

APPENDIX A

6.16.070 Prohibited acts.

- A. Noise disturbances prohibited. No person shall unnecessarily make or continue, or cause to be made or continued, any noise disturbance.
- B. Specific prohibitions. The following acts, and the causing or permitting thereof, are declared to be in violation of this chapter:
 - 1. 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:
 - a. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day Monday through Friday or between 10:00 p.m. and 8:00 a.m. Saturday and Sunday 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 Sections 6.16.050 or 6.16.060 of this chapter, except for activities for which a variance has been issued; or
 - b. In such a manner as to exceed the levels set forth for public space in Table 1, measured at a distance of at least fifty (50) feet (fifteen (15) meters) from such device operating on a public right-of-way or public space;
 - 2. Loudspeakers (amplified sound).
 - a. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 6.16.050 of this chapter; or
 - b. Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or violates the provisions of Section 6.16.050 of this chapter;
 - 3. Street sales. Offering for sale, selling anything, or advertising by shouting, outcry, or the use of a noise-making device within any residential or commercial area or noise sensitive zone of the city, except by variance issued by the noise control office. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverage at licensed sporting events, parades, fairs, circuses, or other similar licensed public entertainment events;
 - 4. Animals and birds. Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other noises continuously and/or incessantly for a period of ten (10) minutes or intermittently for one-half hour or more which creates a noise disturbance across a residential or commercial real property line or within a noise sensitive zone. For the purposes of this chapter, the animal or bird noise shall not be deemed a disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird;
 - 5. Loading and unloading. Loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, or similar objects, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, 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 6.16.050 of this chapter;
 - 6. Construction and demolition.

- a.
 - i. Single-family zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 5:30 p.m. and on Saturdays before 9:00 a.m. or after 3:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, [Martin Luther King Jr. Birthday](#), [Cesar Chavez Day](#), [Presidents Day](#), [Juneteenth Day](#), Memorial Day, Independence Day, Labor Day, [Indigenous Peoples' Day](#), Veterans' Day, Thanksgiving Day, [Day After Thanksgiving](#), [Christmas Eve](#) and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public utilities or by special exception. This section shall apply to operations on residentially zoned property only. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
 - ii. All other zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 7:00 p.m. and Saturdays before 9:00 a.m. or after 6:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, [Martin Luther King Jr. Birthday](#), [Cesar Chavez Day](#), [Presidents Day](#), [Juneteenth Day](#), Memorial Day, Independence Day, Labor Day, [Indigenous Peoples' Day](#), Veterans' Day, Thanksgiving Day, [Day After Thanksgiving](#), [Christmas Eve](#) and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by special exception. This section shall apply to operations on properties other than residentially zoned property. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
- b. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedules:
 - i. Mobile equipment. Maximum noise levels for the nonscheduled, intermittent, short-term operation (less than ten (10) days) of mobile equipment:

TABLE 3.

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
Daily, except Sundays and legal holidays 7:00 a.m. — 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. — 7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA

- ii. Stationary equipment. Maximum noise levels for the respectively scheduled and relatively long-term operation (periods of ten (10) days or more) of stationary equipment:

TABLE 4.

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
Daily, except Sundays and legal holidays 7:00 a.m. — 7:00 p.m.	75 dBA	80 dBA	85 dBA

Daily, 7:00 p.m. — 7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA
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- c. Deliveries, start-up and closing down. The construction times above shall apply to deliveries of materials and equipment, and arrival of workers, start-up and closing down and departure activities on a job site.
- 7. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty (150) feet (forty-six (46) meters) from the source if on a public space or public right-of-way;
- 8. Powered model vehicles. Operating or permitting the operation of powered model vehicles:
 - a. Between the hours of 7:00 p.m. and 7:00 a.m. of the following day so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 6.16.050 of this chapter; or
 - b. In such a manner as to exceed the levels set forth for public space land use in Table 1, measured at a distance not less than one hundred (100) feet (thirty (30) meters) from any point on the path of a vehicle operating on a public space or public right-of-way;
- 9. Emergency signaling devices.
 - a. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (b) of this subsection;
 - b. The testing of emergency signaling devices shall be restricted as follows:
 - i. The testing of a stationary emergency signaling device shall not occur before 8:00 a.m. or after 7:00 p.m.. Any such testing shall use only the maximum cycle test time. In no case shall such test time exceed sixty (60) seconds; and
 - ii. The testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 a.m. or after 10:00 p.m.. The time limit specified in subsection (i) of this subsection shall not apply to such complete system testing; and
 - c. The sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is terminated within fifteen (15) minutes of activation and no more than two false activations within a four hour period;
- 10. Noise sensitive zones.
 - a. Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in Sections 6.16.050 and 6.16.060 of this chapter provided conspicuous signs are displayed indicating the presence of the zone; or
 - b. Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, or other designated area, so as to interfere with the functions of such activity or annoy the occupants in the activity, provided conspicuous signs are displayed indicating the presence of the zone;
- 11. Lawn or garden tools.

- a. Operating or permitting the operation of any lawn or garden tool (except portable gasoline engine powered blowers), or similar tool between 8:00 p.m. and 8:00 a.m. of the following day Monday through Friday or between 6:00 p.m. and 9:00 a.m. of the following Saturday and Sunday; and portable electric powered blowers used to blow leaves, dirt and other debris off sidewalks, driveways, lawns, landscape areas or other surfaces between 5:00 p.m. and 9:00 a.m. seven days a week, so as to create a noise disturbance across a residential or commercial real property line. This section shall apply to operations on residentially zoned property only;
 - b. Where technically and economically feasible, any motor, machinery, or pump shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Section 6.16.050 of this chapter;
12. Air-conditioning or air-handling equipment. Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed any of the following sound levels without a variance:

TABLE 6.

Measurement Location	93-PUD/R-1 zoned properties at Chester Circle* dB(A)	All other residentially zoned properties dB(A)
Any point on a neighboring property line, five feet above grade level, no closer than three feet from any wall	No standard	50
Center of a neighboring patio, five feet above grade level, no closer than three feet from any wall	45	45
Outside the neighboring living area window nearest the equipment location, not more than three feet from the window opening, but at least three feet from any other surface	55	45

* The standards set forth for all residential properties shall be utilized when a 93-PUD/R-1 zoned property adjoins a neighboring property outside of the 93-PUD/R-1 zone.

- 13. Swimming pool motors and equipment. Operating or permitting the operation of any swimming pool motor or swimming pool equipment, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 6.16.050 of this chapter. Where such equipment exceeds 45 dBA at its maximum use, such equipment shall be enclosed in a noise attenuating structure;
- 14. Helicopters. Operating or permitting to be operated any helicopter which violates the nighttime provisions of Section 6.16.050 of this chapter or which causes a noise that exceeds eighty (80) dBA during the day in residential or commercial areas without a variance. Military and government operated helicopters shall be exempted from the provisions of this subsection; and
- 15. Portable gasoline powered blowers.
 - a. Definition. Portable gasoline-powered leaf blowers are defined as portable power equipment that is powered by a self contained fuel engine and used in any landscape, maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing or

redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees and shrubs or other debris.

- b. Gasoline-powered blowers prohibited. Use or operation of portable gasoline-powered leaf blowers within the city for any purpose except testing noise levels is unlawful and shall constitute an infraction, punishable as provided by law.

(Ord. 07-314 § 1; Ord. 01-398 § 1; Ord. 01-396 § 1; Ord. 00-391 §§ 2—4; prior code § 10-5.07)