

ARTICLE III. - NOISE CONTROL

Sec. 34-81. - Findings.

The city council finds:

- (1) Excessive, unnecessary or offensive noise within the city is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the city and therefore is declared a public nuisance;
- (2) Every person in the city is entitled to live in an environment free from excessive, unnecessary or offensive noise levels; and
- (3) The establishment of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of city inhabitants.

(Ord. No. 97-01, § 2(6.68.010), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-82. - Declaration of policy.

It is declared to be the policy and purpose of this article to assess complaints of noises alleged to exceed the ambient noise levels. Further, it is declared to be the policy to contain sound levels in the city at their present levels with the ultimate goal of reducing such levels, when and where feasible and without causing undue burdens, to meet the noise standards set forth in this article.

(Ord. No. 97-01, § 2(6.68.020), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-83. - Liberal construction.

This article shall be liberally construed to effectuate its purposes.

(Ord. No. 97-01, § 2(6.68.030), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-84. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient noise level means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Cumulative period means an additive period of time composed of individual time segments which may be continuous or interrupted.

Decibel and dB mean a unit which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base of ten of this ratio.

Emergency work means the use of any machinery, equipment, vehicle, humanpower or other activity in an effort to protect, maintain, provide or restore safe conditions in the community or for citizenry, or work by private or public utilities when restoring utility service.

Hertz means a unit of measurement of frequency, numerically equal to cycles per second.

Impulsive noise means a noise characterized by brief excursions of sound pressures the peak levels of which are very much greater than the ambient noise level, such as might be produced by the impact of a piledriver, punchpress or a drop hammer, typically with one second or less duration.

Noise level means the A-weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of 20 micropascals. The unit of measurement shall be designated as dBA.

Residential property means a parcel of real property which is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

Simple tone noise and pure tone noise mean a noise characterized by the presence of a predominant frequency such as might be produced by whistle or hum.

Sound level meter means an instrument meeting American National Standard Institute's Standard S1.4-1971 for type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

Sound pressure level means a sound pressure level of a sound, in decibels, as defined in ANSI Standards 51.2-1962 and 51.13-1921; that is, 20 times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

Zone means any of the zones specified in the zoning code of the city, as such zones are presently identified therein and as they may be subsequently modified or altered.

(Ord. No. 97-01, § 2(6.68.050), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Cross reference— Definitions generally, § 1-2.

Sec. 34-85. - Sound level measurement generally.

- (a) Any noise level measurements made pursuant to this article shall be performed using a sound level meter as defined in section 34-84.
- (b) The location selected for measuring exterior noise levels shall be at a point at least one foot inside the property line of the affected residential property. Where feasible, the microphone shall be at a height of three to five feet above ground level and shall be at least four feet from walls or similar reflecting surfaces. For interior noise measurements, the windows shall be in normal seasonal configuration, and the measurement shall be made at a point at least four feet from the wall, ceiling or floor nearest the affected occupied area.

(Ord. No. 97-01, § 2(6.68.060), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-86. - Exterior noise standards.

- (a) The following noise standards, unless otherwise specifically indicated in this article, shall apply to all properties within a designated noise area:

Noise Area	City Zoning Districts	Time Period	Exterior Noise Standard
1	RD-1, RD-2, RD-3, RD-4, RD-5, R-7, RD-10, R15, RD-20, R-25, RD-30, MH	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	55 dBA 50 dBA

(b) It is unlawful for any person at any location within the city to create any noise which causes the noise levels on an affected property, when measured in the designated noise area, to exceed, for the duration of time set forth following, the specified exterior noise standards in any one hour by:

Cumulative Duration of the Intrusive Sound	Allowance Decibels

1

- (1) Cumulative period of 30 minutes per hour 0
- (2) Cumulative period of 15 minutes per hour+ 5
- (3) Cumulative period of five minutes per hour+10
- (4) Cumulative period of one minute per hour+15
- (5) Level not to be exceeded for any time per hour+20

(c) Each of the noise limits specified in subsection (b) of this section shall be reduced by five dBA for impulsive or simple tone noises or for noises consisting of speech or music.

(d) If the ambient noise level exceeds that permitted by any of the first four noise limit categories specified in subsection (b) of this section, the allowable noise limit shall be increased in five-dBA increments in each category to encompass the ambient noise level. If the ambient noise level exceeds the fifth noise level category, the maximum ambient noise level shall be the noise limit for that category.

