

NOISE CONTROL ORDINANCE

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8.25.010 Repeal of Chapter 8.24

Chapter 8.24 of the City of Sebastopol Municipal Code is hereby repealed.

8.25.20 LEGISLATIVE POLICY

It is hereby declared to be the policy of the City of Sebastopol to prohibit unnecessary, excessive and annoying noises, subject to its police power.

8.25.030 FINDINGS ND PURPOSE:

The City Council of the City of Sebastopol finds that:

- (1) Excessive sound is a serious hazard to the public health, welfare, safety and quality of life; and,
- (2) A substantial body of science and technology exists by which excessive sound may be substantially abated; and,
- (3) The citizens have the right to, and should be ensured of, an environment free from excessive sound.

8.25.040 DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of this chapter.

AMBIENT NOISE OR BACKGROUND NOISE - Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

CITY — The City of Sebastopol

CITY COUNCIL - The City Council of the City of Sebastopol or a duly authorized officer.

COMMERCIAL ZONE - As defined and set forth in Chapter 17 of the municipal code of the City of Sebastopol and all associated therewith either permitted as a right or as a special use.

CONSTRUCTION - Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.

CONSTRUCTION EQUIPMENT - Any equipment or device operated by any fuel or electric power used in construction or demolition work.

DAYTIME HOURS - The hours between 8:00 a.m. and 10:00 p.m., Monday through Friday, the hours between 9:00 a.m. and 10:00 p.m. on Saturday and the hours between 9:00 a.m. through 7:00 p.m. on

Sundays. On Sundays preceding recognized federal, state or local holidays that fall on Mondays, the Daytime Hours for those Sundays shall be considered to be the hours between 9:00 a.m. and 10:00 p.m.

DECIBEL - A logarithmic unit of measure in measuring magnitudes or sound. The symbol of dB.

DEMOLITION - any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar properties.

DOMESTIC POWER EQUIPMENT - Including but not limited to power saws, drills, grinders, leaf blowers, lawn and garden tools and other domestic power equipment intended for use in residential areas by a resident or the resident's agent.

EMERGENCY - Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action. **EMERGENCY VEHICLE** - Any motor vehicle authorized by the State of California to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

EMERGENCY WORK - Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.

IMPULSE NOISE - Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE - As defined and set forth in Chapter 17 of the municipal code of the City of Sebastopol and all uses associated therewith, either permitted as a right or as a special use.

MOTOR VEHICLE - Per Section 415 of the California Vehicle Code.

MUFFLER - A device for abating sounds such as escaping gases.

NIGHTTIME HOURS - The hours between 10:00 p.m. and 8:00 a.m., Monday evening through Friday morning, the hours between 10:00 p.m. and 9:00 a.m., Friday evening through Sunday morning and the hours between 7:00 p.m. and 8:00 a.m., Sunday evening through Monday morning. On Sundays preceding recognized federal, state or local holidays that fall on Mondays, the Nighttime Hours for those Sundays shall be considered to be the hours between 10:00 p.m. Sunday evening and 8:00 a.m. Monday morning. **NOISE** - Any sound, the intensity of which exceeds the standards set forth in Section 8.25.060 of this chapter.

NOISE LEVEL - The sound pressure level as measured with a sound level meter using the A weighting network. The level so read is designed db(A) or dBA.

PERSON - Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES - Any building structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without building or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road right-of-ways and waters of the state.

PROPERTY LINE - That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way. **PUBLIC**

PROPERTY — Any property owned by the City of Sebastopol, excepting properties owned by the City that are utilized for residential dwelling purposes.

PUBLIC RIGHT-OF-WAY - Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RECREATIONAL VEHICLES - Any internal combustion engine-powered vehicle which is being used for recreational purposes, including but not limited to: ATVs, boats, race cars, snowmobiles, and off-highway motorcycles.

RESIDENTIAL ZONE - Those residential districts, community facilities districts, planned community districts and primary wetland districts as defined and set forth in chapter 17 of the municipal code of the City of Sebastopol and all uses associated therewith either permitted as a right or as a special use.

SOUND - A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including but not limited to an auditory response when impinging on the ear.

SOUND LEVEL METER - An instrument used to take sound-level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4 - 1971. (Type S2A)

8.25.050 SOUND-MEASURING PROCEDURE:

For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable.

