

Pleasanton Municipal Code

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Chapter 9.04 NOISE REGULATIONS

9.04.010 Declaration of policy.

It is declared to be the policy of the city that the peace, health, safety and welfare of the citizens of the city require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to control the adverse effect of such noise sources on the citizens under any condition of use, especially those conditions of use which have the most severe impact upon any person. (Prior code § 4-9.01)

9.04.020 Definitions.

For the purposes of this chapter, certain terms are defined as follows:

A. "Emergencies" mean essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm; work by private or public utilities when restoring utility service or such routine testing or standby equipment as may be necessary to assure reliability in the event of emergencies.

B. "Noise level" means the maximum continuous sound level or repetitive peak level produced by a source or group of sources as measured with a precision sound level meter using the "A" weighting scale, and the meter response function set to "slow."

C. "Person" means any individual, or other entity including, but not limited to, a partnership, association or corporation.

D. "Property plane" means a vertical plane including the property line which determines the property boundaries in space.

E. "Sound level" is expressed in decibels (dB), which is a 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 characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph Z.9, or successor reference. All references to dB in this chapter utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this section.

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

G. "Vehicle" means any device by which any person or property may be propelled, moved or drawn upon a highway or street. (Prior code § 4-9.02)

9.04.030 Noise limits—Residential property.

A. Residential Property. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on residential property, noise level in excess of 60 dBA at any point outside of the property plane, unless otherwise provided in this chapter.

B. Multifamily Residential Property. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on multi-family residential property, a noise level in

any dwelling unit in excess of 60 dBA except within the dwelling unit in which the noise source or sources originate. For purposes of this section, measurement of the noise level shall be taken at least four feet from any wall, floor or ceiling inside any dwelling unit on the same property with the windows and doors of the dwelling unit closed.

C. Distribution Transformers. The noise levels from distribution transformers on private property shall be measured at a distance of 25 feet or from the nearest residential structure, whichever is shorter. (Ord. 1880, 2003; prior code § 4-9.03)

9.04.035 Noise limits—Commercial or industrial use adjacent to residential zone.

Any commercial or industrial use, not including a special downtown accessory entertainment use in the downtown hospitality transition area, which is located within 300 feet from any residential zone and which remains open for business at any time between the hours of 10:00 p.m. and 6:00 a.m. shall adhere to the following standards of performance:

A. The noise level produced on the business premises between the hours of 10:00 p.m. and 6:00 a.m. shall not exceed the residential noise standard at the property plane between the residential zoning district and the commercial zoning district.

B. In the case of a business establishment which: (1) serves alcohol, (2) is located within 300 feet from a residential zoning district, and (3) is open for business between the hours of 10:00 p.m. and 6:00 a.m., the business owner and/or agent in charge shall arrange for responsible agents to patrol the parking lot and take reasonable actions necessary to inhibit loitering, shouting, fighting, revving of vehicle engines, the rapid acceleration of vehicles and other activities which would disturb the peace of a residential neighborhood.

C. No trash shall be dumped outside of the enclosed building area between the hours of 10:00 p.m. and 6:00 a.m. In the alternative, a business which finds it necessary or convenient to dump trash between 10:00 p.m. and 6:00 a.m. may demonstrate pursuant to Section 9.04.110 of this chapter that sound levels from dumping trash are insignificant or have been adequately mitigated. This subsection does not prohibit regularly scheduled pick up of trash by commercial garbage companies.

D. The person in charge of a business premises, whether that person is an owner, employee, agent or contractor, shall be responsible to assure compliance with subsections A through C of this section.

E. The owner of each business subject to this section shall be responsible to inform his or her managers, employees, agents and contractors of the requirements of this section. (Ord. 2055 § 2, 2012; Ord. 1341 § 1, 1987)

9.04.040 Noise limits—Commercial property.

No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on commercial property, a noise level in excess of 70 dBA at any point outside of the property plane, unless otherwise provided in this chapter. (Ord. 2055 § 2, 2012; Ord. 1880, 2003; prior code § 4-9.04)

9.04.043 Noise limits—Special downtown accessory entertainment uses in the downtown hospitality central core or downtown hospitality transition area.

Special downtown accessory entertainment uses shall adhere to the following standards:

A. In the downtown hospitality central core area:

1. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same on commercial property, a noise level in excess of the following at any point outside of the property plane:

Maximum Noise Level (dBA)	Sunday—Wednesday (Hours)	Thursday—Saturday (Hours)
74	8:00 a.m.—10:00 p.m.	8:00 a.m.—11:00 p.m.
70	10:00 p.m.—8:00 a.m.	11:00 p.m.—8:00 a.m.