(Ord. No. 97-01, § 2(6.68.070), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-87. - Interior noise standards.

(a) In any apartment, condominium, townhouse, duplex or multiple-dwelling unit, it is unlawful for any person to create any noise from inside his or her unit that causes the noise level, when measured in a neighboring unit during the periods 10:00 p.m. to 7:00 a.m., to exceed the following:

- (1) Forty-five dBA for a cumulative period of more than five minutes in any hour.

(2) Fifty dBA for a cumulative period of more than one minute in any hour.

(3) Fifty-five dBA for any period of time.

(b) If the ambient noise level exceeds that permitted by any of the noise level categories specified in subsection (a) of this section, the allowable noise limit shall be increased in five-dBA increments in each category to encompass the ambient noise level.

(Ord. No. 97-01, § 2(6.68.080), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-88. - Exemptions.

The following activities shall be exempted from this article:

- (1) School bands, school athletic and school entertainment events.
- (2) Outdoor gatherings, public dances, shows and sporting and entertainment events, provided the events are conducted pursuant to a license or permit by the city.
- (3) Activities conducted on parks, public playgrounds and school grounds, provided such parks, playgrounds and school grounds are owned and operated by a public entity or private school.
- (4) Any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work.
- (5) Noise sources associated with construction, repair, remodeling, demolition, paving or grading of any real property, provided the activities do not take place between the hours of 8:00 p.m. and 6:00 a.m. on weekdays and Friday commencing at 8:00 p.m. through and including 7:00 a.m. on Saturday, Saturdays commencing at 8:00 p.m. through and including 7:00 a.m. on the next following Sunday, and on each Sunday after the hour of 8:00 p.m. However, when an unforeseen or unavoidable condition occurs during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed, the contractor or owner shall be allowed to continue work after 8:00 p.m. and to operate machinery and equipment necessary until completion of the specific work in progress can be brought to conclusion under conditions which will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner.
- (6) Noise sources associated with agricultural operations, provided such operations do not take place between the hours of 8:00 p.m. and 6:00 a.m.
- (7) Any mechanical device, apparatus or equipment which is utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of mobile noise sources is necessary for pest control.
- (8) Noise sources associated with maintenance of residential area property, provided the activities take place between the hours of 6:00 a.m. and 8:00 p.m. on any day except Saturday or Sunday, or between the hours of 7:00 a.m. and 8:00 p.m. on Saturday or Sunday.
- (9) Any activity, to the extent provisions of 42 USC 65 and Public Utilities Code §§ 21661—21669.6 and 21670—21679.5 preempt local control of noise regulations and land use regulations related to noise control of airports and their surrounding geographical areas; any noise source associated with the construction, development, manufacture, maintenance, testing or operation of any aircraft engine or of any weapons system or subsystems which are owned, operated or under the jurisdiction of the United States; or any other activity to the extent regulation thereof has been preempted by state or federal law or regulation.
- (10) Any noise sources associated with the maintenance and operation of aircraft or airports which are owned or operated by the United States.

(Ord. No. 97-01, § 2(6.68.090), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-89. - Transition period for preexisting industrial or commercial facilities.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial facility means any building, structure, premises or portion thereof used for wholesale or retail commercial purposes.

Industrial facility means any building, structure, factory, plant, premises or portion thereof used for manufacturing or industrial purposes.

(b) Any industrial or commercial facility shall be subject to all applicable requirements of this article.

(c) If any facility which is not in compliance by the end of the one-year period applies for a variance pursuant to section 34-100, in deciding whether to grant a variance, the hearing board shall take into account the extent to which the applicant has endeavored to reduce noise during the one-year period to meet the standards specified in this article.

(d) This section applies only to a commercial or industrial facility which was already in existence or for which the work of improvement has commenced prior to July 1, 1976.

(Ord. No. 97-01, § 2(6.68.100), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-90. - Schools, hospitals and churches.

It is unlawful for any person to create any noise which causes the noise level at any school, hospital or church, while the school, hospital or church is in use, to exceed the noise standards specified in section 34-86 or to create any noise which unreasonably interferes with the use of such institution or unreasonably disturbs or annoys patients in the hospital. In any disputed case, interfering noise which is ten dBA or more, greater than the ambient noise level at the building, shall be deemed excessive and unlawful.

(Ord. No. 97-01, § 2(6.68.110), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-91. - Machinery, equipment, fans and air conditioning.

