

Roseville Municipal Code

Chapter 9.24 NOISE REGULATION

9.24.010 Purpose.

It is declared to be the policy of the city in its exercise of the police power to prohibit unnecessary, excessive and annoying sound levels from all sources. At certain levels, such sounds become noise and are detrimental to the health and welfare of the citizenry and, in the public interest, are hereby systematically proscribed. This chapter is intended to work in concert with and supplement Penal Code Section 370 (Public Nuisances) and Section 415 (Disturbing the Peace) and to establish local community standards for noise regulation. (Ord. 3638 § 1, 2001.)

9.24.020 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

- A. “Acoustic specialist” means a person or persons trained in acoustic sampling, qualified to measure sound levels in A-weighted and C-weighted networks and one-third octave band frequencies.
- B. “Ambient sound level” means the composite of normal or existing sound from all sources measured at a given location for a specified time of the day or night. The ambient sound level shall be measured with a sound level meter, using slow response and A weighting. The ambient sound level shall be determined with the sound source at issue silent.
- C. “Approving authority” means the designated body or persons authorized to grant approval or deny a discretionary permit or an exception to this chapter.
- D. “A-weighting” means the standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequencies of sound in a manner similar to the human ear for moderate sounds.
- E. “C-weighting” means the standard C-weighted frequency response of a sound level meter, which de-emphasizes high frequencies of sound in a manner similar to the human ear for relatively loud sounds.
- F. “Decibel” means a unit for measuring the relative amplitude of sound equal approximately to the smallest difference normally detectable by the human ear, whose range includes approximately 130 decibels on a scale beginning with zero decibels for the faintest detectable sound. The sound pressure associated with zero decibels is 20 MicroPascals.
- G. “Discretionary permit” means a permit issued by the city other than ministerial permits, including, but not limited to, conditional use permits, tentative subdivision maps, design review permits and administrative permit.
- H. “Enforcement officer” means the city manager or designee.
- I. “Equivalent hourly sound level (L_{eq})” means the sound level corresponding to a steady state A-weighted sound level containing the same total energy as the actual time-varying sound level over a one-hour period.
- J. “Fixed sound source” means a device or machine which creates sounds while fixed or stationary, including, but not limited to, residential, agricultural, industrial and commercial machinery and equipment,

pumps, fans, compressors, air conditioners and refrigeration equipment also includes motor vehicles operated on private property.

K. “Intruding sound level” means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

L. “Noise” means any loud discordant or disagreeable sound or sounds.

M. “One-third octave band” means a band of frequencies, in Hertz (Hz), which is one-third of an octave wide. The center frequencies of one-third octave bands increase by a factor of 1.26 (cube root of 2). Examples of one-third octave band center frequencies in the range of audible sound include 20, 25, 31.5, 40 and 63 Hertz. Describing sound pressure levels in one-third octave bands provides information as to the tone or pitch, of noise (low frequency versus high frequency), as well as the amplitude of the sound.

N. “Property line or plane” means a vertical plane including the property line that determines the property boundaries in space.

O. “Public property” means any property owned by a public agency and held open to the public, including but not limited to parks, streets, sidewalks, and alleys.

P. “Residential property” means a parcel of real property that is zoned for residential use.

Q. “School” means institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

R. “Sensitive receptor” means a land use in which there is a reasonable degree of sensitivity to noise. Such uses include single-family and multifamily residential uses, schools, hospitals, churches, rest homes, cemeteries, public libraries and other sensitive uses as determined by the enforcement officer.

S. “Simple tone noise” means any sound that is distinctly audible as a single pitch (frequency) or set of pitches, which includes sound consisting of speech and music.

T. “Sound level” means the sound pressure level in decibels as measured with a sound level meter using the A-weighting and C-weighting networks or one-third octave band frequency. The unit of measurement is referred to herein as dBA, dBC or one-third octave band.

U. “Sound level meter” means an instrument meeting American National Standard Institute Standard S1.4A-1985 for Type I or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment that will provide equivalent data. (Ord. 3638 § 1, 2001.)

