

CITY OF SAN ANSELMO

ORDINANCE NO. 685

AN ORDINANCE OF THE CITY OF SAN ANSELMO PROHIBITING  
COMMISSION OR CREATION OF NOISE BEYOND CERTAIN LEVELS

The City Council of the City of San Anselmo does ordain as follows: Chapter 7 of Title 4 of the San Anselmo Municipal Code is hereby repealed and a new Chapter 7 of Title 4 is hereby added as follows:

ARTICLE I - GENERAL PROVISIONS

Section 4-7.01. Declaration of Policy.

It is the policy of the City of San Anselmo to prohibit unnecessary, excessive, and annoying noises from all sources. At certain levels noises are detrimental to the health, safety, and welfare of the citizenry and in the public interest should be systematically proscribed.

Section 4-7.02. Definitions.

~~As used in this chapter,~~ Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

(a) Noise Level: The sound level in decibels dBA measured on the A-weighted scale as defined by the American National Standard Institute specifications S1.4-1971 or the most recent revision thereof.

(b) Sound Measurement: The sound meter shall be set for slow response speed, except that for impulse noises peak measuring instruments shall be used. Prior to each measurement, the meter and the microphone shall be verified, and adjusted to a +/- 0.3 decibel by means of an acoustical calibrator. For outside measurements the microphone shall be not less than 4 feet above the ground, at least 4-1/2 feet distant

from walls or similar large reflecting surfaces, and shall be protected from the effects of wind noises and other extraneous sounds by the use of screens, shields or other appropriate devices. For inside measurements, the microphone shall be at least three (3) feet distant from any wall, and the average sound measurement shall be determined from a minimum of three microphone positions throughout the room.

(c) Ambient Noise: The all-encompassing noise associated with a given environment, being a composite of sounds from many sources near and far. The ambient noise level is that residual sound averaged over a 15-minute interval which excludes random or intermittent noises and the alleged offensive noise measured at the location and time of day at which a comparison with an alleged offensive noise is to be made.

(d) Decibel: "Decibel" shall mean a unit for measuring the relative loudness of sounds equal approximately to the smallest degree of difference of loudness ordinarily detectable by the human ear whose range includes approximately 130 decibels on a scale beginning with one for the faintest audible sound.

(e) 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 or work by private or public utilities when restoring utility service.

(f) Person: "Person" shall mean a person, firm, association, partnership, joint venture, corporation, or any entity, public or private.

(g) Sound Level Meter: An instrument including a microphone and amplifier, an output meter, and frequency weighting networks

for the measurement of sound levels which satisfies the pertinent requirements in American National Standard Institute specifications for sound level meters Sl.4-1971 or the most recent revision thereof.

(h) Motor Driven Vehicles: "Motor driven vehicles" shall include any vehicle driven by electric, propane, or gasoline motor, including automobiles, motorcycles, motor-driven cycles, mini-bikes, go-carts, and trucks.

(i) Sound Amplifying Equipment: Any machine or device for the amplification of the human voice, music or other sound. Sound amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed and shall not include radios or warning devices on any authorized emergency vehicle used in compliance with state or federal law for emergency or traffic safety purposes.

(j) Sound Truck: Any motor vehicle or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

(k) Commercial Purpose. The use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business or any goods or any services or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or from any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

(l) Noncommercial Purpose: The use, operation, or maintenance of any sound equipment for other than a "commercial purpose" and shall include, but not be limited to philanthropic, religious, political, patriotic, or charitable purposes.

(m) Property Plane: The vertical line through the property line which determines the property boundaries in space.

Section 4-7.03. Sound Level Measurement Criteria.

Unless otherwise provided by Section 4-7.05 of this Chapter, any sound level measurement made pursuant to the provisions of this Chapter shall be measured with a sound level meter using the A weighting.

Section 4-7.04. General Maximum Noise Levels.

