



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: November 30, 2010

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: Request by Mayor Delshad to Discuss Regulations Regarding Noise in Residential Areas related to Nighttime Parties.

Attachments: Beverly Hills Noise Element
Beverly Hills Municipal Code Noise Regulations

INTRODUCTION

This report provides background on current noise regulations, including amplified music, in the City's residential neighborhoods and provides options to potentially allow limited nighttime parties while protecting residential neighborhoods.

BACKGROUND

Current Regulation

General Plan Noise Element

The main objective of the City's Noise Element is the protection of Beverly Hills residents from excessive noise. The Noise Element identifies potentially sensitive land uses such as residences, schools, churches and libraries and specifies acceptable noise exposure ranges for various land uses in the City. The noise/land use compatibility guidelines of the Noise Element lists residential land use as the use most sensitive to noise with the lowest "normally acceptable" noise levels but the potential for higher "conditionally acceptable" noise levels. The guidelines do not spell out what would be conditionally acceptable and are intended to be used as one of the many factors in the land use planning process. The General Plan Noise Element uses a measurement called CNEL "Community Noise Equivalent Level" that weights noise in the period 10:00 p.m. to 7:00 a.m. much higher to account for noise sensitivity in the evening and nighttime.

Beverly Hills Municipal Code

The City's noise regulations are located in Title 5 of the Municipal Code and regulate noise based on general standards regarding disturbance of the peace (BHMC 5-1-104) and regulate some specific noise sources (BHMC 5-1-201). In the latter section there is an evening noise curfew of 10:00 p.m. for radios, televisions and other similar devices and, while not explicitly a noise curfew for loud voices, the 10:00 p.m. time has been used as a guide to enforce noise regulations in residential zones. In addition, the use or operation of sound amplifying equipment is restricted to the hours of 10:00 a.m. to 6:00 p.m. of each day.

Various permits may be required by the City related to large gatherings but there is not one master permit for parties in residential areas and special events permits are not usually issued in residential areas. Following are the permits that may be required for a residential party:

- Valet parking in single family residential areas requires a permit from Transportation but it is up to a party host to determine whether valet parking is needed.
- The Fire Department issues permits for tents and generators at the request of a property owner.

Noise related to mechanical equipment or sound amplifying equipment is regulated by Code Enforcement. Complaints regarding noise related to parties or loud talking are usually handled by the Police Department for three reasons: 1) it is difficult to measure human voices and there is no party curfew in the Code thereby making it difficult for Code Enforcement to address the issue; 2) Situations involving groups of people are potentially risky and best handled by uniformed police officers who, in the City's experience, are better able to mediate the situation; and, 3) most complaints regarding loud parties occur at night or on weekends when Code enforcement personnel are not generally available.

BHPD Enforcement

The Police Department receives a large number of calls for loud parties; many are repeat calls to the same location. In one six-month period in 2009, the BHPD received over 400 calls for loud parties/loud music and almost all such calls occurred between 10:00 p.m. and 5:00 a.m. Responding to complaints about loud parties is a lower BHPD response priority if other criminal activities are occurring in the City; however, dispatchers are well-trained at keeping complainants informed as to the status of the BHPD response. In enforcing the City's noise regulations, the Police Department is concerned that it is difficult to determine when parties have violated the Code and should be shut down which is one reason for repeat calls to the same location. As a result of the great time and expense required by the response to these calls, the Police Department has explored a "Social Host Ordinance" similar to ordinances in other cities that holds the party host responsible for disturbing the peace and has escalating fines for repeat enforcement visits. Such an ordinance has not been pursued thus far.

DISCUSSION

Below are potential actions the City Council may wish to consider to address this issue:

- Direct no change to the current Code because current policies already achieve a balance between nighttime activities and expectations that residential areas will be quiet at night.
- Revise Code to allow parties in residential areas on Friday and Saturday nights to extend beyond 10:00 p.m. to a time certain.
- Revise Code to allow parties in residential areas to obtain a special permit/extended hours permit with possible consideration of the following:
 - For Friday or Saturday night only
 - For gatherings up to a certain time
 - Set limits on number of people attending
 - Set a limit on number of permits at an address annually
 - Notice to neighbors required
 - Include valet permit process
 - Fee for permit to cover costs.