9.24.030 Exemptions.

Sound or noise emanating from the following sources and activities are exempt from the provisions of this title:

A. Sound sources typically associated with residential uses (e.g., children at play, air conditioning and similar equipment, but not including barking dogs);

B. Sound sources associated with property maintenance (e.g., lawn mowers, edgers, blowers, pool pumps, power tools, etc.) provided such activities take place between the hours of 8:00 a.m. and 9:00 p.m.;

C. Safety, warning and alarm devices, including house and car alarms, and other warning devices that are designed to protect the health, safety and welfare, provided such devices are not negligently maintained or operated;

D. The normal operation of public and private schools typically consisting of classes and other school-sponsored activities;

E. Maintenance (e.g., lawn mowers, edgers, aerators, blowers, etc.) of golf courses, provided such activities take place between the hours of 5:00 a.m. and 9:00 p.m. May through September, and 6:00 a.m. and 9:00 p.m. October through April;

F. Emergencies involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including, but not limited to, sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment;

G. Private construction (e.g., construction, alteration or repair activities) between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and between the hours of 8:00 a.m. and 8:00 p.m. Saturday and Sunday; provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Ord. 3638 § 1, 2001.)

9.24.040 Sound measurement methodology.

A. Compliance with this chapter shall be determined using methodology described in this section. Sound measurement, except as otherwise provided in this chapter, shall be made with a sound level meter using the A-weighting network at slow meter response, except that fast meter response shall be used for impulsive type sounds.

B. Calibration of the measurement equipment utilizing an acoustical calibrator meeting American National Standards Institute (ANSI) standards shall be performed immediately prior to recording any sound data. Calibration equipment shall be certified annually.

C. Exterior sound levels shall be measured at the property line or at any location within the property of the affected sensitive receptor. Sound measurements shall be taken in such a manner and location so that it can be determined whether sound level standards are exceeded at the property line. Where practical, the microphone of the sound level meter shall be positioned three to five feet above the ground and away from reflective surfaces. The actual location of the sound measurements shall be at the discretion of the enforcement officer. (Ord. 3638 § 1, 2001.)

9.24.050 Duty to cooperate.

It is unlawful for any person to refuse to cooperate with or to obstruct any governmental agent, officer or employee in determining the ambient sound level of a sound source. Such cooperation shall include, but is not limited to, the shutting off or quieting of any sound source so that an ambient sound level can be measured. (Ord. 3638 § 1, 2001.)

9.24.100 Sound limits for sensitive receptors.

It is unlawful for any person at any location to create any sound, or to allow the creation of any sound, on property owned, leased, occupied or otherwise controlled by such person, which causes the exterior sound level when measured at the property line of any affected sensitive receptor to exceed the ambient sound level by three dBA or exceed the sound level standards as set forth in Table 1, by three dBA, whichever is greater.

Table 1
SOUND LEVEL STANDARDS
(for non-transportation or fixed sound sources)

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Sound Level Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
Hourly L_{eq} , dB	50	45
Maximum level, dB	70	65

A. Each of the sound level standards specified in Table 1 shall be reduced by five dB for simple tone noises, consisting of speech and music. However, in no case shall the sound level standard be lower than the ambient sound level plus three dB.

B. If the intruding sound source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient sound level can be measured, the sound level measured while the source is in operation shall be compared directly to the sound level standards of Table 1. (Ord. 3638 § 1, 2001.)

9.24.110 Amplified sound limits for sensitive receptors.

In addition to the sound level standards established in Table 1, it is unlawful for any person at any location to produce amplified music or sound which causes the exterior sound level when measured at the property line of any affected sensitive receptor to exceed the sound level standards as set forth in Table 2, below.

Table 2
SOUND LEVEL STANDARDS
(for amplified sound)

Sound Level Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
L_{eq} , A weighting dBA	50	45
L_{eq} , C weighting dBC	75	70
One-third octave band	10 dB increase in any one-third octave band	

A. The measurements shall be conducted with the sound level meter set to A-weighting and fast response. Fast response shall be used because the duration between low-frequency tones associated with amplified sound may be considerably less than one second (the average duration represented by the slow meter response). The fast meter response represents one-eighth second intervals.

B. If separation of low frequency tones from the background ambient sound can be determined with the sound level meter on fast response (a clearly identifiable increase in ambient sound levels corresponding

to the audible bass sounds), sound levels shall not exceed an L_{eq} of 50 dBA daytime and 45 dBA nighttime for any one minute period.