(a) It is unlawful for any person to operate any mechanical equipment, pump, fan, air conditioning apparatus, stationary pumps, stationary cooling towers, stationary compressors, similar mechanical devices, or any combination thereof installed after July 1, 1976 in any manner so as to create any noise which would cause the maximum noise level to exceed the following:

- (1) Sixty dBA at any point at least one foot inside the property line of the affected residential property and three to five feet above ground level.
- (2) Fifty-five dBA in the center of a neighboring patio three to five feet above ground level.
- (3) Fifty-five dBA outside of the neighboring living area window nearest the equipment location. Measurements shall be taken with the microphone not more than three feet from the window opening but at least three feet from any other surface.

- (b) Equipment installed five years after July 1, 1976, must comply with a maximum limit of 55 dBA at any point at least one foot inside the property line of the affected residential property and three to five feet above ground level.
- (c) Equipment installed before December 17, 1970, must comply with a limit of 65 dBA maximum in sound level at any point at least one foot inside the affected property line and three to five feet above ground level by January 1, 1977. Equipment installed between December 16, 1970, and July 1, 1976, must comply with a limit of 65 dBA maximum sound level at any point at least one foot inside the property line of the affected residential property and three to five feet above ground level.

(Ord. No. 97-01, § 2(6.68.120), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-92. - Off-road vehicles.

It is unlawful for any person to operate any motorcycle or recreational off-road vehicle within the city in such a manner that the noise level exceeds the exterior noise standards specified in section 34-86.

(Ord. No. 97-01, § 2(6.68.130), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Cross reference— Traffic and vehicles, ch. 94.

Sec. 34-93. - Waste disposal vehicles.

- (a) It is unlawful for any person authorized to engage in waste disposal service or garbage collection to operate any truck-mounted waste or garbage loading and/or composting equipment or similar mechanical device in any manner so as to create any noise exceeding the following level, when measured at a distance of 50 feet from the equipment in an open area:
 - (1) New equipment purchased or leased on or after a date six months from July 1, 1976, shall not exceed a noise level of 80 dBA.
 - (2) New equipment purchased or leased on or after 42 months from July 1, 1976, shall not exceed a noise level of 75 dBA.
 - (3) Present equipment shall not exceed a noise level of 80 dBA on or after five years from July 1, 1976.
- (b) This section shall not abridge or conflict with the powers of the state over motor vehicle control.

(Ord. No. 97-01, § 2(6.68.140), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Cross reference— Solid waste, ch. 74; traffic and vehicles, ch. 94.

Sec. 34-94. - Radios, tape players on publicly owned property.

- (a) As used in this section, the phrase "a person of normal hearing sensitivity" means a person who has a hearing threshold level of between zero decibels and 25 decibels HL averaged over the frequencies 500, 1,000 and 2,000 hertz.
- (b) Notwithstanding any other section of this Code and in addition thereto, it is unlawful for any person to permit or cause any noise, sound, music or program to be emitted from any radio, tape player, tape

recorder, record player or television outdoors on or in any publicly owned property, park or place when such noise, sound, music or program is audible to a person of normal hearing sensitivity 100 feet from the radio, tape player, tape recorder, record player or television.

- (c) Notwithstanding any other section of this Code, any person violating this section shall be guilty of an infraction and upon conviction thereof, is punishable as provided in section 1-21.
- (d) Notwithstanding sections 46-1 and 46-2 or any other section of this Code, no citation or notice to appear shall be issued or criminal complaint shall be filed for a violation of this section unless the offending party is first given a verbal or written notification of violation by any peace officer, public officer, park ranger or other person charged with enforcing this section and the offending party given an opportunity to correct the violation.
- (e) This section shall not apply to broadcasting from any aircraft, vehicle or stationary sound amplifying equipment as defined and regulated in chapter 5.56 of the Sacramento County Code; the use of radios, tape players, tape recorders, record players or televisions in the course of an assembly or festival for which a license has been issued pursuant to section 9.36.072 of the Sacramento County Code; a parade for which a permit has been issued pursuant to section 10.32.020 of the Sacramento County Code; or any other activity, assembly or function for which a permit or license has been duly issued pursuant to any section of this Code or the Sacramento County Code.

(Ord. No. 97-01, § 2(6.68.145), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-95. - General noise regulations.