It has been staff's experience that permits related to private parties in residential areas require a great deal of staff time to process. In addition to any permit criteria, a number of administrative issues would need to be considered including:

- Administration of permits
 - Impact to workload
 - Enforcement.
- Adopt a Social Host Ordinance to require fees or fines to property owners when parties cause a negative impact on neighbors and expend City resources to mitigate.

FISCAL IMPACT

There would be cost of staff to develop and administer regulations.

RECOMMENDATION

Staff has no recommendation at this time.

Susan Healy Keene, AICP

Approved By

Attachment 1
Beverly Hills General Plan
Noise Element

NOISE

Most recently amended on January 12, 2010 by resolution 10-R-12725.
Originally adopted on November 4, 1975, by Resolution No. 75-R-5345.

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Overview

The overarching objective of the Noise Element is to ensure that Beverly Hills residents will be protected from excessive noise. The information contained in this document provides a framework to achieve compatible land uses and provides baseline noise levels and sources of noise to aid in enforcement of noise controls.

Sound is created when objects vibrate and produce pressure variations that move rapidly outward into the surrounding air. The main characteristics of these air pressure waves are amplitude, which we experience as a sound's "loudness," and frequency, which we experience as a sound's "pitch." The standard unit of sound amplitude is the decibel (dB), which is a measure of the physical magnitude of the pressure variations relative to the human threshold of perception. The human ear's sensitivity to sound amplitude is frequency-dependent and thus a modification is usually made to the decibel to account for this; A-weighted decibels (dBA) incorporate human sensitivity to a sound's frequency as well as its amplitude.

Table N1 on the following page provides representative environmental noise levels for a number of outdoor and indoor activities.

Table N1 - Representative Environmental Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	—110—	Rock Band
Jet Fly-over at 100 feet		
	—100—	
Gas Lawnmower at 3 feet		
	—90—	
		Food Blender at 3 feet
Diesel Truck going 50 mph at 50 feet	—80—	Garbage Disposal at 3 feet
Noisy Urban Area During Daytime		
Gas Lawnmower at 100 feet	—70—	Vacuum Cleaner at 10 feet
Commercial Area		Normal Speech at 3 feet
Heavy Traffic at 300 feet	—60—	
		Large Business Office
Quiet Urban Area During Daytime	—50—	Dishwasher in Next Room
Quiet Urban Area During Nighttime	—40—	Theater, Large Conference Room (background)
Quiet Suburban Area During Nighttime		
	—30—	Library
Quiet Rural Area During Nighttime		Bedroom at Night, Concert Hall (background)
	—20—	
		Broadcast/Recording Studio
	—10—	
Threshold of Human Hearing	—0—	Threshold of Human Hearing

SOURCE: California Department of Transportation 1998

Noise Terminology

dB_A—Measurement unit for "a-weighted decibels," which are commonly used for measuring environmental and industrial noise and the potential hearing damage associated noise health effects.

Equivalent Energy Noise Level (L_{eq})—The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.

Community Noise Equivalent Level (CNEL)—A 24-hour average L_{eq} with a 10 dBA "weighting" added to noise during the hours of 10:00 P.M. to 7:00 A.M. and an additional 5 dBA weighting during the hours of 7:00 P.M. to 10:00 P.M. to account for noise sensitivity in the evening and nighttime.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day, night, or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 55 dBA, moderate in the 55 to 70 dBA range, and high above 70 dBA.

Transportation Noise Sources

The most common sources of noise in Beverly Hills are transportation related, including automobiles, trucks, motorcycles, and aircraft. Motor vehicle noise is of concern, because it is characterized by a high number of individual events, which often create a sustained noise level, and because of its proximity to areas sensitive to noise exposure.

Major and Minor Arterial Roadways

The major source of traffic noise is generated on major streets. Major streets in Beverly Hills that have high noise readings include Coldwater Canyon; Beverly and Doheny Drives; and La Cienega, Sunset, Santa Monica, Wilshire, and Olympic Boulevards.

Non-transportation Noise Sources (Stationary Noise Sources)

There are many stationary noise sources within Beverly Hills. These stationary noise sources include restaurant, bar and entertainment establishments, operation of mechanical equipment, and active recreational facilities.

Mechanical equipment in residential areas generates noise also. Residential noise generators includes functioning heating and cooling equipment, and use of landscape maintenance equipment such as gasoline-powered lawnmowers and gas-powered leaf blowers.

