

Chapter 8.56
NOISE REGULATION

8.56.010 Declaration of Policy.

It is declared to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels, noises are detrimental to the health and welfare of the citizenry and in the public interest shall be systematically proscribed. The purpose of this legislation is to secure and promote the public health, comfort, safety and welfare and to protect the rights of citizens of the community to privacy and freedom from public nuisance of loud and unnecessary noise. (Ord. 80-4 § 1, 1980; Code 1975 § 699.60).

8.56.020 Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used are defined as follows:

- A. "Class A noise" includes noise created by and emanating from equipment operated in the public interest or for emergency or safety purposes. Such equipment includes, but is not limited to, sirens, street sweepers, spray rigs, chipper machines, garbage trucks or public utility equipment. Equipment operated by private persons working in the public right-of-way in nighttime or early morning hours in order to avoid blocking traffic in daylight hours is deemed to be operated in the public interest, unless declared not to be in the public interest by the City Administrator.

- B. "Class B noise" includes noise created or generated within or adjacent to residential property which is necessary and normally associated with property maintenance and construction. Class B noise includes, but is not limited to, noise created by power equipment and tools, appliances, workshops, vehicle repairs and testing and construction projects.

- C. "Class C noise" includes noise created or generated from motorized or mechanical equipment or devices used in sporting, recreational and hobby activities and includes, but is not limited to, motor-equipped minibikes, go-carts, motorcycles operating off public rights-of-way, drag races, model planes and cars.

- D. "Class D noise" includes unnecessary, unnatural or unusual noises or sounds created by means of human voice or animal outcry, or by any other means or methods which are so annoying, or which are so harsh or prolonged, as to be injurious to the health, peace and comfort of any reasonable person of normal sensitiveness working, residing or otherwise occupied in the area.

- E. "Commercial purpose" means and includes the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition or event.

F. "Motor vehicles" includes, but is not limited to, minibikes and go-carts.

G. "Noncommercial purpose" means the use, operation or maintenance of any sound equipment for other than a "commercial purpose." "Noncommercial purpose" means and includes, but is not limited to, philanthropic, political, patriotic, and charitable purposes.

H. "Person" means a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature.

I. "Sound-amplifying equipment" means any machine or device for the reproduction or amplification of the human voice, music, or any other sound, but does not include standard automobile radios or other sound-reproducing devices when used or heard only by the occupants of the vehicle in which installed, nor any warning or alerting devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

J. "Sound truck" means any motor vehicle or any other vehicle or conveyance regardless of motive power, whether in motion or stationary, having mounted thereon, attached thereto or carrying any sound-amplifying equipment, excepting trucks or other vehicles of any public agency or public utility when in use by such public agency or public utility. (Ord. 2018-03 § 1 (Exh. A § 2), 2018; Ord. 80-4 § 1, 1980; Code 1975 § 699.61).

8.56.030 Class A Noise.

The creation and emission of Class A noise as defined in this chapter are specifically exempt from the provisions of this chapter. (Ord. 80-4 § 1, 1980; Code 1975 § 699.65).

8.56.040 Class B Noise.

It shall be unlawful to create and emit Class B noise as defined in this chapter between the hours of 6:30 p.m. of one day and 8:00 a.m. of the following day. (Ord. 2018-03 § 1 (Exh. A § 3), 2018; Ord. 2006-03 § 1, 2006; Ord. 80-4 § 1, 1980; Code 1975 § 699.66).

8.56.050 Class C Noise.

It shall be unlawful to create and emit Class C noise as defined in this chapter between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day. The operation of equipment or devices which create or generate Class C noise shall be performed at sufficient distances away from residential property so that persons of normal sensitiveness at such residential locations are not unreasonably disturbed by the noise of the equipment or devices. The conduct and operation of any public event, whether commercial or noncommercial in nature, is excluded from the restrictions of this section. (Ord. 80-4 § 1, 1980; Code 1975 § 699.67).

