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Noise Ordinance

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NOISE

5-201 Declaration of policy.

It is declared to be the policy of the city that the peace, health, safety and welfare of the citizens of Lafayette require protection from excessive, unnecessary, annoying and unreasonable noises from any and all controllable noise sources in the community. It is the intention of the city council to control the adverse effect of such noise sources on the citizen under any normal condition of use, especially those conditions of use which have the most severe impact upon any person. (Ord. 177 § 1 (part), 1977)

5-202 Definitions.

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

- (a) "Ambient noise level" means the composite of noise from all sources, near and far. In this context, the ambient noise level constitutes the normal or existing average level of environmental noise at a given location, technically the level exceeded fifty percent of the time or L_{50} .
- (b) "A-weighted sound level" means the sound level, expressed in decibels, as measured with a sound level meter using the A-weighted network to approximate the frequency characteristics of human hearing, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved version thereof). The level so measured is designated "dBA."
- (c) "Commercial purpose" means 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 of customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating such sound equipment.
- (d) "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- (e) "Decibel" means a unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.
- (f) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.
- (g) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (h) "Fixed noise source" means a stationary device which produces sounds while fixed or motionless, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.
- (i) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, hammer impacts and the discharge of firearms.
- (j) "Local background noise level" means the minimum A-weighted sound level repeated during a six-minute period as measured on a sound level meter using "slow" meter response. The local background noise level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue.
- (k) "Mobile noise source" means any noise source other than a fixed noise source.
- (l) "Motor vehicle" means any self-propelled vehicle as defined in the California Motor Vehicle Code, including all on-highway type motor vehicles subject to registration under said code, and all off-highway type motor vehicles subject to identification under said code.

- (m) "Noise" means any sound which annoys or disturbs human beings or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- (n) "Noise control officer (NCO)" means the city manager or any other city employee or contractor designated by the city manager.
- (o) "Noise level" means the maximum continuous sound level or repetitive peak level produced by a source or group of sources, as measured with a type 2 general purpose sound level meter using the A-weighted scale and with the meter response function set to "slow."
- (p) "Noise zone" means any defined areas or regions of a generally consistent land use wherein the ambient noise levels are within a range of five dB.
- (q) "Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches.
- (r) "Real property boundary" means a 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.
- (s) "Sound-amplifying equipment" means any device for the amplification of the human voice, music or any other sound, excluding (1) standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and (2) warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle, used only for traffic safety purposes.
- (t) "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (u) "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, complying with the requirements for type 2 or at least type S2A general purpose meters as delineated in American National Standards Institute specifications for sound level meters, S1-4.1971, or the most recent revision thereof.
- (v) "Weekdays" means every day, except Sundays and holidays.

(Ord. 177 § 1 (part), 1977)

5-203

Noise control officer (NCO).

- (a) In order to implement and enforce this chapter and for the general purpose of noise abatement and control, the noise control officer shall have the authority to:
 - (1) Investigate and pursue possible violations of this chapter;
 - (2) Review public and private projects. On all public and private projects which are likely to cause noise in violation of this chapter and which are subject to mandatory review or approval by any city officer, employee or commission:
 - (A) Review for compliance with the intent and provisions of this chapter,
 - (B) Require sound analyses which identify existing and projected noise sources and associated noise levels,
 - (C) Require usage of adequate measures to avoid violation of any provision of this chapter;
 - (3) Perform inspections. After requesting permission to do so, and upon presentation of identification as the noise control officer, enter and/or inspect any private property, place, report or records at any time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be requested from a court of competent jurisdiction upon showing

of probable cause to believe that a violation of this chapter may exist. Such inspection may include administration of any necessary tests;

(4) Develop measurement and enforcement procedures. In order effectively to implement and enforce this chapter, the noise control officer shall, within a reasonable time after the effective date of the ordinance codified in this chapter:

(A) Develop measurement standards and procedures which will further the purposes of this chapter,

(B) Develop administrative procedures which will provide for effective enforcement of this chapter.

(b) In the enforcement of this chapter, it shall be the policy of the noise control officer to stress voluntary compliance with the provisions hereof, and to seek resolution of problems through cooperation and mutual agreement between those involved.

(Ord. 177 § 1 (part), 1977)

5-204

General noise regulation.

(a) Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person willfully to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to persons residing in the area.

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

(1) The sound level of the objectionable noise;

(2) The ambient noise level;

(3) Whether the nature of the noise is usual or unusual;

(4) The proximity of the noise to residential sleeping facilities;

(5) The nature and zoning of the area from which the noise emanates;

(6) The density of the inhabitation of the area from which the noise emanates;

(7) The time of day or night the noise occurs;

(8) The duration of the noise and its tonal, informational or musical content;

(9) Whether the noise is continuous, recurrent or intermittent;

(10) Whether the noise is produced by a commercial or noncommercial activity.