Commercial uses generate noise through the operation of rooftop heating and cooling equipment as well, and other operational activities such as trash deposit and collection in alleys, noise emanating from within businesses, and deliveries.

Outdoor sports facilities that attract large numbers of spectators, such as high school football

fields, can produce noise that affects nearby receptors. The level of noise produced depends on the size of the facility and the attendance for a specific event.

Noise-Sensitive Receptors

Sensitive land uses are those uses that have associated human activities that may be subject to stress or significant interference from noise. Potentially sensitive land uses in Beverly Hills include residences (including residences for the elderly), schools, churches, and libraries.



Community Noise Contours

Existing roadway noise contours are shown in Figure N1. Noise contours represent lines of equal noise exposure, just as the contour lines on a topographic map are lines of equal elevation.

Santa Monica, Sunset, Wilshire, La Cienega, and Olympic Boulevards, and Coldwater Canyon Drive are the greatest sources of roadway noise within the City. Existing residential uses in close proximity to these roadway segments could be exposed to high noise levels on a regular basis; however, as new residential projects are proposed near major roadways or other potential noise sources, future noise levels will be evaluated and noise mitigation strategies required as appropriate to meet the City's noise standards.

Noise Attenuation Methods.

Noise mitigation measures will be applicable in areas impacted by noise as identified in Figure N1. As new residential projects are proposed, future noise levels will be evaluated and adjusted as necessary.

Building interior noise levels can be reduced by protecting the receiver with acoustical structures, enclosures, or construction techniques. Windows and doors are the most important paths for sound to enter a structure. Use of sound insulating doors and double paned windows can provide substantial reductions of interior noise levels. Because these features have little effect in reducing noise when they are left open, installation of air conditioning for adequate ventilation may be required.

Noise exposure criteria should be incorporated into land use planning to reduce future noise and land use incompatibilities. This is achieved by specifying acceptable noise exposure ranges for various land uses throughout the City. These criteria are designed to integrate noise considerations into land use planning to prevent noise/land use conflicts.

Stationary noise sources such as retail/entertainment establishments can be controlled through the zoning code, and may include site planning requirements and regulation of hours and deliveries. Beverly Hills Municipal Code contains noise regulations and standards (Chapter 1) that limit unnecessary, excessive, and annoying noise in the City including noise generated by construction, machinery, motor vehicles, and animals.

The noise/land use compatibility guidelines presented in Appendix B present broad ranges of compatibility, and are intended to be flexible enough to apply to a wide range of projects and environments. In no case would it be desirable for any land use to have noise exceeding the highest "normally compatible" noise level shown. These guidelines are intended to be used as one of the many factors used in the land use planning process.

Additionally, The State of California requires that interior noise levels in multi-family residential uses not exceed 45 Ldn (day-night noise level). This standard is commonly used as an interior standard for all residential uses, but it is only required of multi-family residential buildings under the California Administrative Code, Title 24, Part 2.

