

**EFFECTIVE DATE  
OF ORDINANCE**  
JUL 2 1997

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ORDINANCE NO. 2049 N.C.S.

Introduced by Councilmember

Seconded by Councilmember

Pamela Torliatt

Matt Maguire

AN ORDINANCE OF THE CITY OR PETALUMA AMENDING ZONING ORDINANCE NO. 1072 N.C.S. AS AMENDED, BY REMOVING CURRENT SECTION 22-301 NOISE REGULATIONS AND REPLACING WITH NEW SECTION 22-301

*- NOISE -*

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

Section 1: On march 11, 1997 The Planning Commission held a duly noticed public hearings on the proposed amendment to replace the existing Noise Regulations with new Noise Regulations and recommended approval of the new regulations.

Section 2: The City Council finds that the amendments to the text of the zoning ordinance are exempt from the requirements of the California Environmental Quality Act under the General Rule, Section 15061(b)(3) of the CEQA Guidelines which exempts projects that clearly have no potentially significant adverse environmental impacts.

Section 3: The City Council further finds that the proposed noise regulations are in general conformance with the intent, goals, policies and programs of the Petaluma General Plan and any applicable plans.

Section 4: The City Council further finds that the public necessity, convenience and general welfare require or clearly permit the adoption of the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Petaluma hereby amends Ordinance 1072 N.C.S. to replace Section 22-301 with the following:

**SECTION 22-301: NOISE REGULATIONS**

**22-301.1 Purpose**

It is declared to be the policy of the City, in the exercise of its police power, to protect properties and the general health, safety and welfare of persons from unnecessary, excessive and annoying noise disturbances. In accordance with this policy, the City of Petaluma is hereby designated a quiet city. At certain levels, noises are detrimental to the health and welfare of the citizenry and, in the public interest, shall be prohibited. It is the purpose of this chapter to implement the goals of the Health and Safety Element of the General Plan by prescribing standards prohibiting detrimental levels of noise and by providing an effective and readily available remedy for violations. The

1 provisions of this chapter and the remedies contained herein shall be cumulative and are not  
2 intended to replace any otherwise available remedies for public, private or mixed nuisances, nor  
3 any other civil or criminal remedies otherwise available. In addition, the regulations contained  
4 herein are not intended to substitute for any noise analysis conducted as a part of the City's  
5 environmental review process for discretionary permit approvals, nor is it intended to limit more  
6 strict noise control requirements for discretionary permit approvals should more strict measures be  
7 found to be necessary in order to maintain noise levels that are not detrimental to the health and  
8 welfare of the citizenry.

9  
10 **22-301.2 Definitions**

- 11  
12 A. **"ambient noise"** is the composite of noise from all sources within a given area. Ambient noise  
13 constitutes the existing level of environmental noise at a given location.  
14  
15 B. **"noise disturbance"** shall mean any sound which, because of its loudness (amplitude),  
16 duration, or character, disturbs, injures or endangers the public comfort, health, peace or safety  
17 within the limits of the City of Petaluma.  
18  
19 C. **"Decibel"** the measurement unit used for loudness of sound/noise.  
20  
21 D. **"A-Weighted Sound Level (dBA)"** is a decibel scale that approximates the way the human  
22 ear responds to frequency levels.  
23  
24 E. **"Equivalent Sound Level (Leq)"** is a term used to assign a single value A-weighted decibel  
25 level to the measured average sound exposure over a period of time.  
26  
27 F. **"Noise Control Officer"** is the City of Petaluma Planning Director and the City of Petaluma  
28 Police Chief or his/her designee.  
29  
30 G. **"Quiet City"** is defined as a City that strives to minimize the amount of noise to which the  
31 community, particularly a residential area, is exposed through the implementation of  
32 enforceable noise standards.  
33

34 **22-301.3 Noise Regulations Generally.**

- 35  
36 A. The following specific acts, subject to the exemptions provided in Section 22-301.4, are  
37 declared to be public nuisances and are prohibited:  
38  
39 1. The operation or use of any of the following before 7:00 a.m. or after 10:00 p.m. daily  
40 (except Saturday, Sunday and State, Federal or Local Holidays, when the prohibited time  
41 shall be before 9:00 a.m. and after 10:00 p.m.):  
42  
43 a) A hammer or any other device or implement used to repeatedly pound or strike an  
44 object.  
45  
46 b) An impact wrench, or other tool or equipment powered by compressed air.  
47  
48 c) Any tool or piece of equipment powered by an internal-combustion engine such as, but  
not limited to, chain saw, backpack blower, and lawn mower. Except as specifically

1 included in this Ordinance, motor vehicles, powered by an internal-combustion engine  
2 and subject to the State of California vehicle code, are excluded from this prohibition.

3 d) Any electrically or battery powered tool or piece of equipment used for cutting,  
4 drilling, or shaping wood, plastic, metal, or other materials or objects, such as but not  
5 limited to a saw, drill, lathe or router.

