are detrimental to the public health, comfort, convenience, welfare, safety, and prosperity of persons in the City of Santa Clara. It is the intent of the City Council to prohibit such noise or vibration generated from or by all sources as specified in this chapter. Every person is entitled to an environment in which the noise or vibration level is not detrimental to his/her life, health, or enjoyment of property.

It is also the intent of the City to maintain quiet in those areas which currently maintain low noise and vibration levels and to implement programs aimed at reducing noise and vibration in those areas within the city where noise and vibration are above acceptable levels. The necessity for the provisions and prohibitions contained and enacted in this chapter is declared as a matter of legislative determination and public policy and it is further declared that the provisions and prohibitions contained and enacted herein are for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of all persons in the City of Santa Clara.

Therefore, the City Council does ordain and declare that any noise or vibration which is created, caused, or maintained, or allowed to be created, caused, or maintained, in a manner prohibited by, or not in conformity with, the provisions of this chapter, is unlawful and a public nuisance. It is further determined that private civil actions seeking enforcement of the provisions of this chapter may be necessary and desirable to accomplish the goals sought herein. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.1).

#### **9.10.020 Definitions.**

Whenever the following words or phrases are used in this chapter, they shall have the meaning ascribed to them in this section:

(a) "A-weighted sound level" means the sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(b) "Commercial area" means an area zoned for commercial uses.

(c) "Decibel" means a unit for measuring the amplitude level of a sound or noise, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

(d) "Disturbing, excessive, or offensive sound, noise, or vibration levels" means any sound, noise, or vibration which annoys or disturbs human beings or which causes or tends to cause an adverse physiological or psychological effect on human beings and which conflicts with the criteria of sound levels set forth in this chapter.

(e) "Emergency work" means any work made necessary to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger of damages, or work by public or private utilities when restoring utility services.

(f) "Fixed noise, sound, or vibration source" means a stationary device which creates sound or vibration while operating in a fixed or stationary position, including, but not limited to, residential,

agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.

(g) "Industrial area" means an area zoned for industrial uses.

(h) "Mobile noise, sound, or vibration source" means any noise, sound, or vibration source other than a fixed noise, sound, or vibration source, including but not limited to vehicles, hand-held power equipment, and portable music amplifiers. Certain mobile noise, sound, or vibration sources, such as aircraft, are preempted from City regulation.

(i) "Noise level" means the same as sound level. The terms may be used interchangeably in this chapter.

(j) "Person" means any individual, association, partnership, corporation, or entity, public or private, including but not limited to, any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

(k) "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.

(l) "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(m) "Residential area" means an area zoned for single-family, duplex or multifamily residential use.

(n) "Sound level" means sound volume measured in decibels with a sound level meter as defined herein, by the use of the "A" frequency weighted and "fast" time averaging, unless some other time averaging is specified.

(o) "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks, designed for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute (ANSI) specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

(p) "Vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a reasonable person of average sensitiveness to be aware of the vibration, including by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 inch/second over the range of one to 100 Hz.

(q) Terminology. All terminology used in this chapter, not defined above, shall conform with applicable publications of the American National Standards Institute (ANSI) or its successor body. All definitions of technical terms not defined herein shall be obtained from American National Standard Acoustical Terminology (ANSAT). (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.2).

**9.10.030 Application of regulations.**

This chapter shall apply only to fixed noise, sound, or vibration sources and shall not apply to any mobile noise, sound, or vibration source. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.3).

**9.10.040 Noise or sound regulation.**

It shall be unlawful for any person to operate or cause to allow to be operated, any fixed source of disturbing, excessive or offensive sound or noise on property owned, leased, occupied or otherwise controlled by such person, such that the sound or noise originating from that source causes the sound or noise level on any other property to exceed the maximum noise or sound levels which are set forth in Schedule A, as follows:

Schedule A		
Exterior Sound or Noise Limits		
Receiving Zone		Noise Level
Zoning Category	Time Period	(dBA)
<b>Category 1</b>		
Single-family and duplex residential (R1, R2)	Commencing at 7:00 A.M. and ending at 10:00 P.M. that evening	55
	Commencing at 10:00 P.M. and ending at 7:00 A.M. the following morning	50
<b>Category 2</b>		
Multiple-family residential, public space (R3, B)	Commencing at 7:00 A.M. and ending at 10:00 P.M. that evening	55
	Commencing at 10:00 P.M. and ending at 7:00 A.M. the following morning	50
<b>Category 3</b>		
Commercial, Office (C, O)	Commencing at 7:00 A.M. and ending at 10:00 P.M. that evening	65
	Commencing at 10:00 P.M. and ending at 7:00 A.M. the following morning	60
<b>Category 4</b>		
Light Industrial (ML, MP)	Anytime	70
Heavy Industrial (MH)	Anytime	75

Except as otherwise provided in this chapter, the noise or sound standards for the various zone districts as presented in this Schedule A shall apply to all such properties within a specified zone, as designated on the most recent update of the official zoning map of the City. For planned development, agricultural or mixed zoning site, the most restrictive noise standard for the comparable zone district, as determined by the Director of Planning and Inspection, shall apply. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.4).

**9.10.050 Vibration regulation.**

It shall be unlawful for any person to operate or cause, permit, or allow the operation of, any fixed source of vibration of disturbing, excessive, or offensive vibration on property owned, leased, occupied, or otherwise controlled by such person, such that the vibration originating from such source is above the vibration perception threshold of an individual at the closest property line point to the vibration source on the real property affected by the vibration. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.5).

**9.10.060 Noise, sound, or vibration evaluation criteria.**

(a) The characteristics and conditions which will be considered in determining whether a violation of the provisions of this chapter exists shall include, but not be limited to the following:

- (1) The volume level of the noise or amplitude of the vibration;
- (2) Whether the nature of the noise or vibration is usual or unusual;
- (3) Whether the origin of the noise or vibration is from a natural source or mechanical source;
- (4) The level of the ambient noise;
- (5) The proximity of the noise or vibration to sleeping facilities;
- (6) The nature and zoning of the area from which the noise or vibration emanates and the area where it is received;
- (7) The time of day or night the noise or vibration occurs;
- (8) The duration of the noise or vibration; and
- (9) Whether the noise or vibration is recurrent, intermittent, or constant.

(b) All sound, noise, or vibration measurements shall be taken at the closest point to the noise or vibration source on the adjacent real property, or on any other property, affected by the noise or vibration. The most restrictive exterior noise limits for the applicable zoning category, as established in SCCC 9.10.040, Schedule A, shall apply.

(c) If the measured ambient noise level at any given location differs from those levels set forth in SCCC 9.10.040, Schedule A, the allowable noise exposure standard shall be adjusted in five dBA increments in each category as appropriate to encompass or reflect said ambient noise level.

(d) In the event the alleged offensive sound or noise contains music or speech conveying informational content, the limits for the applicable zoning category set forth in SCCC 9.10.040, Schedule A, shall be reduced by five dBA. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.6).

**9.10.070 Exceptions.**

The provisions of this chapter shall not apply to noise, sound or vibration created by the following:

(a) The performance of emergency work, including the operation of emergency generators and pumps or other equipment necessary to provide services during an emergency.

(b) Warning devices necessary for the protection of public health, safety, and welfare including but not limited to, civil defense and fire sirens, or commercial, residential, or residential burglar alarms.

(c) Outdoor events which are conducted pursuant to a valid permit or license issued by the City relative to the staging of said events.

(d) City-owned electric, water and sewer utility system facilities, including but not limited to, receiving station equipment, substation equipment, generating plant equipment, water well station equipment, water booster pumping station equipment, and sewer lifting and pumping station equipment.

(e) Construction activities which occur during allowed hours, as otherwise specified in the Code.

(f) Firework displays authorized by permit from the City of Santa Clara Fire Department.

(g) The operation of heliports authorized by a conditional use permit granted by the City. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.7).

**9.10.080 Plan submittal.**

(a) Any plans submitted to the City for plumbing, electrical or mechanical permits for any stationary equipment shall be accompanied by documentation or a written statement signed by the property owner verifying that the equipment noise sound, or vibration levels shall not exceed the standards of this chapter.

(b) The initial granting of a permit for such equipment shall not affect the obligation of each person owning or operating such equipment for continued compliance with the noise, sound, and vibration level requirements set forth in this chapter. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.8).