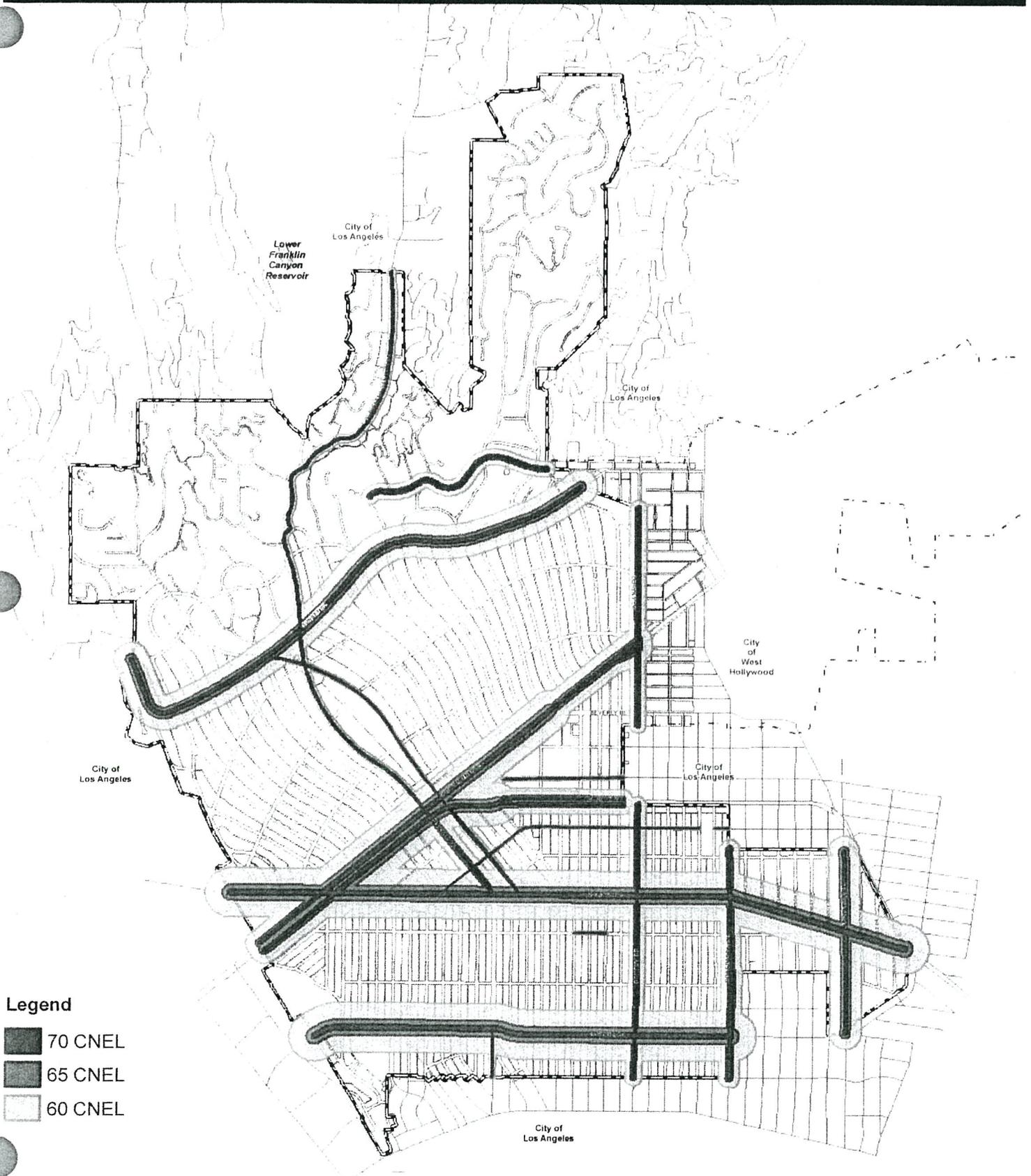
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EXISTING ROADWAY NOISE CONTOURS

CBH - City Council Study Session - 11/30/2010

Beverly Hills General Plan



Legend

- 70 CNEL
- 65 CNEL
- 60 CNEL

Figure N1

Source: SCAG & PBS&J, August 2008.



0 900 1,800 3,600 Feet

City of Beverly Hills General Plan
Noise Element

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Goals and Policies

N 1 Land Use Conflicts. Minimize land use conflicts between various noise sources and other human activities.

N 1.1 **Land Use Compatibility Guidelines.** Revise the noise regulations of the Municipal Code to eliminate current ambient noise level standards in residential and commercial areas and replace them with Land Use Noise Compatibility Matrix (Appendix B), to govern acceptable levels of noise for specific land uses and provide a baseline for mitigating land uses that exceed acceptable noise levels. (Imp. 2.1)

N 1.2 **Noise between Adjacent Uses.** Consider developing standards for new high-density residential development that adequately minimize noise between adjacent units within the development and between the development and adjacent buildings through the use of design features and building materials such as orientation, window insulation, common wall separation, common floor/ceilings separation. (Imp. 1.3, 2.1, 2.2)

N 1.3 **Limit Hours of Commercial and Entertainment Operations.** Limit hours of commercial and entertainment operations adjacent to residential neighborhoods and other noise-sensitive receptors in order to minimize exposure to excessive noise. (Imp. 1.3, 2.1, 2.2)

N 1.4 **Limit Hours of Truck Deliveries.** Limit the hours of truck deliveries to commercial uses abutting residential neighborhoods and other noise-sensitive receptors in order to minimize exposure to excessive noise, unless there is no feasible alternative or there are overriding transportation benefits by scheduling deliveries at other hours. (Imp. 1.3, 2.1, 2.2)