(a) In single-family residential districts (R-1), two-family residential districts (R-2), and neighborhood apartment districts (R-3), six (6) months after the effective date of this chapter, and all commercial districts (C-1, C-2, C-3, and CM) twelve (12) months after said date and unless otherwise provided, it shall be unlawful for any person to operate any machinery, or equipment, pump, fan, air conditioning apparatus or similar mechanical device, or any radio receiving set, musical instrument, phonograph, television set, or other similar device in any manner so as to create any noise which would cause the noise level at the property plane of the property from which the noise is emitted to exceed the following values:

Table 1

<u>Zone</u>	<u>Time</u>	<u>Sound Level -dBA</u>
R1 and R2	10 p.m. - 7 a.m.	45
R1 and R2	7 p.m. - 10 p.m.	50
R1 and R2	7 a.m. - 7 p.m.	55
R3	10 p.m. - 7 a.m.	50
R3	7 a.m. - 10 p.m.	55
C	10 p.m. - 7 a.m.	55
C	7 a.m. - 10 p.m.	60

(b) For purposes of this section "noise level" shall mean measured sound level with the following values, dBA, added as corrections for time duration and character of the noise:

<u>Condition</u>	<u>Value Correction (dBA)</u>	
1. Steady audible tone such as hum, whine or screech	-5	
2. Continuous impulsive noise such as hammering or rapping	-5	
3. Noise occurring more than 5 but less than 15 minutes per hour	7 a.m. - 10 p.m. +5	10 p.m. - 7 a.m. 0
4. Noise occurring more than 1 but less than 5 minutes per hour	7 a.m. - 10 p.m. +10	10 p.m. - 7 a.m. +5
5. Noise occurring less than 1 minute per hour	7 a.m. - 10 p.m. +20	10 p.m. - 7 a.m. +10

(c) When noise is emitted from property bordering any ~~two~~ <sup>other</sup> zoning district, the lesser allowable noise level shall be applicable.

(d) The provisions of subsection (a) of this section shall not apply to any burglar alarm or other emergency signalling device; nor to any standby machinery or equipment necessarily operated in emergency situations, provided said standby machinery or equipment shall not at any time emit noise exceeding a level of 70 dBA as measured at the property plane of the property from which the noise is being emitted.

Section 4-7.05. Octave Band Analysis.

(a) When an objectionable noise is clearly audible but where the ambient noise level does not permit quantitative measurement by the sound level meter using the A weighting, sound measurement shall be performed utilizing an octave band sound analyzer.

(b) The following table sets forth the octave band noise limits corresponding to the Sound Level A limits set out in Section 4-7.04

of this chapter, and shall be utilized as provided for in subsection (a) above in determining whether a violation exists.

Octave Band Sound Pressure Level, dB re .0002 dyne/cm<sup>2</sup>  
 Octave Band Center Frequency in Hz

<u>Sound Level A</u>	<u>31.5</u>	<u>63</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1000</u>	<u>2000</u>	<u>4000</u>	<u>8000</u>
40	61	54	47	42	37	34	31	28	25
45	64	58	51	46	42	39	36	33	30
50	67	61	55	51	47	44	41	38	35
55	70	65	60	55	52	49	46	43	40
60	73	68	64	60	56	54	51	48	45
65	76	72	68	64	61	59	56	53	50

(c) The correction factors set forth in subsection (b), Section 4-7.04 shall be applicable to measurements taken by octave band sound analyzer.

ARTICLE 2 - SPECIAL NOISE SOURCES

Section 4-7.06. Drums.

It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the City of San Anselmo. 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.

Section 4-7.07. Schools, Hospitals and Churches.

It shall be unlawful for any person to create any noise (whether amplified or not) on any street, sidewalk, or public place adjacent to any school, institution of learning, or church ~~which the same is in use~~ or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, ~~provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the~~

~~presence of a school, church, or hospital.~~

Section 4-7.08. Construction and Demolition.

(a) Except as provided in subsections (b), (c) and (d) below, for a period of two (2) years from the effective date of this chapter it shall be unlawful to operate any powered ~~construction~~ equipment if the operation of such equipment emits a noise level of 85 dBA when measured at the loudest point 50 feet away from the equipment. From and after said period the permissible noise level is reduced to 80 dBA.