C. If separation of low frequency tones cannot be determined with the sound level meter on A-weighting, the meter shall be switched to C-weighting to emphasize the low frequency sound. If separation between low frequency tones and ambient levels can be observed with the meter set to the C-weighting scale, the sound level from the low frequency tones shall not exceed an L_{eq} of 75 dBC daytime and 70 dBC nighttime for any one minute period.

D. If existing background sound levels are higher than standards identified in Table 2, then the maximum sound levels due to amplified sound shall not exceed the background sound levels by more than three dB for A-weighted measurements and five dB for C-weighted measurements.

E. If separation of low frequency noise cannot be determined with the meter using either A or C weighting scales and low frequency tones are clearly audible to the acoustics specialist, a sound level measurement in terms of one-third octave band frequencies shall be utilized. If this approach is required, a 10 dB increase in any one-third octave band due to the amplified sound shall be considered a violation of this chapter. (Ord. 3638 § 1, 2001.)

9.24.120 Sound limits for industrial properties.

Notwithstanding the provisions of Section 9.24.100, it is unlawful for any person to create any sound, or to allow the creation of any sound, on property with an industrial zoning designation that is owned, leased, occupied or otherwise controlled by such person where an industrial land use shares a common property line with a sensitive receptor or is separated from a sensitive receptor by a roadway, which causes the exterior sound level when measured at the property line of any affected sensitive receptor to exceed the ambient sound level by seven dBA, or exceed the sound level standards as set forth in Table 1 by seven dBA, whichever is greater. (Ord. 3638 § 1, 2001.)

9.24.130 Sound limits for events on public property.

Notwithstanding the provisions of Section 9.24.100, sound sources associated with outside activities on public property (e.g. athletic events, sporting events, fairs, and entertainment events) between the hours of 8:00 a.m. and 10:30 p.m., Sunday through Thursday, and between the hours of 8:00 a.m. and 11:00 p.m. on Fridays, Saturdays, and city-recognized holidays, shall not exceed 80 dBA, L_{max} at the property line of the property on which the event is being held. (Ord. 3638 § 1, 2001.)

9.24.140 Operational standards for city activities.

Notwithstanding any other provisions of this chapter, city operations and activities are not subject to the provisions of this chapter. The city council may, by resolution, adopt operational standards for city activities to effectuate the purposes of this chapter. (Ord. 3638 § 1, 2001.)

9.24.150 Noise disturbances.

A. Notwithstanding any other provisions of this chapter, it is unlawful for any person to wilfully make or continue or cause to be made or continued, any loud, unnecessary, excessive or offensive noise or unusual sound which unreasonably disturbs the peace and quiet of any sensitive receptor or which causes discomfort or annoyance to any reasonable person of reasonable sensibilities in the area.

B. In determining whether a violation of the provisions of this section exists the enforcement officer shall consider the following:

1. The volume and intensity of the sound;
2. The vibration intensity of the sound;
3. Whether the nature of the sound is usual or unusual;
4. Whether the origin of the sound is natural or unnatural;
5. The volume and intensity of the background sound, if any;
6. The proximity of the sound to residential sleeping facilities;
7. The nature and zoning of the area within which the sound emanates;
8. The population density of the area within which the sound emanates;
9. The time of the day or night the sound occurs;
10. The duration of the sound; and
11. Whether the sound is recurrent, intermittent, or constant. (Ord. 3638 § 1, 2001.)

9.24.160 Exceptions.

A. An exception may be requested from any provision of this chapter. Requests for exceptions shall be made on forms provided by the city manager.

B. If the applicant can show to the city manager, or his or her designee that a diligent investigation of available sound suppression techniques for construction-related noise indicates that immediate compliance with the requirements of this chapter would be impractical or unreasonable, due to the temporary nature or short duration of the exception, a permit to allow exception from the provisions contained in all or a portion of this chapter may be issued. Factors that the approving authority must consider for construction related exceptions shall include but not be limited to the following:

1. Conformance with the intent of this chapter;
2. Uses of property and existence of sensitive receptors within the area affected by sound;
3. Factors related to initiating and completing all remedial work;
4. The time of the day or night the exception will occur;
5. The duration of the exception; and
6. The general public interest, welfare and safety.