- (a) Notwithstanding any other section of this article and in addition thereto, it is unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which 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.
- (b) The standards which shall be considered in determining whether a violation of this section exists shall include but not be limited to the following:
 - (1) The sound level of the objectionable noise.
 - (2) The sound level of the ambient noise.
 - (3) The proximity of the noise to residential sleeping facilities.
 - (4) The nature and zoning of the area within which the noise emanates.
 - (5) The density of the inhabitation of the area within which the noise emanates.
 - (6) The time of day or night the noise occurs.
 - (7) The duration of the noise and its tonal informational or musical content.
 - (8) Whether the noise is continuous, recurrent or intermittent.
 - (9) Whether the noise is produced by a commercial or noncommercial activity.

(Ord. No. 97-01, § 2(6.68.150), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-96. - Administration.

The administration of this article is vested in the health officer. The health officer shall be responsible for the following:

- (1) Employing individuals trained in acoustical engineering or an equivalent field to assist the health officer in the administration of this article.
- (2) Training field inspectors.
- (3) Procuring measuring instruments and training inspectors in their calibration and operation.
- (4) Conducting a public education program in all aspects of noise control.
- (5) Coordinating the noise control program with other governmental agencies.

(Ord. No. 97-01, § 2(6.68.160), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-97. - Evaluation and recommendations for noise control program.

At least every third year following July 1, 1976, the health officer shall evaluate the effectiveness of the noise control program and shall make recommendations for its improvement.

(Ord. No. 97-01, § 2(6.68.170), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-98. - Rules and standards.

The health officer, with the advice and assistance of other appropriate governmental agencies, shall investigate and recommend to the city council the following:

- (1) Rules and procedures to be used in measuring noise.
- (2) Noise standards for motor vehicle operation within the city. However, nothing within this article shall be deemed to abridge or conflict with the powers of the state over motor vehicle control.
- (3) Noise standards governing the construction, repair or demolition of a structure, including streets and other thoroughfares.
- (4) Recommendations, if appropriate, for the establishment of sound level standards for nonresidentially zoned areas within the city.

(Ord. No. 97-01, § 2(6.68.180), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-99. - Special condition permits.

Notwithstanding any section of this article, the health officer may grant special condition permits for a period not exceeding three days when the general purpose and intent of this article can be carried out by the granting of the special condition permit. The special condition permits may be renewed for periods not exceeding three days at the discretion of the health officer.

(Ord. No. 97-01, § 2(6.68.190), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-100. - Variance procedure.

- (a) The owner or operator of a noise source which violates any of the sections of this article may file an application with the health officer for a variance from this article. The application shall set forth all

actions taken to comply with this article, the reasons why immediate compliance cannot be achieved, a proposed method for achieving compliance, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee in the amount of \$75.00. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or several fixed sources on a single property may be combined into one application. Upon receipt of the application and fee, the health officer shall refer the application, with his or her recommendation thereon, within ten days, to the hearing board.

- (b) Upon receipt of an application for a variance, the hearing board shall schedule a public hearing, to be conducted within 60 days of receipt of the application. During the public hearing, the applicant and the health officer may submit oral and documentary evidence relative to their respective contentions.
- (c) The hearing board may deny the application for a variance or may grant a variance. A variance may be for a limited period and may be subject to any other terms, conditions and requirements as the hearing board may deem reasonable to achieve maximum compliance with this article. Such terms, conditions and requirements may include but shall not be limited to limitations on noise levels and operating hours.
- (d) Each variance shall set forth the approved method of achieving maximum compliance and a time schedule for its accomplishment. In its determinations, the hearing board shall consider the following:
 - (1) The magnitude of nuisance caused by the offensive noise;
 - (2) The uses of property within the area of impingement by the noise;
 - (3) The time factors related to study, design, financing and construction of remedial work;
 - (4) The economic factors related to age and useful life of equipment; and
 - (5) The general public interest and welfare.
- (e) In deciding whether to grant a variance, the hearing board shall consider all facts relating to whether strict compliance with the requirements of this article will cause practical difficulties, unnecessary hardship or unreasonable expense and any other relevant considerations, including but not limited to the fact that a commercial or industrial facility, as defined in section 34-89(a), commenced development prior to the existence of a residence affected by noise from such facility.
- (f) The hearing board shall render a decision within 30 days of completion of the hearing. The decision of the hearing board shall be transmitted to the applicant and to the health officer.

(Ord. No. 97-01, § 2(6.68.200), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-101. - Hearing board.

