

[CITY OF NAPA MUNICIPAL CODE](#)[Title 8 HEALTH AND SAFETY](#)

Chapter 8.08 NOISE CONTROL REGULATIONS

8.08.010 Outdoor sound systems—Permit required.

It is unlawful for any person to operate a loudspeaker, public address system or sound amplification system if such loudspeaker, public address system or sound amplification system can be heard outside any building, save and except as follows:

- A. If said loudspeaker, public address system or sound amplification system is to be operated from an automobile between the hours of 9:00 a.m. and 9:00 p.m., a permit to so operate or play the same must first be obtained from the City Manager as hereinafter stated;
 - B. If said loudspeaker, public address system or sound amplification system is to be operated other than from an automobile at any time of the day or night, such operation must first be approved by the City Manager;
 - C. If said loudspeaker, public address system or sound amplification system is to be operated in connection with the playing of a musical instrument for fewer than three days in a one year period, such operation must first be approved by the City Manager;
 - D. If said loudspeaker, public address system or sound amplification system is to be used in connection with a parade or filming operation for which a permit has been obtained, this section shall not be applicable;
 - E. If said loudspeaker, public address system or sound amplification system is used in connection with a use for which a permit has been obtained pursuant to Title 17 of this code, this section shall not be applicable.
- (Rev. Code 1954 § 8000; O1920; O2488; O3026; O3051; O2005 15)

8.08.020 Noise—Commercial activity.

- A. Between the hours of 9:00 p.m. and 7:00 a.m., no commercial activity shall be conducted upon any privately owned real property within the city, which activity creates noise which can be heard at the property line of any parcel of real property within the city which bears an RP, residential/professional office district, or more restrictive zoning designation, as provided in Title 17 of this code unless a permit shall first have been secured from the City Manager pursuant to Section 2.08.050 of this code. The City Manager shall grant such permit if it reasonably appears that: (1) the activity is otherwise permitted under this code; and (2) the benefit to be derived by the applicant from conducting such activity at the time and place specified in the application outweighs the detriment to be suffered by the neighborhood, by neighboring residents, and by the city generally. The collection of garbage and trash pursuant to Chapter 5.60 of this code is expressly exempt from the provisions of this section.
- B. Every person vending or operating an ice cream vending vehicle shall:
 1. Obey all traffic laws;
 2. Observe the following amplified noise hours:
 - a. Winter (November 1st through April 30th): Noon to one-half hour after sunset,
 - b. Summer (May 1st through October 31st): 10:00 a.m. to one-half hour after sunset, but no later than 8:00 p.m.;
 3. Vend only from the side of the truck away from moving traffic and as near as possible to the

curb or side of the street;

4. Not vend to anyone standing in the roadway;
 5. Not back-up any ice cream vending vehicle to make or attempt to make a sale;
 6. Deliver products to customers only when the vending vehicle is lawfully stopped and the vehicle's hazard lights are in operation:
 - a. Vehicles shall be equipped with two operable amber lights, each five inches in diameter, mounted on the left and right front, and two operable amber lights each five inches in diameter, mounted on the left and right rear of the ice cream vending vehicle, all at the top of the vehicle,
 - b. Each light shall flash alternatively from the opposing right light and have sufficient lumens so that the flashing will be visible at a distance of 500 feet when the vehicle is stopped for the purpose of vending;
 7. Amplified mechanized bells, chimes or music shall be turned off when the ice cream vending vehicle is stopped;
 8. A sign on each side of the ice cream vending vehicle shall be displayed which shall consist of letters no less than five inches in height and shall state the name, telephone number of the owner of the vehicle, and an identification numeral (issued by the city) distinguishing the vehicle;
 9. City business license and amplified music permit shall be posted inside the vending vehicle, so the permits are visible to the public.
- C. This section shall not apply to any commercial activity subject to the provisions of Section 8.08.010. (O3051; O2003 13; O2005 18)

8.08.025 Noise—Construction activity.

Any person engaged in construction activity, other than construction activity on an existing residential unit which such person owns or rents, pursuant to any provision of this code, shall limit said construction activity as follows:

- A. Construction activities throughout the entire duration of the project shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. There will be no start up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday; and construction on weekends or legal holidays shall be limited to the hours of 8:00 a.m. to 4:00 p.m., unless a permit shall first have been secured from the City Manager, or designee, pursuant to Section 8.08.050 of this code. The City Manager, or designee, shall grant such permit:
 1. For emergency work;
 2. Other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance; or
 3. If necessary to protect the public health, safety, and welfare.
- B. All muffler systems on construction equipment shall be properly maintained.
- C. All construction equipment shall not be placed adjacent to developed areas unless said equipment is provided with acoustical shielding.
- D. All construction and grading equipment shall be shut down when not actively in use.
- E. Construction activity by or on behalf of a public agency, which is necessary to avoid a disruption of a public project or to protect the public health, safety, and welfare, shall be exempt from the time limitations of this section.
- F. As a separate, distinct, and cumulative remedy established for a violation of this section, the Police

and/or the Code Enforcement Officer may issue a stop work order for violation of this section. Such order shall become effective immediately upon posting of the notice. After service of the stop work order, no person shall perform any act with respect to the subject property in violation of any of the terms of the stop work order, except such actions the city determines are reasonably necessary to render the subject property safe and/or secure until the violation has been corrected. (O93-026)

[8.08.030 Application for permit.](#)

Any person desiring to obtain a permit pursuant to Sections 8.08.010, 8.08.020, and 8.08.025 shall file a written application stating the permit desired, the name and address of the applicant, the need for the permit, the place where and the particular time when he or she desires to exercise the same. The application shall be filed with the City Manager, or designee.

The City Manager, or designee, shall grant said permit if it appears that: (1) the activity is otherwise permitted by the code; and (2) the benefit to be derived by the applicant from conducting such activity at the time and place specified in the application outweighs the detriment, if any, to the neighborhood in which the activity will be conducted. (Rev. Code 1954 § 8001; O1920; O3026; O3051; O93-026)

[8.08.040 Appeal of City Manager's decision.](#)

Any person may appeal the decision of the City Manager pursuant to Sections 8.08.010, 8.08.020, and 8.08.025 within 10 days of notification of the decision to the Noise Permit Appeals Committee by filing a written statement appealing said decision with the City Clerk. The Noise Permit Appeals Committee shall consist of two members of the City Council appointed by the City Council and the Police Chief or the Chief's designee. The Committee shall base its decision to grant or deny the appeal on the factors described in Section 8.08.020. If the Committee grants the permit, it shall prescribe such terms and conditions for the exercise of the permit as it may deem necessary. (Rev. Code 1954 § 8002; O1920; O3026; O3051; O93-026; O2005 13)

[8.08.050 Permit issuance, revocation.](#)

If an application for a permit under this chapter is granted, the City Clerk shall issue a permit containing the terms and conditions prescribed by the Council as aforesaid and the statement that such permit is subject to revocation by said Council whenever it appears to said Council that the same is being used in an illegal, disorderly, or improper manner. A copy of the permit issued pursuant to this chapter shall be posted on site. (Rev. Code 1954 § 8003; O1920; O3051; O93-026)

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