C. If the applicant can show to the city manager, or his or her designee that the characteristics of a special event indicate that immediate compliance with the requirements of this chapter would be impractical due to the type of event or unreasonable due to its temporary nature or short duration, a permit allowing an exception from the provisions of this chapter may be issued. Factors considered for special events related exceptions shall include but not be limited to the following:

1. Conformance with the intent of this chapter;
2. Uses of property and existence of sensitive receptors within the area affected by sound;
3. Hardship to the applicant, or community of not granting the exception;
4. The time of the day or night the exception will occur;
5. The duration of the exception; and
6. The general public interest, welfare and safety.

D. If the applicant can show to the city manager, or his or her designee that immediate compliance with the requirements of this chapter would not result in a hazardous condition or nuisance, and strict compliance would be unreasonable due to the circumstances of the requested exception, a permit to allow exception from the provisions contained in all or a portion of this chapter may be issued. Factors considered for all requests for exceptions, other than construction or special events, shall include but not be limited to the following:

1. Conformance with the intent of this chapter and general plan policies;
2. Uses of property and existence of sensitive receptors within the area affected by sound;
3. Factors related to initiating and completing all remedial work;
4. Age and useful life of the existing sound source;
5. Hardship to the applicant, or community of not granting the exception;
6. The time of the day or night the exception will occur;
7. The duration of the exception; and
8. The general public interest, welfare and safety.

E. Within 10 days of receipt of the application, the city manager or his or her designee shall either (1) approve or conditionally approve such request in whole or in part, (2) deny the request, or (3) refer the request directly to the city council for action at the next available council meeting. In the event the exception is approved, reasonable conditions may be imposed which minimize the public detriment and may include restrictions on sound level, sound duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation.

F. Where a request for exception is associated with a discretionary permit, the exception shall be processed concurrently with the discretionary permit. The approving authority for the discretionary permit shall also be the approving authority for the exception. Factors which the approving authority must consider for requests for exception shall be those factors identified in Section 9.24.160(B), 9.24.160(C) and 9.24.160(D), depending upon the type of exception requested. The approving authority for an exception processed with a discretionary permit shall either (1) approve or conditionally approve such request in whole or in part, or (2) deny the request.

G. Where an approving authority or city manager or his or her designee has approved an exception and complaints are received related to the exception the approving body has the authority to take action, as he or she deems necessary to reduce the sound impacts including modification or revocation of the exception.

H. Any person aggrieved by the decision of the approving authority, city manager or his or her designee may appeal to the city council by filing written notice of appeal with the city clerk within 10 days of the decision. The city council's decision shall be final and shall be based upon the considerations set forth in this section. (Ord. 3638 § 1, 2001.)

9.24.190 Railroad train—Excessive noise prohibited.

It is unlawful for any person to operate or sound or cause to be operated or sounded, in the operation of any railroad train, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day, a train horn or train whistle which creates a noise in excess of 89 dB at any place or point 300 feet or more distant from the source of such sound. (Ord. 3638 § 1, 2001.)

9.24.200 Violations and penalties.

A. Violations. Violations of this chapter shall be infractions. Each day any such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

B. Recovery of Costs for Enforcement.

1. When an enforcement officer responds to any property as a result of a noise complaint, the responding officer may issue a citation to the responsible party for violations of this chapter. The citation shall state that the responsible party may be liable and charged for the city's cost of providing noise enforcement for repeat violations or each separate offense following the first violation. No fee shall be assessed unless a written citation had first been issued. Following the issuance of the first citation occurring on a lot or parcel of land the city manager, or his or her designee, shall keep an account of the cost of enforcement of all subsequent violations on this lot or parcel of land.

2. The total cost for enforcement of a second or subsequent violations shall constitute a special security assignment over and above the services normally provided and shall be charged against the responsible party. The city may collect any such costs for enforcement and costs of collection by use of all available legal means.

C. Nonexclusive Remedy.

1. Notwithstanding the provisions of this chapter, the city shall not be prevented from taking any other civil or criminal action to abate any violation of this chapter.

2. For the purposes of this chapter the person charged may be any person or persons in charge of the premises and any person or persons responsible for an activity or event resulting in unlawful noise levels. (Ord. 3638 § 1, 2001.)