Goals and Policies

- N 1.5 **Noise Mitigation Measures.** Require noise mitigation measures for noise-sensitive receptors when a significant noise impact is identified. A significant noise impact occurs when there is an increase in CNEL, as shown in the table below. (Imp. 1.3, 2.1, 2.2)

CNEL (dBA)	dBA Increase
55	3
60	2
65	1
70	1
Over 75	1

- N 1.6 **Construction.** In Beverly Hills, it is against the law to operate equipment or perform any outside construction or repair work on any building, structure, pneumatic hammer, derrick, steam or electric hoist, or other construction type devices, between the hours of 6:00 P.M. of one day and 8:00 A.M. of the next day, or at any time on any public holiday so as to cause discomfort or annoyance in a residential zone, unless beforehand a permit therefore has been obtained. (N 2.2.4, pg N-2)

N 2 Motor Vehicles. Minimized motor vehicle traffic noise impacts on sensitive noise receptors

- N 2.1 **Sensitive Land Uses Adjacent to Heavy Arterials.** Require that the design of new residential or other new noise sensitive land uses within the 60 dBA and 65 dBA CNEL (and higher) roadway contours demonstrate that the project will meet interior and exterior noise standards. Require the use of interior noise insulation, double paned windows, or other noise mitigation measures, as appropriate, to achieve required standards. (Imp. 1.3, 2.1, 2.2)

Goals and Policies

N 2.2 **State Motor Vehicle Noise Standards.** Encourage the enforcement of State Motor Vehicle noise standards for cars, trucks, and motorcycles through coordination with the California Highway Patrol and Beverly Hills Police Department. (Imp. 7.1, 7.2)

N 2.3 **Limit Cut-Through Traffic.** Continue Efforts to Discourage Traffic on Residential Streets. (N 2.5.1, pg N-6)

N 3 Non-Transportation Noise. Minimized non-transportation related noise impacts on sensitive noise receptors.

N 3.1 **Protection from Stationary Noise Sources.** Continue to enforce interior and exterior noise standards to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources such as machinery, equipment, fans, and air conditioning equipment. (Imp. 1.3, 2.1, 2.2, 5.3)

N 3.2 **Regulation of Sound-amplifying Equipment.** Continue to regulate the use of sound-amplifying equipment. (Imp. 1.3, 2.1, 2.2, 5.3)

N 4 Construction Noise. Minimize excessive construction-related noise.

N 4.1 **Enforce Hours of Construction Activity.** Continue to enforce restrictions on hours of construction activity to minimize the impact of noise and vibration from trucks, heavy drilling equipment, and other heavy machinery on adjacent noise-sensitive receptors, particularly in and near residential areas. (Imp. 5.3)

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Amendments

<u>Date</u>	<u>Resolution</u>	<u>Description</u>
November 4, 1975	75-R-5345	Adoption of element
January 12, 2010	10-R-12725	Broad range of amendments updating the element to include local desires and State requirements

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APPENDIX B: LAND USE NOISE COMPATIBILITY GUIDELINES

Adopted January 12, 2010 by resolution 10-R-12725

Land Use Categories	Community Noise Equivalent Level (CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential (Low Density, Single Family, Duplex, Mobile Homes)	50-60	55-70	70-75	75-85
Residential (Multiple Family)	50-65	60-70	70-75	70-85
Transient Lodging (Hotel, Motel)	50-65	60-70	70-80	80-85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50-70	60-70	70-80	80-85
Auditoriums, Concert Halls, Amphitheaters	NA	50-70	NA	65-85
Sports Arenas, Outdoor Spectator Sports	NA	50-75	NA	70-85
Playgrounds, Neighborhood Parks	50-70	NA	67.5-75	72.5-85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50-70	NA	70-80	80-85
Office Buildings, Business Commercial and Professional	50-75	67.5-77.5	75-85	NA
Industrial, Manufacturing, Utilities, Agriculture	50-75	70-80	75-85	NA

SOURCE: Office of Noise Control, California Department of Health

Attachment 2
Beverly Hills Municipal Code
Noise Regulations

Article 1. General Provisions

5-1-101: DECLARATION OF POLICY:

It is hereby declared to be the policy of the city in its exercise of the police power to prohibit unnecessary, excessive, and annoying noise levels from all sources. At certain levels noises are detrimental to the health and welfare of the citizenry, and in the public interest such noise is proscribed. (1962 Code § 4-8.101)

5-1-102: DEFINITIONS:

For the purposes of this chapter, the words and phrases herein shall be defined as follows:

"A" BAND LEVEL: The total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the dbA.

