



## Chapter 9.10 Noise

Sections:

- 9.10.010 Declaration of policy.
- 9.10.020 Definitions.
- 9.10.030 Residential property noise limits.
- 9.10.040 Commercial and industrial property noise limits.
- 9.10.050 Public property noise limits.
- 9.10.060 Special provisions.
- 9.10.070 Exception permits.
- 9.10.080 Violations.

### **9.10.10 Declaration of policy.**

It is hereby declared to be the policy of the city that the peace, health, safety and welfare of the citizens of Palo Alto require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to control the adverse effect of such noise sources on the citizen under any condition of use, especially those conditions of use which have the most severe impact upon any person.

(Ord. 4634 § 2 (part), 2000)

### **9.10.020 Definitions.**

For the purposes of this chapter, certain terms are defined as follows:

(a) "Sound level," expressed in decibels (dB), means a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this chapter utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this section.

(b) "Precision sound level meter" means a device for measuring sound level in decibel units within the performance specifications in the American National Standards Institute Standard S1.4, "Specification for Sound Level Meters."

(c) "Noise level" means the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a precision sound level meter. In order to measure a noise level, the controls of the precision sound level meter should be arranged to the setting appropriate to the type of noise being measured.

(d) "Local ambient" means the lowest sound level repeating itself during a six-minute period as measured with a precision sound level meter, using slow response and "A" weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the local ambient be considered or determined to be less than: (1) Thirty dBA for interior noise in Section 9.10.030(b); (2) Forty dBA in all other sections. If a significant portion of the local ambient is produced by one or more individual identifiable sources which would otherwise be operating continuously during the six-minute measurement period and contributing significantly to the ambient sound level, determination of the local ambient shall be accomplished with these separate identifiable noise sources silent.

(e) "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a highway or street.

(f) "Property plane" means a vertical plane including the property line which determines the property boundaries in space.

(g) "Emergencies" mean essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

(h) "Leaf blower" means any portable machine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns or other surfaces.

(i) "Residential power equipment" means any mechanically powered saw, sander, drill, grinder, generator, lawnmower, hedge trimmer, edger, or any other similar tool or device (other than leaf blowers).

(j) "Residential zone" means all lands located within the following zoning districts: RE, R1, R2, RMD, RM-15, RM-30, and RM-40; "residential zone" also means any lands located within Planned Community (PC) zoning districts actually used for authorized residential purposes. Any zoning district other than those defined as residential zones are classified as non-residential zones for purposes of this chapter.

(k) "Holiday" means and includes New Year's Day (January 1), Martin Luther King Day (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Columbus Day (the second Monday in October), Veteran's Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).

(Ord. 4634 § 2 (part), 2000)

### **9.10.030 Residential property noise limits.**

(a) No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property plane.

(b) No person shall produce, suffer or allow to be produced by any machine, animal, or device, or any combination of same, on multi-family residential property, a noise level more than six dB above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(Ord. 4634 § 2 (part), 2000)

**9.10.040 Commercial and industrial property noise limits.**

No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB above the local ambient at any point outside of the property plane.  
(Ord. 4634 § 2 (part), 2000)

**9.10.050 Public property noise limits.**

(a) No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than fifteen dB above the local ambient at a distance of twenty-five feet or more, unless otherwise provided in this chapter.

(b) Sound performances and special events not exceeding eighty dBA measured at a distance of fifty feet are exempt from this chapter when approval therefor has been obtained from the appropriate governmental entity, except as provided in Section 22.04.180 of this code.

(c) Vehicle horns or other devices primarily intended to create a loud noise for warning purposes, shall not be used when the vehicle is at rest, or when a situation endangering life, health or property is not imminent.

(Ord. 4634 § 2 (part), 2000)

**9.10.060 Special provisions.**

The special exceptions listed in this section shall apply, notwithstanding the provisions of Sections 9.10.030 through 9.10.050.

Said exceptions shall apply only to the extent and during the hours specified in each of the following enumerated exceptions.