(b) Impact tools and equipment are excluded from subsection (a) above; provided on or after six (6) months from the effective date of this chapter such impact tools and equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof, and further provided that pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof. In lieu of or in the absence of manufacturers' recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as he deems to be in the public interest, considering the available technology and economic feasibility.

**or demolition**  
(c) Construction/work may be performed during the following times: Monday through Friday 7 a.m. to 9 p.m.; Saturday 9 a.m. to 9 p.m.; Sunday 10 a.m. to 9 p.m.; however, the above hours are extended until 10 p.m. for work performed by homeowners or residents upon their own property.

**or demolition**  
Construction/work shall be allowed at any time provided the noise level does not exceed 5 dBA above the ambient at the nearest property plane with allowance for correction factors as set forth in Section 4-7.04(b) above.

(d) This section shall not apply to emergency work defined in Section 4-7.02(d).

Section 4-7.09. Refuse Collection.

(a) It shall be unlawful for any person authorized to engage in waste disposal services or garbage collection to provide such services in such a manner a reasonable person of normal sensitiveness working or residing in the area is caused discomfort, annoyance, or whose peace is disturbed. For the purpose of this section noise emitted by equipment shall not be deemed unlawful if the person engaged in such services has, to the extent reasonably feasible in the judgment of the Director of Public Works incorporated available sound-deadening devices into equipment used in rendering those services.

(b) Any person authorized to engage in waste disposal services or garbage collection shall not operate any truck-mounted waste or garbage loading and/or compacting equipment or similar mechanical device/in a manner to create noise exceeding the following levels 75dBA when measured at a distance of 50 feet from the equipment.

~~(1) Six (6) months after the effective date of this Chapter~~ 80 dBA  
~~(2) Twenty-four (24) months after the effective date of this Chapter~~ 75 dBA

(c) Mechanical street sweepers shall not operate in the manner to create noise exceeding 80 dBA and 75 dBA six (6) months and twenty-four (24) months respectively after the effective date of this chapter.

Section 4-7.10. Motor Driven Vehicles.

(a) It shall be unlawful for any person to operate any motor driven vehicle within the City in such a manner that a person of normal sensitiveness residing or working in the area is caused discomfort, annoyance, or whose peace is disturbed; provided, however,



any motor-driven vehicle which may be lawfully operated upon any public highway, street, or right-of-way shall be excluded from the provisions of this section while being operated on any public highway, street, or right-of-way except as provided in Section (b) below.

(b) Motor Vehicle Horns. It shall be unlawful for any person within the City of San Anselmo to sound a vehicular horn within any residential zone, including the blowing of horns as an announcing signal around curves except as a warning signal in the case of imminent danger as provided in California Vehicle Code Section 27001.

(c) This section shall not apply to emergency work defined in Section 4-7.02(d).

(d) Vehicle or Other Non-Stationary Noise Sources. It shall be unlawful for any person within any residential area of the City of San Anselmo to repair, rebuild<sup>or</sup>/test, or use any motor-driven vehicle or other non-stationary source of noise in such a manner that any person of normal sensitiveness working or residing in the area is caused discomfort or annoyance, or whose peace is disturbed.

(e) Powered Models. It shall be unlawful for any person to operate any powered model in such a manner that a person of normal sensitiveness residing or working in the area is caused discomfort.

Section 4-7.11. Miscellaneous Noise Sources.

(a) Miscellaneous non-stationary noise sources such as electric or gasoline-driven lawn mowers, power saws, chain saws, concrete mixers, edge trimmers, hedge trimmers, and other similar movable noise sources shall be operated during the following times: Monday through Friday 7 a.m. to 9 p.m.; Saturday 9 a.m. to 9 p.m.; Sunday 10 a.m. to 9 p.m.; however, the above hours are extended until 10 p.m. for work performed by homeowners or residents upon their own property. Additionally, said noise sources may be operated at any time provided

the noise level does not exceed 5 dBA above the ambient at the nearest property plane with allowance for correction factors as set forth in Section 4-7.04(b) above. The Director of Public Works may in his discretion impose additional or different noise level standards for such devices in lieu of those set forth in Section 4-7.04 of this chapter considering available technology and economic feasibility.