**9.10.090 Existing sound, noise, or vibration sources.**

Sound, noise or vibration sources in place and operating prior to the effective date of the ordinance codified this chapter, which are subsequently found to not be in compliance by persons in control of such sources with the noise, sound, and vibration level requirements set forth in this chapter, shall be brought into compliance within thirty (30) days of date of receipt of written notice of noncompliance from the City. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.9).

**9.10.100 Special permit approval.**

As provided within the City's Zoning Ordinance, a special permit may be granted to allow for an exception, for limited duration, from the provisions contained in all or a portion of this chapter, for certain noise, sound, or vibration sources which exceed the above-stated maximum allowable levels. Such permits may be granted, provided findings are made by the granting body that the existence of the noise, sound, or vibration source for the period of time specified in the permit is necessary and beneficial to the public welfare of the City. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.10).

**9.10.110 Manner of enforcement.**

Pursuant to SCCC 1.05.070, the City, in its prosecutorial discretion, may enforce violation(s) of the provisions of this chapter as a criminal, civil, and/or administrative action. However, nothing in this chapter shall prevent the City Manager or his/her designee, in enforcement of the provisions of this chapter, from making efforts to obtain voluntary compliance by way of warning, notice, or educational means. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.11).

**9.10.120 Additional remedies.**

As an additional remedy, the operation or maintenance of any fixed source of noise, sound, or vibration which causes discomfort or annoyance to reasonable persons of average sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area in violation of the provisions of this chapter shall be deemed, and the same is hereby declared to be, unlawful and a public nuisance. (Ord. 1588 § 1, 6-14-88. Formerly § 18-26.13).

## **Article II. Off-Street Operation of Certain Construction Sites**

**9.10.210 Purpose.**

The City Council of City finds that certain off-street construction and construction-related operations on construction sites which are in close proximity to residential properties if left unregulated as to times for such operations cause excessive and annoying noise, dust, fumes potentially injurious to persons and properties in residential neighborhoods, all of which adversely affect the public peace, health, welfare and safety and which shall be regulated for the protection of the public in enjoyment of their lives and properties. (Ord. 1549 § 1, 7-15-86. Formerly § 18-32.1).

**9.10.220 Definitions.**

A "construction site" for the purpose of this chapter is a privately owned parcel of real property on which any building, or related improvement of road, walkway, pool or landscape, construction is taking place or to which construction materials, supplies or implements are delivered in connection with such construction. (Ord. 1549 § 1, 7-15-86. Formerly § 18-32.2).

**9.10.230 Regulation.**

No person shall engage or authorize others to engage in construction of any building or related road or walkway, pool or landscape improvement, or in construction operations related thereto, including delivery of construction materials, supplies, or improvements on or to a construction site within three hundred (300) feet of any residentially zoned property except within the hours of 7:00 A.M. to 6:00 P.M. following on weekdays other than holidays, Monday through Friday,

inclusive; and within the hours of 9:00 A.M. to 6:00 P.M. following, inclusive, on any Saturday which is not a holiday. A holiday, for the purpose of this section, is each day or part thereof upon which any of the following holidays are observed pursuant to California law:

- (a) January 1st.
- (b) The third Monday in January (Martin Luther King, Jr., Day).
- (c) The third Monday in February.
- (d) The last Monday in May.
- (e) July 4th.
- (f) The first Monday in September.
- (g) The Thursday in November appointed as Thanksgiving Day and the day immediately following.
- (h) December 25th.

No such work is permitted on such holidays. (Ord. 1549 § 1, 7-15-86; Ord. 1556 § 1, 9-16-86. Formerly § 18-32.3).

**9.10.240 Exemption from regulation.**

Exempt from the regulations of this chapter are:

- (a) Emergency construction and repair that is necessary for protection of life and property;
- (b) Operation preempted from local regulation by State law, such as construction of public school buildings;
- (c) Furnishing utility-type services including construction and maintenance of utility facilities;
- (d) Public inspections; and
- (e) Any work on an existing single-family or duplex (two-family) dwelling undertaken by the property owner. (Ord. 1549 § 1, 7-15-86. Formerly § 18-32.4).