(a) General Daytime Exception. Any noise source which does not produce a noise level exceeding seventy dBA at a distance of twenty-five feet under its most noisy condition of use shall be exempt from the provisions of Sections 9.10.030(a), 9.10.040 and 9.10.050(a) between the hours of eight a.m. and eight p.m. Monday through Friday, nine a.m. and eight p.m. on Saturday, except Sundays and holidays, when the exemption herein shall apply between ten a.m. and six p.m.

(b) Construction. Except for construction on residential property as described in subsection (c) of this section, construction, alteration and repair activities which are authorized by valid city building permit shall be prohibited on Sundays and holidays and shall be prohibited except between the hours of eight a.m. and six p.m. Monday through Friday, nine a.m. and six p.m. on Saturday provided that the construction, demolition or repair activities during those hours meet the following standards:

(1) No individual piece of equipment shall produce a noise level exceeding one hundred ten dBA at a distance of twenty-five feet. If the device is housed within a structure on the property, the measurement shall be made out-side the structure at a distance as close to twenty-five feet from the equipment as possible.

(2) The noise level at any point outside of the property plane of the project shall not exceed one hundred ten dBA.

(3) The holder of a valid construction permit for a construction project in a non-residential zone shall post a sign at all entrances to the construction site upon commencement of construction, for the purpose of informing all contractors and subcontractors, their employees, agents, materialmen and all other persons at the construction site, of the basic requirements of this chapter.

(A) Said sign(s) shall be posted at least five feet above ground level, and shall be of a white background, with black lettering, which lettering shall be a minimum of one and one-half inches in height.

(B) Said sign shall read as follows:

**CONSTRUCTION HOURS  
FOR NON-RESIDENTIAL PROPERTY  
(Includes Any and All Deliveries)  
MONDAY - FRIDAY.....8:00 a.m. to 6:00 p.m.  
SATURDAY.....9:00 a.m. to 6:00 p.m.  
SUNDAY/HOLIDAYS.....Construction prohibited.  
Violation of this Ordinance is a misdemeanor punishable  
by a maximum of six months in jail, \$1,000 fine, or both.  
Violators will be prosecuted.  
P.A.M.C. §9.10.060(b).**

(c) Construction on Residential Property. Construction, alteration, demolition or repair activities conducted in a residential zone, authorized by valid city building permit, shall be prohibited on Sundays and holidays and is prohibited on all other days except during the hours of eight a.m. and six p.m. Monday through Friday, nine a.m. and six p.m. on Saturday, provided that the construction, demolition or repair activities during those hours meet the following standards:

(1) No individual piece of equipment shall produce a noise level exceeding one hundred ten dBA at a distance of twenty-five feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.

(2) The noise level at any point outside of the property plane of the project shall not exceed one hundred ten dBA.

(3) The holder of a valid building permit for a construction project located within any residential zone shall post a sign at all entrances to the construction site upon commencement of construction, for the purpose of informing all contractors and subcontractors, their employees, agents, materialmen and all other persons at the construction site, of the basic requirements of this chapter.

(A) Said sign(s) shall be posted no less than three feet and no more than five feet above ground level, shall be visible from the adjacent street, and shall be of a white background, with black lettering, which lettering shall be a minimum of one and one-half inches in height.

(B) Said sign shall read as follows:

**CONSTRUCTION HOURS  
FOR RESIDENTIAL PROPERTIES  
(includes any and all deliveries)  
MONDAY-FRIDAY.....8:00 a.m. to 6:00 p.m.  
SATURDAY.....9:00 a.m. to 6:00 p.m.  
SUNDAY/HOLIDAYS.....Construction Prohibited.  
Violation of this Ordinance is a misdemeanor punishable  
by a maximum of six months in jail, \$1,000 fine, or both.  
Violators will be prosecuted.  
P.A.M.C. §9.10.060(b).**

(d) Other Equipment. Equipment used by city employees, city contractors, or public utility companies or their contractors, not covered by subsections (b) and (c) of this section, shall be allowed during the same hours as the exception set forth in subsection (b) of this section, providing no piece of equipment shall produce a noise level which exceeds one hundred ten dBA, measured at a distance of twenty-five feet from the equipment.