2. No person shall produce or allow to be produced on commercial property a noise by any machine, animal, device, or any combination of the same on commercial property in excess of the following noise level as measured at the property plane of the nearest residential zoning district:

Maximum Noise Level (dBA)	All Days (Hours)
60	10:00 p.m.—6:00 a.m.

B. In the downtown hospitality transition area:

1. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same a noise level in excess of the following at any point outside of the property plane:

Maximum Noise Level (dBA)	All Days (Hours)
70	8:00 a.m.—9:00 p.m.
60	9:00 p.m.—8:00 a.m.

2. No person shall produce or allow to be produced on commercial property a noise by any machine, animal, device, or any combination of the same on commercial property in excess of the following noise level as measured at the property plane of the nearest residential zoning district:

Maximum Noise Level (dBA)	All Days (Hours)
60	10:00 p.m.—6:00 a.m.

3. In the case of a business establishment which: (a) serves alcohol, and (b) is open for business between the hours of 9:00 p.m. and 8:00 a.m., the business owner and/or agent in charge shall arrange for responsible agents to patrol the parking lot and take reasonable actions necessary to inhibit loitering, shouting, fighting, revving of vehicle engines, the rapid acceleration of vehicles and other activities which would disturb the peace of a residential neighborhood.

4. No trash shall be dumped outside of the enclosed building area between the hours of 9:00 p.m. and 8:00 a.m. In the alternative, a business which finds it necessary or convenient to dump trash between 9:00 p.m. and 8:00 a.m. may demonstrate pursuant to Section 9.04.110 of this chapter that sound levels from dumping trash are insignificant or have been adequately mitigated. This subsection does not prohibit regularly scheduled pick up of trash by commercial garbage companies.

5. The person in charge of a business premises, whether that person is an owner, employee, agent or contractor, shall be responsible to assure compliance with subsections (B)(1) through (4) of this section.

6. The owner of each business subject to this section shall be responsible to inform his or her managers, employees, agents and contractors of the requirements of this section. (Ord. 2055 § 2, 2012)

9.04.045 Leaf blowers.

A. Weekdays.

1. On Monday through Friday, no person shall operate a motor powered leaf blower between the hours of 10:00 p.m. and 6:00 a.m.

2. On Monday through Friday, between the hours of 6:00 a.m. and 8:00 a.m. no person shall operate a motor powered leaf blower unless the city has determined that the model in use cannot generate greater than 73 dBA at 50 feet. The Echo PB4500 leaf blower has been determined to generate less than 73 dBA at full throttle at 50 feet.

B. Saturday, Sunday and Holidays.

1. On Saturday, Sunday and holidays, no person shall operate a motor powered leaf blower between the hours of 10:00 p.m. to 7:00 a.m.

2. On Saturday, Sunday and holidays, between the hours of 7:00 a.m. to 8:00 a.m. no person shall operate a motor powered leaf blower unless the city has determined that the model in use cannot generate greater than 73 dBA at 50 feet. The Echo PB4500 leaf blower has been determined to generate less than 73 dBA at full throttle at 50 feet.

C. Business Parks. Notwithstanding any other provision of this section, motor powered leaf blowers may be operated at any time within the area bounded by I-580 on the north, Foothill Road and Hopyard Road on the west, Santa Rita Road on the east, and Stoneridge Drive (between Foothill and Hopyard Road) and Arroyo Mocho boundary on the south and also the two business parks commonly referred to as Koll center and valley business park. However, this subsection shall not be effective for those portions of the areas described above which are within 300 feet of a residence. (Ord. 1384 § 1, 1988; Ord. 1356 § 1, 1988)

9.04.050 Noise limits—Industrial property.

No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same on industrial property, a noise level in excess of 75 dBA at any point outside of the property plane, unless otherwise provided in this chapter. (Ord. 1880, 2003; prior code § 4-9.05)

9.04.060 Noise limits—Public property.

A. Residential Area. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on public property in any residential area, a noise level in excess of 60 dBA at a distance of 25 feet or more from the noise source or sources, unless otherwise provided in this chapter.

B. Commercial Area. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on public property in any commercial area, a noise level in excess of 70 dBA at a distance of 25 feet or more from the noise source or sources, unless otherwise provided in this chapter.

C. Industrial Areas. No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on public property in any industrial area, a noise level in excess of 75 dBA at a distance of 25 feet or more from the noise source or sources, unless otherwise provided in this chapter.

D. Special Events. Any community activity, sporting event, or special event occurring at the Alameda County fairgrounds, upon any public school grounds, or at any city parks or streets is exempt from the provisions of this chapter, provided that the event has been approved by the appropriate fair association official, school official or city department or city council.