AMBIENT NOISE: The all encompassing noise associated with a given environment, usually being a composite of sounds with many sources from various distances.

BAND PRESSURE LEVEL: "Band pressure level" of a sound for a specified frequency band shall mean the sound pressure level for the sound contained within the restricted band.

CYCLE: The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (dB): A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

EMERGENCY WORK: 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 to the health and safety of the persons or property.

FREQUENCY: "Frequency" of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

MICROBAR: A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

MOTOR VEHICLES: Shall include, but not be limited to, minibikes and go-carts.

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human voice, music, or any other sound, or by which the human voice, music, or any other sound is amplified. "Sound amplifying equipment" shall not include standard radios or television when used and heard only by the residential occupants of the dwelling unit in which such equipment is located. "Sound amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

SOUND LEVEL METER: An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of noise and sound levels in a specified manner.

SOUND PRESSURE LEVEL: "Sound pressure level" in decibels of a sound shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated. (1962 Code § 4-8.102)

5-1-103: DECIBEL MEASUREMENT CRITERIA:

Decibel measurements shall be made with a sound level meter and shall be based on a reference sound pressure of 0.0002 microbars, as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, and for the combined frequency bands. (1962 Code § 4-8.103)

5-1-104: GENERAL STANDARDS RELATIVE TO DISTURBANCE OF PEACE:

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

The factors which shall be considered in determining whether such noise violates the provisions of this section shall include, but not be limited to, the following:

- A. The volume of the noise;
- B. The intensity of the noise;
- C. Whether the nature of the noise is usual or unusual;
- D. Whether the origin of the noise is natural or unnatural;
- E. The volume and intensity of the background noise, if any;
- F. The proximity of the noise to residential sleeping facilities;

- G. The nature and zoning of the area within which the noise emanates;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. The time of the day or night the noise occurs;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent, or constant;
- L. Whether the noise is produced by a commercial or noncommercial activity. (1962 Code § 4-8.701)

5-1-105: ADDITIONAL REMEDIES; INJUNCTIONS:

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness, or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to summary abatement, or by a restraining order, or injunction issued by a court of competent jurisdiction. (1962 Code § 4-8.105)

Article 2. Specific Noise Sources And Regulations

5-1-201: RADIOS, TELEVISION SETS, AND SIMILAR DEVICES:

- A. It shall be unlawful for any person within any residential zone of the city to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound or any device by which voice, music, or any other sound is amplified between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of the following day, in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.
- B. Any noise exceeding the ambient noise level at the property line of any property, or, if a condominium or apartment house, within any adjoining unit by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section. (1962 Code § 4-8.201)

5-1-202: MACHINERY, EQUIPMENT, FANS, AND AIR CONDITIONING:

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels based on a reference sound pressure of 0.0002 microbars, as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 and for the combined frequency bands (all pass). (1962 Code § 4-8.206)

5-1-203: MOTOR VEHICLE ALARMS:

The council finds that on numerous and repeated occasions, alarms which have been installed in motor vehicles have been activated inadvertently by accident or carelessness and not as the result of any criminal action or conduct; and the noise which results from the activation of such alarms has arisen at all hours of the day and night and is detrimental to the public health, safety, and welfare; and the council has a responsibility to ensure and preserve the peace and tranquility of the city by regulating motor vehicle alarms and that the regulation of the intrusive and disturbing noise which results from the inadvertent activation of motor vehicle alarms is reasonably related to the proper exercise of police power to protect the health, safety, and general welfare of the public.

- A. It shall be unlawful for any person to cause, allow, or permit any alarm located in a motor vehicle registered in the name of or driven by such person to emit any audible sound within

the city for a period of more than ten (10) minutes. The time shall be calculated based upon the emission of the first audible sound, and end ten (10) minutes thereafter, notwithstanding any variation or delay in the emissions of audible sound.