- (a) There is created a joint city-county hearing board consisting of nine members.
- (b) Four members of the hearing board shall be appointed by the mayor of the City of Sacramento with the approval of the city council. One member shall be an acoustical consultant with a background in engineering and with a demonstrated knowledge and experience in the field of acoustics; one member shall have been admitted to the practice of law in the state; one member shall be a mechanical contractor holding a current active state C-20 or SC-20 license; and one member shall be a representative of the general public.
- (c) Four members shall be appointed by the board of supervisors of the county. One member shall be a licensed professional mechanical engineer; one member shall be a physician licensed in the state, qualified in the field of physiological effects of noise; one member shall be a general contractor engaged in general building or engineering construction holding a current active state A or B license; and one member shall be a representative of the general public.

- (d) One member shall be appointed by the members of the board who have been appointed by the City of Sacramento and the county pursuant to subsections (b) and (c) of this section. This member shall be a representative of business and industry.
- (e) The term of office of each member shall be for three years and until the appointment and qualification of a successor. The first members of the hearing board shall classify themselves by lot so that the term of three members is for one year, three members is for two years, and three members is for three years.
- (f) Any member may be removed by the appointing authority. Vacancies occurring during a term, whether by removal, resignation or other cause, shall be filled for the unexpired term by the appointing authority.
- (g) The county health officer or his or her appointed representative shall be a nonvoting ex officio member of the hearing board and shall act as secretary of the board.
- (h) The hearing board shall adopt rules and regulations for its own procedures in carrying out its functions under this article.
- (i) Five members of the hearing board shall constitute a quorum. If five or more members of the hearing board conduct a hearing, concurrence of the majority of those present shall be necessary for a decision.
- (j) Meetings of the hearing board shall be held at the call of the secretary and at such times and locations as the board shall determine. All such meetings shall be open to the public.

(Ord. No. 97-01, § 2(6.68.210), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Cross reference— Boards, commissions, committees, agencies and authorities, § 2-236 et seq.

Sec. 34-102. - Appeals.

- (a) Within ten days following the decision of the hearing board on an application for a variance to this article, the applicant or the health officer may appeal the decision by filing a notice of appeal with the secretary of the hearing board.
- (b) Within ten days following receipt of a notice of appeal, the secretary of the hearing board shall forward to the city council copies of the application for variance and all papers and exhibits concerning the application received by the hearing board and its decision thereon. Any person may file with the city council written arguments in favor of or against the decision.
- (c) The city clerk shall mail to the applicant, health officer and other individuals or entities so requesting a notice of the date set for a hearing of the appeal. The notice shall be mailed at least ten days prior to the hearing date.
- (d) Within 30 days following conduct of the hearing before the city council, the city council shall either affirm, modify or reverse the decision of the hearing board. In deciding the appeal, the city council shall have the same powers as are conferred on the hearing board. The city council may also direct the hearing board to conduct further proceedings on the application. Failure of the city council to affirm, modify or reverse a decision of the hearing board or to direct the hearing board to conduct further proceedings within a 30-day period from the date of the hearing shall constitute an affirmation of the decision of the hearing board.

(Ord. No. 97-01, § 2(6.68.220), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-103. - Violation.

Upon the receipt of a complaint from any person, the chief of police or the health officer may investigate and assess whether the alleged noise levels exceed the noise standards set forth in this article. If such officer has reason to believe that any section of this article has been violated, he or she may cause written notice to be served upon the alleged violator. Such notice shall specify the section of this article alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection, and may include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time or any extension thereof approved by the health officer, upon conviction the violation shall constitute an infraction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 97-01, § 2(6.68.230), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Sec. 34-104. - Other remedies.

- (a) Sections of this article are to be construed as an added remedy of abatement of the public nuisance declared and not in conflict or derogation of any other action, proceedings or remedies provided by law.
- (b) Any violation of this article shall be and is declared to be unlawful and a public nuisance, and the duly constituted authorities of the city shall, upon order of the city council, immediately commence actions or proceedings for the abatement or enjoinder thereof in the manner provided by law and shall take such steps and shall apply to such court as may have jurisdiction to grant such relief as will abate such nuisance.

(Ord. No. 97-01, § 2(6.68.240), 1-2-1997; Ord. No. 97-13, § 2, 3-26-1997; Ord. No. 97-17, § 2, 9-24-1997)

Secs. 34-105—34-130. - Reserved.