(b) This section shall not apply to emergency work defined in Section 4-7.02(d).

### ARTICLE 3 - AMPLIFIED SOUND

#### A. Commercial Purposes

##### Section 4-7.12.

It shall be unlawful for any person to install, use or operate within the City of San Anselmo, except within a completely enclosed building, a loudspeaker or sound amplifying equipment in a fixed or movable position or upon any sound truck for any commercial purpose.

#### B. Non-Commercial Purposes

##### Section 4-7.13. Regulations.

(a) The operation of sound amplifying equipment shall only occur between the hours of 9 a.m. and 7 p.m. each day, except on Sundays and legal holidays. The operation of sound amplifying equipment on Sundays and legal holidays shall occur only between the hours of 10 a.m. and 7 p.m.

(b) The volume of sound shall be so controlled that it will not be audible for a distance in excess of 500 feet from the amplifying equipment.

(c) The provisions of Section 4-7.04 insofar as they may pertain shall apply to this section.

(d) In every instance the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing,

or a nuisance to persons of normal sensitiveness residing or working within the area of audibility.

ARTICLE 4 - VIOLATIONS; VARIANCES: SEVERABILITY

Section 4-7.14. Offensive Noise: General Regulations.

Notwithstanding any other provisions of this Chapter it shall be unlawful for any person to make or continue, or cause to be made or continued, any loud and unnecessary noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any person of normal sensitiveness working or residing in the area of the noise source.

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

- (a) The level of the noise;
  - (b) Whether the nature of the noise is usual or unusual;
  - (c) Whether the origin of the noise is natural or unnatural;
  - (d) The level of the background noise if any;
  - (e) The proximity of the noise to residential sleeping facilities;
  - (f) The nature and zoning of the area within which the noise emanates;
  - (g) The density of the inhabitation of the area within which the noise emanates;
  - (h) The time of the day or night the noise occurs;
  - (i) The duration of the noise;
  - (j) Whether the noise is recurrent, intermittent, or constant,
- and
- (k) Whether the noise is produced by a commercial or non-commercial activity.

Section 4-7.15. Violations: Infractions.

A violation of any of the provisions of this Chapter shall constitute an infraction. Each calendar day any such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Section 4-7.16. Violations: 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 ordinance shall be deemed and is declared to be, a public nuisance and may be subject to summary abatement, to a restraining order or to a (temporary or permanent) injunction issued by a court of competent jurisdiction.

Section 4-7.17. Prima Facie Violation.

Whenever any section within this Chapter makes it a violation to cause or produce noise in such a manner as to disturb the peace, quiet, or comfort of any person of normal sensitiveness working or residing in the area, any noise level which exceeds the ambient base level at the property plane of any property on which the noise source is located (or if a condominium or apartment within any adjoining unit) by more than 5 dBA shall be deemed prima facie evidence of such violation.

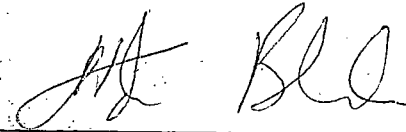
Section 4-7.18. Severability.

If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or the application of the other <sup>chapter</sup> ~~provisions~~ of this Chapter which can be given effect without the consideration of the invalid provisions and, to this end, the provisions of this ordinance are hereby declared to be severable.

Section 4-7.19. Variances.


Where practical difficulties, unnecessary hardships, or results inconsistent with the purpose of this Chapter may result from a strict application of the requirements of this Chapter, a variance from said requirements may be granted as provided in Section 10-3.2191 et seq. of the San Anselmo Municipal Code.

Dated: February 11, 1975, 1975.



MARTIN G. BLINDER, M.D.  
Mayor

ATTEST:



Caroline Foster  
City Clerk

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The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo City Council held on January 28, 1975, 1975, and was thereafter at a regular meeting of the City Council held on February 11, 1975, duly passed and adopted by the following vote:

AYES:	Councilmen	Anderson, Toal, Colteaux
NOES	Councilmen	Capurro
ABSENT:	Councilmen	Blinder



Caroline Foster  
City Clerk