6 e) Any of the following: the operation and/or loading or unloading of heavy equipment  
7 (such as but not limited to bulldozer, road grader, back hoe), ground drilling and  
8 boring equipment, hydraulic crane and boom equipment, portable power generator or  
9 pump, pavement equipment (such as but not limited to pneumatic hammer, pavement  
10 breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand  
11 blaster, gunite machine, trencher, concrete truck, and hot kettle pump and the like.

12 f) Construction, demolition, excavation, erection, alteration or repair activity.

13 h) Operating or permitting the operation of powered model vehicles including but not  
14 limited to cars, aircraft and boats.

15 i) Using or operating for any purpose any loudspeaker, loudspeaker system or similar  
16 device in such a manner as to create a noise disturbance. Any permit issued pursuant  
17 to PMC Section 13.28.050 (amplified sound permit within a public park) is exempt  
18 from this section.

19 j) The use of truck/tractor trailer "Jake Brakes" on any public street under the  
20 jurisdiction of the City of Petaluma Police Department.

21 2. In the case of urgent necessity and in the interest of public health and safety, the Noise  
22 Control Officer may issue a permit for exemption from the requirements with subsection  
23 22-301.3. Such period shall not exceed ten (10) working days in length but may be  
24 renewed for successive periods of thirty (30) days or less, not to exceed a total of 90 days  
25 while the emergency continues. Requests for exemptions beyond 90 days shall require  
26 public hearing approval. The Noise Control Officer may limit such permit as to time of  
27 use and/or permitted action, depending upon the nature of the emergency and the type of  
28 action requested.

29  
30 3. The operation of any licensed motor vehicle in violation of the State Vehicle Code or the  
31 operation of stereo, public address or other such amplified equipment on or within a motor  
32 vehicle in violation of the State Vehicle Code.

33  
34 4. Continued or repeated operation of a Public Address System between the hours of 10:00  
35 a.m. and 7:00 p.m. daily shall not exceed a decibel level of 5 dbA above the measured  
36 ambient of the area in which this activity is occurring. Unless specifically approved by the  
37 City of Petaluma (i.e. Use Permit, Parks Director, Exception or Exemption from this Code  
38 Sec.) no Public Address System shall be permitted during the hours of 7:00 p.m. to 10:00  
39 a.m.

40 B. **Noise Measurement:** Utilizing the "A" weighting scale of a sound level meter and the "slow"  
41 meter response (use "fast" response for impulsive type sounds), the ambient noise level shall  
42 first be measured at a position or positions at any point on the receiver's property which can  
43 include private and public property. In general, the microphone shall be located four to five  
44 feet above the ground; ten feet or more from the nearest reflective surface where possible. If  
45 possible, the ambient noise shall be measured with the alleged offending noise source

1 inoperative. If for any reason the alleged offending noise source cannot be shut down, the  
 2 ambient noise must be estimated by performing a measurement in the same general area of the  
 3 source but at a sufficient distance such that the noise from the source is at least 10db below the  
 4 ambient in order that only the ambient level be measured.

- 5
- 6 1. If the measured ambient level is greater than 60db, the Maximum Noise Exposure standard  
 7 shall be adjusted in 5db increments for each time period as appropriate to encompass or  
 8 reflect the measured ambient noise level. In no case shall the maximum allowed threshold  
 9 exceed 75db after adjustments are made.
- 10 2. In the event the measured ambient noise level is 70db or greater, the maximum allowable  
 11 noise level shall be increased to reflect the maximum ambient noise level. In this case,  
 12 adjustments for loudness and time as contained in TABLE I shall not be permitted.
- 13 3. No person shall cause or allow to cause, any source of sound at any location within the  
 14 incorporated City or allow the creation of any noise on property owned, leased, occupied  
 15 or otherwise controlled by such person, which when measured on the property where the  
 16 noise disturbance is being experienced within public or private open/outdoor spaces,  
 17 exceeds the noise level of TABLE I.

18 **TABLE I: Maximum Exterior Noise Exposure (Leq, dbA)**

	Time: 10 p.m. to 7 a.m. M-F 10 p.m. to 8 a.m. S, S and Holidays	Time: 7 a.m. to 10 p.m. M-F 8 a.m. to 10 p.m. S, S and Holidays
General Plan Ambient	60	60
cumulative period of 15 minutes or more in one hour	65	70
cumulative period of 5 minutes or more in one hour	70	75
cumulative period of 1 minute or more in one hour	75	80

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20  
21 **22-301.4 EXEMPTIONS.**

- 22 A. Aerial warning devices which are required by law to protect the health, safety and welfare of  
 23 the community shall be exempt from the provisions of this chapter.
- 24 B. Emergency vehicle responses and all necessary equipment utilized for the purpose of  
 25 responding to a declared state of emergency are exempt from this chapter.
- 26 C. Airport, river operations that significantly contribute to commercial and industrial tonnage  
 27 figures on the Petaluma River, and railroad operations.
- 28 D. The operation of garbage collection and other municipal or utility vehicles.
- 29 E. Uses established through the discretionary review process containing specific noise conditions  
 30 of approval and/or mitigation measures.