- (1) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.
- (2) Instruments used to determine sound-level measurements shall conform to the sound level meters as defined by this ordinance.
- (3) The general steps listed below shall be followed when preparing to take sound-level measurements.
 - A. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - B. The sound- level meter shall be calibrated before and after each set of measurements.
 - C. When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instruction.
 - D. The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
 - E. Measurements shall be taken at the point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

8.25.060 NOISE LEVELS

- 1. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.
- 2. Noise level standards:
 - A. No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial and industrial zones.
Noise Levels shall not exceed:
Daytime Hours — 55 dba
Nighttime Hours — 45 dba
 - B. No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels state herein and applicable to adjacent residential, commercial or industrial zones:
Noise Levels shall not exceed:
Daytime Hours — 55 dba
Nighttime Hours — 45 dba
 - C. No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential commercial or industrial zones:
Noise Levels shall not exceed:
Daytime Hours — 65 dba
Nighttime Hours — 55 dba
 - D. High background noise levels and impulse noise.

In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time and provided that this section does not decrease the permissible levels of other sections of this chapter.

No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound pressure level during the nighttime to any residential noise zone.

No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound pressure level at any time to any zone.

E. Exclusions. These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

Any bell or chime from any building clock, school, or church.

Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.

Warning devices required by the Occupational Safety and Health administration or other state or federal safety regulations.

Farming equipment or farming activity.

F. Exemptions: The following shall be exempt from these regulations subject to special conditions as spelled out:

(1) Noise generated by any construction equipment which is operated during daytime hours, defined for the purposes of this section as from 7:00 AM to 8:00 PM, Monday through Friday, 8:00 AM to 5:00 PM on Saturdays and from 8:00 AM to 5:00 PM on Sundays.

(2) Noise created as a result of or relating to an emergency.

(3) Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.

(4) Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.

(5) Noise created by any recreational activities on public property which are permitted by law and for which a license or permit has been granted by the City, including but not limited to parades, sporting events, concerts and firework displays.

(6) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public and provided that a permit for such blasting is obtained from the appropriate federal, state or local authorities.

(7) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(8) Noise generated by the police and other established shooting facilities as permitted by California Law.

(9) Noise created by pick-up or delivery vehicles in commercial or industrial zones during daytime hours.

"Daytime hours, defined for the purposes of this section as from 7:00 AM to 8:00 PM, Monday through Friday, 8:00 AM to 5:00 PM on Saturdays and from 8:00 AM to 5:00 PM on Sundays.

8.25.070 PROHIBITED NOISE ACTIVITIES:

The following activities are prohibited:

1. Vehicle horns. No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.

2. Truck idling. No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a city street next to a residential premises.

3. Exhaust discharge. No person shall discharge into the ambient air the blow-down of any steam vent or the exhaust of any stationary internal combustion engine or air-compressor equipment, unless such discharge be through a muffler as defined in the Definitions section of this chapter or through an apparatus providing equal noise reduction.

4. Refuse. No person shall operate a vehicle in the process of refuse collection between the hours of 6:00 p.m. and 6:00 a.m. within a residential area or between 6:00 p.m. and 5:00 a.m. in a commercial or industrial area.

8.25.080 MOTOR VEHICLE NOISE

1. All motor vehicles operated within the limits of the City of Sebastopol shall be subject to the noise standards and decibel levels set forth in the regulations authorized in California Vehicle Code.

2. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the Noise Levels section (8.25.060).

8.25.090 RECREATIONAL VEHICLE NOISE

1. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in the Noise Levels section (8.25.060).

8.25.100 INSPECTIONS

1. For the purpose of determining compliance with the provisions of this chapter, the City is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the City may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

2. It shall be unlawful for any person to refuse to allow or permit the City free access to any premises when the City Council or their designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.

3. It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

4. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter.

8.25.110 ENFORCEMENT AND PENALTIES FOR OFFENSES

The Chief of Police or his designee is the City official responsible for enforcement of this ordinance. Unless otherwise provided, any person who violates any provision of this chapter may be fined not more than \$500.00 for each violation. Each day's violation shall be deemed a separate offense. It shall be the responsibility of the offender to abate the violation as ordered. In the event the offender does not abate the violation, the town may seek injunctive relief in the Superior Court including fines, legal fees, and costs.

8.25.120 VARIANCES

1. Any person living or doing business in the City may apply to the office of the City Manager for a variance from one (1) or more of the provisions of the chapter which are more stringent than the California regulations for the control of noise, provided that the applicant supplies all of the following information to the City at least twenty (20) days prior to the start of said activity.

(A) The location and nature of the activity.

- (B) The time period and hours of operation of said activity.
 - (C) The nature and intensity of the noise that will be generated.
 - (D) Any other information required by the City Council.
2. No variance from those regulations shall be used unless it has been demonstrated that:
- (A) The proposed activity will not violate any provisions of the California Department of Environmental Protection regulations.
 - (B) The noise levels generated by the proposed activity will not constitute a danger to the public health.
 - (C) Compliance with the regulations constitutes an unreasonable hardship on the applicant.
3. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.
4. Failure to rule on the application in the designated time shall constitute approval of the variance.

8.25.130 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or un-enforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Sebastopol hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

*****END OF SECTION*****