(Ord. 177 § 1 (part), 1977)

5-205

Maximum permissible noise levels by receiving land use.

(a) The noise standards for the various categories of land use identified by the noise control officer as presented in Table 5-205 shall, unless otherwise specifically indicated, apply to all such property within a designated zone.

(b) No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same on any property owned, leased, occupied or otherwise controlled by such person, any noise which causes the noise level when measured on any other property to exceed:

(1) The noise standard for that land use as specified in Table 5-205 for a cumulative period of more than 30 minutes in any hour;

(2) The noise standard plus five dB for a cumulative period of more than 15 minutes in any hour;

- (3) The noise standard plus ten dB for a cumulative period of more than five minutes in any hour;
 - (4) The noise standard plus 15 dB for a cumulative period of more than one minute in any hour; or
 - (5) The noise standard plus 20 dB for any period of time.
- (c) If the measured local background noise level exceeds that permissible for the applicable time period within any of the first four noise limit categories described in subsection (b), the allowable noise exposure standard shall be increased in five-dB increments in each category as appropriate to encompass or reflect said ambient noise level.

**Table 5-205
Outdoor Noise Limits**

Receiving Land Use Category	Time Period	Noise Level Limit Standard — dBA
Single-family residential	10 p.m. — 7 a.m.	45
	7 a.m. — 10 p.m.	50
Multifamily residential schools, libraries, public spaces	10 p.m. — 7 a.m.	50
	7 a.m. — 10 p.m.	55
Commercial	10 p.m. — 7 a.m.	55
	7 a.m. — 10 p.m.	60

(d) In the event the alleged offensive noise contains a steady, audible tone such as a whine, screech or hum, or is an impulsive noise such as hammering, or contains music or speech conveying informational content, the standard limits set forth in Table 5-205 shall be reduced by five dB.

(Ord. 177 § 1 (part), 1977)

5-206

Noise measurement procedure.

(a) Upon receipt of a complaint from a citizen, the noise control officer or his agent, equipped with sound-level measurement equipment satisfying the requirements specified in Section 5-202, shall investigate the complaint. If, in the opinion of the noise control officer, based upon the readily available and observable information and upon the detailed allegations of the complainant, there is probable cause to suspect a violation of this chapter, the noise control officer shall make and record sound level measurements and shall record all information pertinent to the complaint, including the following:

- (1) Type of noise source;
- (2) Location of noise source relative to complainant's property;
- (3) Time period during which noise source is considered by complainant to be intrusive;
- (4) Total duration of noise produced by noise source;
- (5) Date and time of noise measurement survey;
- (6) Height and location of the sound level meter microphone.

(b) Utilizing the “A” weighting scale of the sound level meter and the “slow” meter response (“fast” response for impulsive type sounds), the noise control officer or his agent shall measure the noise level at a position or positions along the complainant's property line closest to the noise source or at the location along the boundary line where the noise level is at maximum. In general, the microphone shall be located five feet above

the ground and six feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. Using an acoustic calibrator, calibration of the meter used shall be performed immediately prior to the measurements.

(Ord. 177 § 1 (part), 1977)

5-207 Prohibited acts.

Except as may otherwise be provided in this chapter, it shall be unlawful for any person to do, or cause to be done, any of the following prohibited acts:

- (a) Radios, Television Sets, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument or similar device which produces or reproduces sound:
 - (1) Between the hours of ten p.m. and seven a.m. in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 5-205, or
 - (2) In such a manner as to exceed the levels set forth for public space in Table 5-205, measured at a distance of at least 50 feet (15 meters) from such device operating on a public right-of-way or public space;
- (b) Loudspeakers (Amplified Sound). Using or operating for any purpose any loudspeaker, loudspeaker system or similar device between the hours of ten p.m. and seven a.m., such that the sound there from creates a noise disturbance across a residential real property line, or at any time violates the provisions of Section 5-205;
- (c) Animals and Birds. Owning, possessing or harboring any animal or bird which frequently or for long duration howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential or commercial real property line;
- (d) Loading and Unloading. Except for the regular collection of garbage and other refuse by a person franchised to engage in that activity, loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of ten p.m. and seven a.m. in such a manner as to cause a noise disturbance across a residential real property line or at any time to violate the provisions of Section 5-205;
- (e) Construction. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of ten p.m. and seven a.m. on weekdays, or at any time on Sundays or holidays, such that the sound there from creates a noise disturbance across a residential or commercial real property line or at any time violates the provisions of Section 5-205, except for emergency work of public service utilities. This subsection shall not apply to the use of domestic power tools for maintenance purposes;
- (f) Domestic Power Tools and Equipment.
 - (1) Operating or permitting the operation of any portable, mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool for maintenance purposes between ten p.m. and seven a.m. so as to create a noise disturbance across a residential or commercial real property line,
 - (2) Any stationary installed motor, machinery, pump, etc. shall be sufficiently enclosed or muffled and maintained as not to create a noise disturbance or at any time violate the provisions of Section 5-205;
- (g) Warning Signals. Operating or permitting the operation of any vehicle horns or other devices intended primarily to create a loud noise for warning purposes, when the vehicle is at rest, or when a situation endangering life, health or property is not imminent;
- (h) Air-conditioning and Air-handling Equipment. Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed the applicable sound levels contained in Table 5-207;