B. Any violation of this section is hereby declared a public nuisance and in addition to other remedies if the alarm continues to be activated for a period in excess of forty five (45) minutes, any police officer may have the vehicle removed from any zone in the city to abate such nuisance. (1962 Code § 4-8.801 et seq.)

5-1-204: MOTOR VEHICLE OPERATION AND REPAIR:

A. It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.

B. It shall be unlawful for any person to operate any motor vehicle within the city in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street, or right of way shall be excluded from the provisions of this section. (1962 Code §§ 4-8.401, 4-8.402)

5-1-205: SOUND AMPLIFYING EQUIPMENT:

The use or operation of sound amplifying equipment shall be subject to the following restrictions and prohibitions:

A. The type of amplified sound shall be limited to either music or human speech, or both.

B. The use or operation of sound amplifying equipment shall be restricted to the hours of ten o'clock (10:00) A.M. to six o'clock (6:00) P.M. of each day.

C. No sound emanating from sound amplifying equipment shall exceed fifteen (15) dbA above the ambient as measured at any commercial property line, or five (5) dbA at any residential property line.

D. Notwithstanding subsection C of this section, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

- E. Use of operation of sound amplifying equipment mounted on a motor vehicle shall require a permit and is subject to the provisions of title 4, chapter 3, article 5 of this code. (1962 Code § 4-8.506)

5-1-206: RESTRICTIONS ON CONSTRUCTION ACTIVITY:

- A. No person shall engage in construction, maintenance or repair work which requires a city permit between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M. of any day, or at any time on a Sunday or public holiday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. In addition, no person shall engage in such work within a residential zone, or within five hundred feet (500') of a residential zone, at any time on a Saturday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. For the purpose of this section, "public holiday" shall mean:

1. New Year's Day.
2. Memorial Day.
3. Independence Day.
4. Labor Day.
5. Thanksgiving Day.
6. Christmas Day.

Nothing in this section shall restrict the performance of "emergency work" as that term is defined in section 5-1-102 of this chapter.

- B. No person employed for the purposes of construction, maintenance, or repair work which requires a city permit shall enter a site on which such work will be done prior to eight o'clock (8:00) A.M. Any violation of this subsection shall be deemed to be an infraction.
- C. The city building official, after consultation with appropriate city officials, may issue an after hours construction permit authorizing work and/or entrance to a work site otherwise prohibited by this section if the city building official determines that the public interest will be served by such a permit. Situations in which the public interest may be served by the issuance of such an after hours construction permit includes, but are not limited to, construction near school grounds, and construction that may interfere with vehicular or pedestrian traffic in heavily traveled public rights of way.

D. Applications for an after hours construction permit issued pursuant to subsection C of this section shall be in writing and shall set forth how the public interest will be served by issuing the permit. An after hours construction permit may be revoked or suspended by the city building official if the city building official determines that activity conducted pursuant to the permit detrimentally affects the public health, safety or welfare. (Ord. 88-O-2039, eff. 10-13-1988; amd. Ord. 89-O-2074, eff. 10-19-1989; Ord. 90-O-2088, eff. 2-8-1990)

5-1-207: NOISE IN PROXIMITY OF SCHOOLS, HOSPITALS, AND CHURCHES:

It shall be unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use, or adjacent to any hospital; which noise substantially and unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed on such street, sidewalk, or public place indicating the presence of a school, church, or hospital. (1962 Code § 4-8.204)

5-1-208: HAWKERS AND PEDDLERS:

It shall be unlawful for any person within the city to sell anything by public outcry within any area of the city zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events. (1962 Code § 4-8.202)

5-1-209: DRUMS:

It shall be unlawful for any person to use any drum, other percussion or musical instrument, or device of any kind for the purpose of attracting attention by the creation of noise within the city. The provision of this section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct. (1962 Code § 4-8.203)

5-1-210: PORTABLE GASOLINE ENGINE POWERED BLOWERS:

It shall be unlawful for any person within the city to use or operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces. (1962 Code § 4-13.05)

5-1-211: ANIMAL AND FOWL NOISE:

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person, any dog or other animal or fowl otherwise permitted to be kept which, by any loud or continuous cry, bark, howl, or other sound, unreasonably disturbs other persons. (1962 Code § 5-1.107)