

## South San Francisco Municipal Code

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**8.32.010 Purpose and intent.**

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It is declared to be the policy of the city that the peace, health, safety and welfare 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 under any condition of use, especially those conditions of use which have the most severe impact upon individuals. (Ord. 1088 § 1, 1990)

**8.32.020 Definitions.**

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(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.

(b) "Noise level" means the maximum sound level by a source or group of sources as measured with a precision sound level meter, conforming to the American National Standards Institute Standard S1.4-1983, for type 1 meters (or successor reference), using the "A" weighting scale and the meter response function set to "SLOW," five feet above the ground.

(c) "Ambient" means the average sound level during a six-minute period as measured with a precision sound level meter, using slow response and "A" weighting. The 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. If for any reason the alleged offending noise source cannot be shut down, the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance that the noise from the source is at least ten dB below the ambient so that only the ambient level is measured. If the difference between the ambient and the noise source is five to nine dB, then the level of the ambient itself can be determined by subtracting a one dB correction to account for the contribution of the source.

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

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

(f) "Emergencies" means essential activities necessary to restore, preserve, protect or save lives or properties from imminent danger or loss or harm. (Ord. 1088 § 1, 1990)

**8.32.030 Maximum permissible sound levels.**

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(a) It is unlawful for any person to operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed:

(1) The noise level standard for that land use as specified in Table 8.32.030 for a cumulative period of more than thirty minutes in any hour;

(2) The noise level standard plus five dB for a cumulative period of more than fifteen minutes in any hour;

(3) The noise level standard plus ten dB for a cumulative period of more than five minutes in any hour;

(4) The noise level standard plus fifteen dB for a cumulative period of more than one minute in any hour; or

(5) The noise level standard or the maximum measured ambient level, plus twenty dB for any period of time.

(b) If the measured ambient level for any area is higher than the standard set in Table 8.32.030, then the ambient shall

be the base noise level standard for purposes of subsection (a)(1) of this section. In such cases, the noise levels for purposes of subsections (a)(2) through (a)(5) of this section shall be increased in five dB increments above the ambient.

(c) If the measurement location is on a boundary between two different zones, the noise level standard shall be that applicable to the lower noise zone plus five dB.

(d) Notwithstanding any other provisions of this chapter, no person shall wilfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood.

<b>Table 8.32.030</b>		
<b>NOISE LEVEL STANDARDS*</b>		
Land Use Category	Time Period	Noise Level (dB)
R-E, R-1 and R-2 zones or any single-family or duplex residential in a specific plan district	10 p.m.—7 a.m.	50
	7 a.m.—10 p.m.	60
R-3 and D-C zones or any multiple-family residential or mixed residential/commercial in any specific plan district	10 p.m.—7 a.m.	55
	7 a.m.—10 p.m.	60
C-1, P-C, Gateway and Oyster Point Marina specific plan districts or any commercial use in any specific plan district	10 p.m.—7 a.m.	60
	7 a.m.—10 p.m.	65
M-1, P-1	Anytime	70

\*Source: Adapted from “The Model Community Noise Control Ordinance,” Office of Noise Control, California Department of Health.

(Ord. 1088 § 1, 1990)

### **8.32.040 Interior noise limits.**

It is unlawful for any person to operate or cause to be operated any source of sound, on multifamily residential property or multitenant commercial or industrial property, a noise level more than ten dB above the level allowed by Section 8.32.030 three feet from any wall, floor or ceiling inside any unit on the same property when the windows and doors of the unit are closed, except within the unit in which the noise source or sources is located. (Ord. 1088 § 1, 1990)

### **8.32.050 Special provisions.**

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(a) Sound Performances and Special Events. Sound performances and special events not exceeding eighty dB measured at a distance of fifty feet from the loudest source are exempt from this chapter when approval therefor has been obtained from the appropriate governmental entity.

(b) Vehicle Horns. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall be used only when the vehicle is in a situation where life, health or property are endangered.

(c) Utilities and Emergencies. Utility and street repairs, street sweepers, franchised garbage services and emergency response warning noises are exempt from this chapter.

(d) Construction. Construction, alteration, repair or landscape maintenance activities which are authorized by a valid city permit shall be allowed on weekdays between the hours of eight a.m. and eight p.m., on Saturdays between the hours of nine a.m. and eight p.m., and on Sundays and holidays between the hours of ten a.m. and six p.m., or at such other hours as may be authorized by the permit, if they meet at least one of the following noise limitations:

(1) No individual piece of equipment shall produce a noise level exceeding ninety dB at a distance of twenty-five feet. If the device is housed within a structure or trailer 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 ninety dB. (Ord. 1088 § 1, 1990)

### **8.32.060 Exception permits.**

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If the applicant can show to the city manager, or the manager's 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 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 a duration as possible, but in no case for longer than six months. These permits are renewable upon a showing of good cause, and shall be conditioned by a schedule for compliance and details of compliance methods in appropriate cases. (Ord. 1088 § 1, 1990)

### **8.32.070 Amplified sound—Permit required.**

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It is unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the city a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages or persons in or upon any street, alley, sidewalk, park, place or public property without first having obtained a permit from the chief of police. (Ord. 1088 § 1, 1990)

### **8.32.080 Amplified sound—Regulations.**

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The commercial and noncommercial use of sound-amplifying equipment shall be subject to the following regulations:

(a) The only sounds permitted shall be either music or human speech, or both.

(b) The operation of sound-amplifying equipment shall only occur between the hours of eight a.m. and eight p.m. No operation of sound-amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound-amplifying equipment for noncommercial purposes on Sundays and legal holidays shall occur only between the hours of ten a.m. and eight p.m. (Ord. 1088 § 1, 1990)

### **8.32.090 Nuisance declared.**

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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 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 abatement by restraining order or injunction issued by a court of competent jurisdiction.

Any noise level exceeding the limits specified in this chapter shall be deemed to be prima facie evidence of a violation of the provisions of this chapter. (Ord. 1088 § 1, 1990)

### **8.32.100 Enforcement responsibility—Complaint investigation.**

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(a) Responsibility for enforcement of this chapter shall be divided between the engineering division, code enforcement officer and the police department.

(b) Complaints which are made during the working day (eight a.m. to five p.m., Monday through Friday) shall be investigated by the engineering division or code enforcement officer. When the office of the city engineer is closed, complaints about noise shall be investigated by the police department. (Ord. 1088 § 1, 1990)

### **8.32.110 Penalty for violation.**

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Any person violating a provision of this chapter or failing to comply with a mandatory requirement of this chapter is guilty of a misdemeanor and, upon conviction, such person shall be punished as provided in Chapter 1.24 of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 1088 § 1, 1990)

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