



# NOISE ORDINANCE

## CODE ENFORCEMENT



### 4-2 NOISE CONTROL.

#### 4-2.1 Findings and Declaration of Intent.

The Town Council finds that at certain levels noises are detrimental to the health and welfare of the citizenry and should be regulated in the public interest. It is the policy of the Town that the peace, health, safety and welfare of the citizens of Danville require protection from excessive, unnecessary, annoying and unreasonable noises from any and all controllable noise sources. (Ord. #120, 7-801)

#### 4-2.2 Definitions.

In this section, unless the context otherwise requires:

*Commercial purpose* shall mean and include the use, operation, or maintenance of sound-amplifying equipment for the purpose of advertising business, goods or services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage to or for a performance, show, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment or for the purpose of paging employees or customers.

*Emergency work* shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

*Motor vehicle* shall mean a motor vehicle as defined by the California Vehicle Code.

*Non-commercial purpose* shall mean and include the use, operation or maintenance of sound equipment for other than a commercial purpose. Non-commercial purpose includes philanthropic, political, patriotic and charitable purposes.

*Sound-amplifying equipment* shall mean a machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment does not include:

- a. A standard automobile radio when used and heard only by the occupant of the vehicle in which the radio is installed; or
- b. A warning device on authorized emergency vehicle or horn or other warning device used for traffic safety purposes.

*Sound truck* shall mean a motor vehicle regardless of motive power, whether in motion or stationary, having sound-amplifying equipment mounted or attached to it.

(Ord. #120, 7-802)

#### 4-2.3 General Noise Regulations.

a. It is unlawful for a person to willfully make a loud, unnecessary or unusual noise which disturbs the peace or quiet of a neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitiveness residing in the area.

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

1. The volume of the noise;
2. Whether the nature of the noise is usual or unusual;
3. The proximity of the noise to residential sleeping facilities;
4. The nature and zoning of the area within which the noise emanates;
5. The time of the day or night the noise occurs;

6. The duration of the noise;
7. Whether the noise is continuous, recurrent or intermittent;
8. Whether the noise is produced by a commercial or non-commercial activity; and
9. The number of persons in the neighborhood who have complained of the noise.

(Ord. #120, 7-803)

#### **4-2.4 Prohibitions.**

Except as otherwise provided in this section it is unlawful for a person to do any of the following acts:

- a. Operate or play a radio, television set, stereo, phonograph, receiving set, tape or compact disk player, jukebox, musical instrument or similar device between 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50') feet from the building, structure or vehicle from which it is located or a distance of fifty (50') feet from the device if outside;
- b. Create noise on a street, sidewalk or public place adjacent to a school or church while in use or to a hospital if the noise unreasonably interferes with the working of the institution or the peace or quiet of a hospital patient;
- c. Operate machinery, equipment, or a pump, fan, air-conditioner, spa or pool equipment, power tool, lawn mower or leaf blower or engine in a manner which causes excessive noise to nearby residents between the hours of 10:00 p.m. and 8:00 a.m.;
- d. Operate or perform construction or repair work (which creates noise) within or adjacent to a residential land use district except during the following hours:
  - Monday through Friday: 7:30 a.m. to 7:00 p.m.
  - Saturdays, Sundays and holidays: 9:00 a.m. to 7:00 p.m.;
- e. Install, use or operate a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted on a sound truck for the purpose of transmitting sound to a person in or on a street, sidewalk, park or public property without a permit obtained under subsection 4-2.5.

(Ord. #120, 7-804)

#### **4-2.5 Exception Permits; Permit for Sound-Amplifying Equipment.**

a. *Permit General.* The Town Manager may grant a permit allowing an exception to this section, or permitting the use of sound-amplification equipment, subject to the requirements of this section.

An application for either type of permit must be submitted at least three (3) working days before the proposed activity and must be accompanied by an application fee in the amount set by Town Council resolution.

The Town Manager's decision may be appealed to the Town Council under subsections 1-8.1 through 1-8.4.

b. *Exception Permit.* The Town Manager may grant a permit allowing an exception to subsection 4-2.3 or 4-2.4, paragraphs a. through d. for as short a period of time as is reasonable if the permit applicant demonstrates all of the following:

1. Compliance with this chapter would be impractical or unreasonable;
2. Which mitigation measures will be implemented to minimize the sound disturbance; and
3. The absence of any objection from nearby residents or businesses (by written consent or by their failure to object after notice is sent by the Town).

The Town Manager may impose reasonable conditions on the granting of the permit.

c. *Permit for Sound-Amplification Equipment.* The Town Manager may grant a permit to allow sound-amplification equipment, subject to reasonable restrictions regarding time, place and manner of use for the safety and convenience of the public.

The applicant shall submit an application containing the following information:

1. The name, address and telephone number of both the owner and user of the sound-amplifying equipment;
2. The maximum wattage to be used, and the approximate distance for which sound will be audible from the sound-amplifying equipment;
3. The license number, if a sound truck is to be used;
4. A general description of the sound-amplifying equipment which is to be used;
5. Whether the sound-amplifying equipment will be used for commercial or non-commercial purposes;
6. Which measures will be implemented to reduce noise to neighbors;
7. Where the equipment will be used; and
8. During which day(s) and hour(s) the equipment will be used.

If the application is denied, the Town Manager shall advise the applicant in writing of the reasons for denial.

(Ord. #120, 7-805)

#### ***4-2.6 Emergency Work.***

This section does not apply to emergency work.

(Ord. #120, 7-806)

#### ***4-2.7 Remedies and Penalties for Violation.***

a. *Violation an Infraction.* A person who violates a provision of this section is guilty of an infraction and subject to the penalty set forth in Chapter I, Section 1-5.

b. *Violation a Public Nuisance.* A violation of this section is a public nuisance and may be abated by a civil action including a restraining order or injunction.

(Ord. #120, 7-807)