31 **22-301.5 EXCEPTIONS.**

1 A. **Authorities.** The Noise Control Officer is authorized to grant exceptions from any provision  
2 of this chapter, subject to limitations of proximity to noise sensitive uses, noise levels, time  
3 limits and other terms and conditions as the Noise Control Officer determines are appropriate  
4 to protect the public health, safety and welfare from the noise emanating therefrom. This  
5 section shall in no way affect the duty to obtain any permit or license required by law for such  
6 activities.

7 B. **Application.** Any person seeking an exception pursuant to this section shall file an application  
8 with the Noise Control Officer consistent with the provisions and requirements of Section 26-  
9 512 (Minor Conditional Permits). The application shall contain information which  
10 demonstrates that bringing the source of sound or activity for which the exception is sought  
11 into compliance with this chapter would constitute an unreasonable hardship on the applicant,  
12 on the community, or on other persons. The application shall be accompanied by a fee as  
13 established by Council Resolution. A separate application shall be filed for each noise source;  
14 provided, however, that several mobile sources under common ownership, or several fixed  
15 sources on a single property may be combined into one application. Any individual who  
16 claims to be adversely affected by allowance of the exception may file a statement with the  
17 Noise Control Officer containing any information to support his/her claim. If at any time the  
18 Noise Control Officer finds that a sufficient controversy exists regarding an application, a  
19 public hearing before the Planning Commission may be held.

20 C. **Decision Criteria.** In determining whether to grant or deny the exception application, the  
21 Noise Control Officer shall balance denial as a hardship on the applicant against:

- 22 1. the adverse impact on the health, safety and welfare of other persons affected;
- 23 2. the reasonableness of compliance with this code given the existing conditions and scope of  
24 the necessary improvements to comply;
- 25 3. the adverse impact on property affected;
- 26 4. any other adverse impacts of granting the exception; and,
- 27 5. consistency with the General Plan.

28 Applicants for exceptions and persons contesting exceptions shall be required to submit such  
29 information as the Noise Control Officer may reasonably require to adequately address the  
30 above five areas of consideration.

31 D. **Approval/Findings.** Exceptions shall be granted by notice to the applicant containing all  
32 necessary conditions. The exception shall not become effective until all conditions (if any) are  
33 agreed to in writing by the applicant. Noncompliance with any condition of the exception shall  
34 terminate the exception and subject the person holding it to those provisions of this chapter for  
35 which the exception was granted.

36 E. **Term of Exception.** The term of the exception shall run continuously with the associated use  
37 and shall terminate upon cessation of the use for a period of six (6) months or more. An  
38 exception shall only be transferred to a similar use at the same location upon the Noise Control  
39 Officer receiving sufficient information to find that: the new use is of the same or lesser  
40 intensity; and, the new use will not substantially alter the pattern of noise generation  
41 established by the previous use (i.e. increase evening or morning noise over the previous use).

1 The Planning Director and the Chief of Police are hereby appointed the Noise Control Officers of  
2 the City. It shall be the responsibility of the Noise Control Officers or his/her designated  
3 representative to enforce the provisions of this section and to perform all other functions required  
4 of the Noise Control Officer by this section. Such duties shall include, but not be limited to,  
5 investigating potential violations of this section and referring evidence of such violations either to  
6 the Police Department or City Attorney for initiation of legal action.

7 22-301.7 INTERRELATIONSHIP OF PROVISIONS.

8 It is the purpose of this chapter to provide maximum noise level limitations for otherwise lawful  
9 activities. Nothing contained in this section shall be deemed to authorize any otherwise prohibited  
10 activity nor to supersede existing land use/zoning limitations. In the event of a conflict between the  
11 standards contained in this chapter and any other provision of law, the more restrictive shall  
12 govern.

13  
14 IF ANY SECTION, subsection, sentence, clause or phrase or word of this ordinance is for any  
15 reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not  
16 affect the validity of the remaining portions of this ordinance. The City Council of the City of  
17 Petaluma hereby declares that it would have passed and adopted this ordinance and each and all  
18 provisions thereof irrespective of the fact that any one or more of said provisions be declared  
19 unconstitutional.

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22 INTRODUCED and ordered Posted/Published this 19th day of May, 1997.

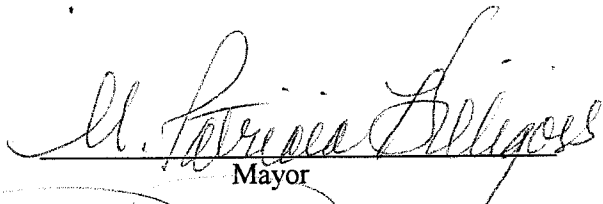
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24 ADOPTED this 2nd day of June, 199~~6~~<sup>7</sup>, by the following vote:

25  
26 AYES: Read, Keller, Torliatt, Maguire, Vice Mayor Hamilton, Mayor Hilligoss

27  
28 NOES: None

29  
30 ABSENT: Stompe

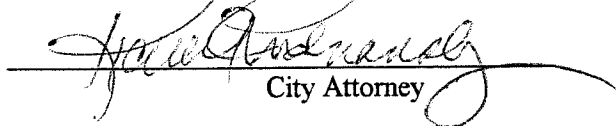
31  
32 ABSTAIN: None

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Mayor

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37 ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney

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