

ARTICLE 1 - NOISE REGULATIONS

SEC. 10-101. - TITLE.

This article shall be known as the "Noise Ordinance of the City of Fresno." (Orig. Ord. 1076; Rep. and Added Ord. 72-163, 1972).

SEC. 10-102. - DEFINITIONS.

(a) Unless the particular provision or the context requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article, and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions and provisions contained in Article 2 (commencing with Section 1-201) of Chapter 1 of this Code shall also govern the construction, meaning, and application of words and phrases used in this article. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

(b) Ambient Noise. "Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this ordinance, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes, without inclusion of the offending noise, at the location and time of day at which a comparison with the offending noise is to be made. Where the ambient noise level is less than that designated in this section, however, the noise level specified herein shall be deemed to be the ambient noise level for that location.

DISTRICT	TIME	SOUND LEVEL DECIBELS
Residential	10 pm to 7 am	50
Residential	7 pm to 10 pm	55
Residential	7 am to 7 pm	60
Commercial	10 pm to 7 am	60
Commercial	7 am to 10 pm	65
Industrial	anytime	70

(c) Decibel. "Decibel" means a unit of sound level when the base of the logarithm is the tenth root of ten and the quantities concerned are proportional to power.

(d) Emergency Work. "Emergency work" means work necessary to restore property to a safe condition following a public calamity, work required to repair structures or otherwise protect persons or property from an imminent exposure to danger or damage, or work by private or public utilities when restoring or repairing utility service.

(e) Frequency. "Frequency" of a function periodic in time means the reciprocal of the primitive period. The unit is the hertz and shall be specified.

(f) Hertz. "Hertz" shall mean the complete sequence of values of a periodic quantity which occurs during a period.

(g) Microbar. "Microbar" means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

(h) Period. "Period" of a periodic quantity means the smallest increment of time for which the function repeats itself.

(i) Periodic Quantity. "Periodic quantity" means oscillating quantity, the values of which recur for equal increments of time.

(j) Sound Level. "Sound level" (noise level), in decibels (dB) is the sound pressure level as measured with the "A" weighting and slow response by a sound level meter.

(k) Sound Level Meter. "Sound level meter" means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent specifications published by the American National Standards Institute, New York, New York, in "American Standard Sound Level Meters for Measurement of Noise and Other Sounds," S1.4-1971, or the most recent revision thereof.

(l) Motor Vehicles. "Motor vehicles" includes, but is not limited to, minibikes and go-carts.

(m) Sound Amplifying Equipment. "Sound amplifying equipment" means any machine or device for the amplification of the human voice, music, or any other sound. "Sound amplifying equipment" shall not include standard automobile radios or tape players when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment," as used in this article, shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on any vehicle, which are used only for traffic safety purposes.

(n) Sound Truck. "Sound Truck" means 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. (Orig. Ord. 1076; Rep. and Added Ord. 72-163, 1973).

#### SEC. 10-103. - DECIBEL MEASUREMENT CRITERIA.

Decibel measurement made pursuant to the provisions of this article shall be based on a reference sound pressure of 0.0002 microbars as measured with a sound level meter using the "A" weighted network.

(Orig. Ord. 1076; Rep. and Added Ord. 72-163, 1972).

#### SEC. 10-104. - MONITORING PROCEDURES.

The following procedures shall be employed for monitoring and evaluating noise in the community unless otherwise specified in this Article:

(a) The evaluation shall be conducted any time of the day or night when the offending noise source is being operated.

(b) For outside measurements, the location selected for monitoring shall be at a point at least ten feet from any building, wall, or obstruction (trees, bushes, etc.) whenever possible. In cases where no point on the property line satisfies this criteria, readings will be taken as far as possible from the nearest obstruction and such distance will be noted. For inside measurements, the monitoring location shall be at least three feet from any wall.

(c) The sound level meter shall be equipped with an omnidirectional microphone.

- (d) No individual other than the operator shall be within ten feet of the sound level meter during the sample period.
- (e) The ambient noise level shall be determined with the offending noise source not in operation, in the following manner:
  - (1) Calibrate the sound level meter in accordance with the manufacturer's instructions.
  - (2) Set the sound level meter on the "A" weighted network at slow response.
  - (3) Without the offending noise source in operation, set the microphone in a vertical position on the complaining party's property with the microphone head approximately four feet above the ground or floor. The operator shall face the noise source and record the meter's instantaneous response (reading) observed at fifteen second intervals for a period of fifteen minutes. The arithmetical average (mean) reading is interpreted as the ambient noise level of that sampling point.
  - (f) With the offending noise source in operation, the operator shall again record the instantaneous response at the same location at fifteen second intervals for a fifteen minute period, or, for a noise source of less than fifteen minutes, the operator shall record the instantaneous response at fifteen second intervals for the time the offending noise source is in operation. The arithmetical average (mean) response level recorded while the offending noise source is in operation is interpreted as the offending noise level.