8.56.060 Class D Noise.

It shall be unlawful for any person to make or cause, or permit to be made or caused, upon any public or private property, or upon any public street, road, lane, alley or thoroughfare, any Class D noise as defined in this chapter. (Ord. 80-4 § 1, 1980; Code 1975 § 699.68).

8.56.070 General Noise Standard.

The standards which shall be considered in determining whether a violation of the provisions of this chapter exists shall include, but shall not be limited to, the following:

- A. The volume and intensity of the noise;
- B. The number of persons affected by the noise;
- C. The volume and intensity of the background noise, if any;
- D. The use and zoning of the area within which the noise emanates;
- E. The time of day or night the noise occurs;
- F. Whether the nature of the noise is usual or unusual;
- G. The proximity of the noise to residential sleeping facilities;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. Whether the origin of the noise is natural or unnatural;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent, or constant;
- L. Whether the noise is produced by a commercial or a noncommercial activity. (Ord. 80-4 § 1, 1980; Code 1975 § 699.69).

8.56.080 Combustion Engine Blower.

The operation of a combustion engine blower for the purpose of displacing, removing or blowing any materials from or about public or private property in a manner which allows the engine to be heard on public property or causes the materials to be blown into the air in a manner which allows them to settle on public property or on private property not belonging to the same owner of the property on which the blower is being operated is declared to be a public nuisance and unlawful. (Ord. 92-17 § 1, 1992; Ord. 80-4 § 1, 1980; Code 1975 § 699.70).

8.56.085 Sound Reproduction or Broadcasting Equipment.*

A. Except as provided in this chapter, it is unlawful for any person to operate or cause to be operated in the City any sound reproduction or broadcasting equipment in such manner as to cause sound to be projected therefrom outside of any building or out of doors within the corporate limits of the City.

B. Exceptions. The provisions of this chapter shall not apply to the following:

1. Sound reproduction within automobiles for the pleasure and entertainment of the occupants of such automobiles; provided, however, that the sound reproduction shall not be amplified beyond a distance of 50 feet from the vehicle as defined in the California Vehicle Code, Section 27007;
2. The operation of sound reproduction or broadcasting equipment within any dwelling for the pleasure and entertainment of the occupants of such dwelling; provided, however, that the sound reproduction shall not be amplified beyond the reasonable necessities of the occupants of such dwelling;
3. The use of such equipment outside of automobiles or dwelling houses between the hours of 9:00 a.m. and 10:00 p.m. on private property in R-1 district, or on property zoned P-1 or P-2 within the City, for the private entertainment of people within a range of 25 feet from such equipment, and amplified only to the degree suitable for the enjoyment of people within a range of 25 feet;
4. The use of such equipment in connection with the outdoor performances at the Forest Theater; provided, that the amplification of sound not exceed that reasonably needed for the reasonable enjoyment of patrons of the Forest Theater seated therein;
5. The use of such equipment for bona fide rehearsals at the Forest Theater, between the hours of 9:00 a.m. and 10:00 p.m.; provided, that the sound be amplified no louder than that needed for a performance at such theater;
6. The use of such equipment by duly authorized agents of the City, or other governmental bodies, or their agents. (Ord. 90-7 § 1, 1990; Ord. 88-2 § 2 (Exh. B), 1988).

* Prior legislation: Code 1975 §§ 638.5, 638.6, 638.7.

8.56.090 Residential Units in Commercial District.

Noise generated by or from business operations or about business premises, between the hours of 11:00 p.m. and 8:00 a.m., which noise can be heard inside apartments, condominiums, or other residential units and is of a character which prevents a reasonable person of normal sensitiveness from quietly enjoying the premises, including sleeping therein, is deemed to be Class D noise and is prohibited. (Ord. 80-4 § 1, 1980; Code 1975 § 699.71).

8.56.100 Violations – Infractions.

Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 80-4 § 1, 1980; Code 1975 § 699.62).

8.56.110 Violations – Additional Remedies – Injunctions.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 80-4 § 1, 1980; Code 1975 § 699.63).