E. Warning Devices. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall be used only when a situation endangering life, health, or property is imminent. (Prior

code § 4-9.06)

9.04.070 Daytime exceptions.

Any noise which does not produce a noise level exceeding 70 dBA at a distance of 25 feet under its most noisy condition of use shall be exempt from the provisions of Sections 9.04.030, 9.04.040 and 9.04.060(A) of this chapter between the hours of 8:00 a.m. and 8:00 p.m. daily, except Sundays and holidays, when the exemption herein shall apply between 10:00 a.m. and 6:00 p.m. (Prior code § 4-9.07(a))

9.04.072 Electricity generators, fuel cells, and wind energy facilities.

Electricity generators, fuel cells, and wind energy facilities, including small, medium, and large electricity generators, and small, medium, and large fuel cell facilities, but not including emergency standby electricity generators, fuel cells, and batteries as defined in Chapter 18.08 of this code, shall not exceed a noise level in excess of 45 dBA at any point on any residentially zoned property outside of the property plane where the electricity generator, fuel cell, or wind energy facilities are located. (Ord. 1880, 2003)

9.04.074 Skateboard ramps.

The city council finds and declares as follows:

- A. Skateboard ramps (as defined in Title 18 of this code) are a source of noise which must be regulated; and
- B. Skateboard ramps, if built to regulations consistent with safety and noise dampening standards, will be permitted; and
- C. The community development department shall be authorized to promulgate regulations consistent with purposes of safety and noise considerations of this code, subject to approval by the city council; and
- D. If any skateboard ramp complies with the promulgated regulations concerning skateboard ramp construction, skateboard ramps will be permitted to be used during specified hours, except on Sundays when use of skateboard ramps shall be prohibited, and exempt from this chapter, subject to the city's zoning ordinance, Chapter 18.120, "Nonconforming Uses", of this code. (Ord. 2000 § 1, 2009; Ord. 1273 § 1, 1986)

9.04.076 Skateboard ramp—Time of operation.

If skateboard ramps are built to regulations specified in Section 9.04.074(C) of this chapter, skateboard ramps shall be exempt from noise regulation ordinance Sections 9.04.030, 9.04.040 and 9.04.060(A) of this chapter and will be permitted to operate between the hours of 10:00 a.m. and 4:00 p.m. except on Sunday, and between 7:00 p.m. and 8:00 p.m. except on Sunday, when no skateboard ramp shall be used. No skateboard ramp shall be used for skateboarding between the hours of 4:00 p.m. and 7:00 p.m., or between the hours of 8:00 p.m. and 10:00 a.m., and all day on Sunday. (Ord. 1273 § 1, 1986)

9.04.078 Pool equipment.

- A. Pool equipment shall be operated in compliance with the noise limits as specified in this chapter based on where the pool equipment is located (i.e., residential property, commercial property, industrial property, etc.).
- B. Pool equipment shall be field tested under operating conditions by the administrative authority for noise limit compliance prior to final approval of pool installation. Testing shall be by a sound level meter as defined in this chapter.

C. Where pool equipment noise limit compliance is not achieved, said equipment shall be relocated, otherwise adjusted/altered, or an enclosure for noise attenuation installed to achieve compliance prior to final approval of pool installation by the administrative authority.

D. Noise attenuation enclosures shall be designed and constructed utilizing standards established by the administrative authority. Such standards shall include, but shall not be limited to, insulation material, requirements for venting and circulation, and accessibility for equipment maintenance. (Ord. 2038 § 1, 2012)

9.04.080 Safety devices.

Aural warning devices which are required by law to protect the health, safety and welfare of the community shall not produce a noise level more than three dBA above the standard or minimum level stipulated by law. (Prior code § 4-9.07(b))

9.04.090 Emergencies.

Emergencies and the testing of associated utility standby equipment are exempt from this chapter. (Prior code § 4-9.07(c))

9.04.100 Construction.

Notwithstanding any other provision of this chapter, between the hours of 8:00 a.m. and 8:00 p.m. daily, except Sunday and holidays, when the exemption shall apply between 10:00 a.m. and 6:00 p.m., **construction, alteration or repair activities which are authorized by a valid city permit shall be allowed if they meet at least one of the following noise limitations:**

A. No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to 25 feet from the equipment as possible; or

B. The noise level at any point outside of the property plane of the project shall not exceed 86 dBA. (Prior code § 4-9.07(d))

9.04.110 Exception permit.

If the applicant can show to the city manager or his or her designee that a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements of this chapter would be impractical or unreasonable, a permit to allow exemption from the provisions contained in all or a portion of this chapter may be issued, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be of as short duration as possible up to six months, but renewable upon a showing of good cause, and shall be conditioned by a schedule for compliance and details of methods therefor in appropriate cases. Any person aggrieved with the decision of the city manager or his or her designee may appeal to the city council. (Prior code § 4-9.08)

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