(Orig. Ord. 1076; Am. Ord. 5331, 1958; Rep. Ord. 5376, 1958; Added Ord. 72-163, 1972).

SEC. 10-105. - EXCESSIVE NOISE PROHIBITED.

No person shall make, cause, or suffer or permit to be made or caused upon any premises or upon any public street, alley, or place within the city, any sound or noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing or working in the area, unless such noise or sound is specifically authorized by or in accordance with this article. The provisions of this section shall apply to, but shall not be limited to, the control, use, and operation of the following noise sources:

- (a) Radios, musical instruments, phonographs, television sets, or other machines or devices used for the amplification, production, or reproduction of sound or the human voice.
- (b) Animals or fowl creating, generating, or emitting any cry or behavioral sound.
- (c) Machinery or equipment, such as fans, pumps, air conditioning units, engines, turbines, compressors, generators, motors or similar devices, equipment, or apparatus.
- (d) Construction equipment or work, including the operation, use or employment of pile drivers, hammers, saws, drills, derricks, hoists, or similar construction equipment or tools.

(Orig. Ord. 1076; Rep. and Added Ord. 72-163, 1972; Am. Ord. 2001-41, § 1, 5-20-01; Am. Ord. 2014-16, § 2, eff. 4-18-14).

SEC. 10-106. - PRIMA FACIE VIOLATION.

Any noise or sound exceeding the ambient noise level at the property line of any person offended thereby, or, if a condominium or apartment house, within any adjoining living unit, by more than five decibels shall be deemed to be prima facie evidence of a violation of Section 8-305.

(Orig. Ord. 1678; Rep. and Added Ord. 72-163, 1972).

**SEC. 10-107. - SCHOOLS, HOSPITALS, AND CHURCHES.**

No person shall 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 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 street, sidewalk, or public place indicating the presence of a school, church, or hospital.

(Orig. Ord. 3667; Rep. and Added Ord. 72-163, 1972).

**SEC. 10-108. - PUBLIC ADDRESS SYSTEMS.**

No person, other than personnel of law enforcement or governmental agencies, shall 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 purposes of giving instructions, directions, talks, addresses, lectures or transmitting music to any person or assemblages of persons in or upon any street, alley, sidewalk, park or other public property without first filing a registration statement and obtaining approval thereof as set forth in this section.

- (a) Registration Statements: Filing. Every user of such sound amplifying equipment shall file a registration statement with the Controller five days prior to the date on which the sound amplifying equipment is intended to be used, which statement shall contain the following information:
  - (1) The name, address, and telephone number of both the owner and user of the sound amplifying equipment;
  - (2) The maximum sound producing power of the sound amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced, and the approximate distance for which sound will be audible from the sound amplifying equipment;
  - (3) The license and motor number if a sound truck is to be used;
  - (4) A general description of the sound amplifying equipment which is to be used; and
  - (5) The dates and times such equipment is intended to be used.
- (b) Registration Statements: Approval. The Controller shall return to the applicant within five working days an approved copy of the registration statement unless he finds that:
  - (1) Use of the equipment would constitute a detriment to traffic or pedestrian safety; or
  - (2) The registration statement required reveals that the applicant would violate any provisions of this Code.
- (c) Disapproval. In the event the registration statement is disapproved, the Controller shall endorse upon the statement his reasons for disapproval and return it forthwith to applicant.
- (d) Revocation of Suspension. Any registration statement approved hereunder shall be revocable and may be revoked by the Controller when a fact is found to exist which would have been a ground for refusal to approve same or when there has been a violation of any of the terms of this article. Said statement may be reinstated by the Controller upon terms or conditions reasonably calculated to alleviate the dereliction.
- (e) Appeal. Any person aggrieved by any action of the Controller regarding a registration statement may appeal such decision under the procedures in Chapter 1, Article 4. If no appeal is filed within the time prescribed, the action of the Controller shall be final.
- (f) Regulations. The commercial and noncommercial use of such sound amplifying equipment shall be subject to the following regulations:

- (1) The only sound permitted shall be either music or human speech, or both.
  - (2) The operation of such sound amplifying equipment shall only occur between the hours of 7:00 a.m. and 10:00 p.m. each day.
  - (3) No sound emanating from such sound amplifying equipment shall exceed fifteen decibels above the ambient noise as measured at any property line.
  - (4) Notwithstanding the provisions of subdivision (3) of this subsection, such sound amplifying equipment shall not be operated within two hundred feet of churches, schools or hospitals.
  - (5) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or cause annoyance or discomfort to reasonable persons of normal sensitiveness within the area of audibility.
- (g) Duration of Registration Statement. Registration statements approved pursuant to this section shall be valid for the period specified thereon by the Controller, which period shall not exceed one year. Statements approved hereunder for a full year shall be automatically renewed from year to year without further application or filing, provided that the Controller may fix an earlier termination date for any such statement at any time following the initial renewal thereof, whenever he deems it in the public interest to do so, by mailing, at least five days prior to the date so fixed, a written notice of such fact to the applicant at the address shown in his application.
- (h) Any registration statement requesting approval for the use of a loudspeaker or sound amplifying equipment on any mall street, as defined in Section 14-1801 of this Code, shall be filed with and approved by the Director of Parks and Recreation, rather than the Controller. In all other respects, the procedure set forth in this section shall be followed. The Director of Parks and Recreation shall notify the Controller of each such registration statement he approves.

(Orig. Ord. 3667; Rep. and Added Ord. 72-163, 1972; Am. Ord. 75-136, § 2, eff. 1-30-76; Am. Ord. 80-109, § 1, eff. 8-8-80; Am. Ord. 80-171, § 73, eff. 12-26-80; Am. Ord. 98-65, § 19, eff. 10-1-98; Am. Ord. 2005-14, § 37, eff. 4-9-05).

#### SEC. 10-109. - EXCEPTIONS.

The provisions of this article shall not apply to:

- (a) Construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday.
- (b) Emergency work.
- (c) Any act or acts which are prohibited by any law of the State of California or the United States. (Added Ord. 72-163, 1972; Am. Ord. 80-171, § 74, eff. 12-26-80).

#### SEC. 10-110. - PERMITS.

A permit may be issued authorizing noises prohibited by this article whenever it is found that the public interest will be served thereby or that extreme hardship will result from the strict enforcement hereof, as follows:

- (a) Application for permit. Application for permits shall be in writing and shall contain the following information:
  - (1) The name, address, and telephone number of the applicant.

(2) A general description of the equipment, apparatus, or other sound source to be utilized, and the area in which it will be utilized.

(3) An estimate of the maximum sound level which will be generated by the equipment, apparatus, or sound source to be utilized and the basis for such estimate.

(4) The inclusive dates between which the sound will be generated.

(5) Facts showing that the public interest will be served by the issuance of such permit or that extreme hardship will accrue to the applicant if such permit does not issue.

(b) Criteria. Applications shall be filed with the Chief Administrative Officer of the City, who shall approve or disapprove same within five working days. The criteria which shall be considered by the Chief Administrative Officer in determining whether the requested permit shall issue will include, but not be limited to, the following:

(1) The level of the noise for which a permit is sought.

(2) The ambient noise level in the vicinity where the sound source will be utilized.

(3) The proximity of the noise to residential sleeping facilities.

(4) The nature and zoning of the area within which the noise will emanate.

(5) The density of the inhabitation of the area within which the noise will emanate.

(6) The time of the day or night the noise will occur.

(7) The duration of the noise.

(8) Whether the noise will be recurrent, intermittent, or constant.

(c) Issuance of Permit. The Chief Administrative Officer shall issue the requested permit unless he finds, considering the aforementioned criteria, that the public interest will suffer thereby and that such public detriment exceeds the hardship to be suffered by the applicant if the permit is not issued. In the event the Chief Administrative Officer disapproves the application, he shall return same to the applicant with a statement of the reasons for such action. In approving a permit hereunder, the Chief Administrative Officer may impose such conditions as he deems necessary to protect the public interest.

(d) Revocation or Suspension. Any permit issued hereunder shall be revocable and may be revoked by the Chief Administrative Officer when a fact is found to exist which would have been a ground for refusal to approve same or when there has been a violation of any of the terms or conditions thereof.

(e) Repealed.

(f) Repealed. (Added Ord. 72-163, 1972; Am. Ord. 80-171, §§ 75, 76, eff. 12-26-80; Am. Ord. 81-157, § 28, eff. 12-11-81).

SEC. 10-111. - INJUNCTION.

In addition to other remedies provided by law, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this article, which operation or maintenance causes discomfort or annoyance to reasonable persons or 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 summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Added Ord. 72-163, 1972).