(i) Swimming Pool Equipment. Operating or permitting the operation of any residential swimming pool equipment between the hours of eight p.m. and eight a.m., except when below-freezing temperatures are predicted for the city, or on days of electric power shortages; or at other times in such a manner as to exceed the applicable sound levels contained in Table 5-207.

Table 5-207
Maximum Allowable Sound Levels
for Air-Conditioning, Air-Handling and Swimming Pool Equipment

Units Installed Measurement Location	Units Installed 1-1-78	Units Installed 1-1-78	Before	On or After
Any point on neighboring residential property line, 5 feet above grade level, no closer than 3 feet from any wall		50		45
Center of neighboring patio, 5 feet above grade level, no closer than 3 feet from any wall		45		40
Outside the neighboring living area window nearest the equipment location, not more than 3 feet from the window opening, but at least 3 feet from any other surface		45		40
At 50 feet from equipment if the above locations are at greater distance:				
Commercial zone		60		55
Residential zone		50		55

(Ord. 177 § 1 (part), 1977)

5-208

Special provisions.

- (a) Daytime Exceptions. Any mobile noise source 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 Section 5-205 and 5-207 between the hours of eight a.m. and eight p.m. on weekdays, and between the hours of ten a.m. and six p.m. on Sundays and holidays.
- (b) 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 dB above the standard or minimum level stipulated by law.
- (c) Emergencies. Emergencies and emergency work are exempt from the provisions of this chapter.
- (d) Construction and Maintenance. Notwithstanding any other provision of this chapter, between the hours of eight a.m. and eight p.m. on weekdays and between the hours of ten a.m. and six p.m. on Sundays and holidays, construction, alteration and repair activities which are authorized by a valid city permit; and maintenance activities such as lawn mowing, renovating, tree trimming and painting, which require no city permit (but not including the operation of stationary, installed equipment, such as swimming pool and air-conditioning motors and devices), shall be allowed if they meet at least one of the following noise limitations:
 - (1) No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 50 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.

(2) The noise level at the nearest affected property shall not exceed 80 dBA.

(e) Sound Performances and Special Events. Sound performances and special events not exceeding 80 dBA measured at a distance of 50 feet are exempt from the provisions of this chapter when approval there for has been obtained from the appropriate governmental entity.

(f) Agricultural Operations. All mechanical devices, apparatus or equipment associated with agricultural operations conducted on agricultural property are exempt from the provisions of this chapter unless in the vicinity of residential land uses, in which case the following conditions shall apply:

(1) Operations may take place only between six a.m. and eight p.m.;

(2) Such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions;

(3) Such operations and equipment are associated with agricultural pest control through pesticide application, provided the application is made in accordance with applicable law and regulations; or

(4) Such devices utilized for pest control which incorporate stationary or mobile noise sources are operated only by permit issued by the noise control officer. The allowable hours and days for operation of these devices will be specified in the permit.

(g) Outdoor Activities. The provisions of this chapter shall not apply to occasional outdoor gatherings, public dances, shows and sporting and entertainment events, provided such events are conducted pursuant to a permit or license issued by the city.

(Ord. 177 § 1 (part), 1977)

5-209 Exception permits.

If any person can prove to the noise control officer 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 an exception from the provisions contained in all or a portion of this chapter may be issued, after appropriate notice and hearing, by the noise control officer, with suitable conditions to minimize the public detriment caused by such exception. Any such permit shall be of as short duration as reasonable, not exceeding six months, but renewable for additional six-month periods upon a showing of good cause; and shall be conditioned by a schedule for compliance and by details of methods there for in appropriate cases. Any person aggrieved by the decision of the noise control officer may appeal to the city council pursuant to the appeal procedures provided in Sections 4-118 and 4-119 of this code. (Ord. 177 § 1 (part), 1977)