(e) Residential Power Equipment. Residential power equipment shall be allowed during the hours of eight a.m. and eight p.m. Monday through Friday, nine a.m. and six p.m. Saturday, and ten a.m. and six p.m. on Sundays and holidays, providing it does not produce a noise level that exceeds ninety-five dBA measured at twenty-five feet from the equipment and is not being operated for construction regulated in subsections (b) or (c) of this section.

(f) Leaf Blowers.

(1) No person shall operate any leaf blower which does not bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology. Any leaf blower which bears such a manufacturer's label shall be presumed to comply with any noise level limit of this chapter provided that it is operated with all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. No person shall operate any leaf blower without attachment of all mufflers and full extension tubes supplied by the manufacturer for that leaf blower.

(2) No person shall operate any leaf blowers within a residential zone except during the following hours: nine a.m. and five p.m. Monday through Friday and ten a.m. and four p.m. Saturday. No person shall operate any leaf blower within any non-residential zone except during the following hours: eight a.m. and six p.m. Monday through Friday, and ten a.m. to four p.m. Saturday. No person shall operate any leaf blowers on Sundays and holidays. No person shall operate any leaf blower powered by an internal combustion engine within any residential zone after July 1, 2005. Commercial operators of leaf blowers are prohibited from operating any leaf blower within the city if they do not prominently display a certificate approved by the Chief of Police verifying that the operator has been trained to operate leaf blowers according to standards adopted by the Chief of Police. In addition to all authorizations and restrictions otherwise provided in this chapter, public streets, sidewalks, and parking lots in business districts and at the Municipal Golf Course and all city parks may be cleaned between 4:00 a.m. and 8:00 a.m. using leaf blowers which bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology.

(g) Street Sweeping. Street sweeping activities are allowed between the hours of ten p.m. and eight a.m. daily, provided they do not produce a noise level in excess of ninety dBA, when measured at a distance of twenty-five feet from the street sweeper.

(h) Refuse Collection. Refuse collection activities shall be permitted between the hours of four a.m. and nine p.m. daily, provided they do not produce a noise level in excess of ninety-five dBA measured at a distance of twenty-five feet from the activity.

(i) Safety Devices. Aural warning devices which are required by law to protect the health, safety and welfare of the community shall not produce a noise level more than three dBA above the standard or minimum level stipulated by law.

(j) Emergencies. Emergencies are exempt from this chapter.

(k) Public Parking Lot Cleaning. Cleaning equipment (other than leaf blowers), when used in public parking lots, shall be allowed during the hours of ten p.m. and eight a.m. daily, providing no such piece of equipment shall produce a noise level that exceeds ninety dBA measured at a distance of twenty-five feet.

(l) Business District Street Cleaning. Cleaning equipment (other than leaf blowers), when used in public streets and public sidewalks within the public right-of-way in business districts shall be allowed during the hours of ten p.m. and eight a.m. daily, providing no such piece of equipment shall produce a noise level that exceeds ninety dBA measured at a distance of twenty-five feet.

(Ord. 4778 §§ 2, 3, 2003: Ord. 4754 § 2, 2002: Ord. 4727 § 2, 2002: Ord. 4634 § 2 (part), 2000)

#### **9.10.070 Exception permits.**

If the applicant can show to the city manager or his designee that a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements of this chapter would be impractical or unreasonable, a permit to allow exception from the provisions contained in all or a portion of this chapter may be issued, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be of as short duration as possible up to six months, but renewable upon a showing of good cause, and shall be conditioned by a schedule for compliance and details of methods therefor in appropriate cases. Any person aggrieved with the decision of the city manager or his designee may appeal to the city council pursuant to Section 16.40.080 of this code.

(Ord. 4634 § 2 (part), 2000)

#### **9.10.080 Violations.**

Any person who violates Section 9.10.060(e) or 9.10.060(f) shall be guilty of an infraction. Any person who violates any of the other provisions of this chapter shall be guilty of a misdemeanor.

(Ord. 4634 § 2 (part), 2000)