

9.12.130 Cleanup Deposits for Certain Special Events.

A. **CLEANUP DEPOSIT.** The applicant or sponsor of an event involving the sale of food or beverages, erection of structures, participation of horses or other large animals, or use of water aid stations, shall be required to provide a cleanup deposit prior to the issuance of an event permit. The cleanup deposit shall be in the amount established in a cleanup fee schedule for events adopted by resolution of the City Council.

B. **REFUND.** The cleanup deposit shall be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event. If the actual cost for cleanup is less than the estimated cost, the applicant will be refunded the difference. Should the amount of the bill exceed the cleanup deposit, the difference shall become due and payable to the City upon the applicant's receipt of the bill.

C. **APPEALS.** If the applicant or sponsor disputes the cleanup charge, he may appeal to the Director of Public Works within five days after receipt of the bill. The decision of the Director of Public Works shall be final. (Ord. 5350, 2005; Ord. 4333, 1985.)

Chapter 9.16

NOISE

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9.16.010 Generally.

A. **Disturbing the Peace - Excessive or Unreasonable Noise.** It is unlawful for any person to make, cause or suffer or permit to be made or caused, upon any premises owned, occupied or controlled by him in the City, any unnecessary noises or sounds which are physically annoying to persons of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort to the inhabitants of the City, or any number thereof.

B. **Factors Used in Determining Whether a Violation Has Occurred.** The factors which shall be considered by the City in determining whether to issue a citation for a violation and whether a violation of this Section has occurred shall include, but not be limited to, the following:

1. The volume of the noise, music, or related sound;
2. The intensity of the noise, music, or related sound;
3. The continuousness or repetitive nature of the noise, music, or related sound;
4. Whether the nature of the noise, music, or related sound is unusual for the area in which it occurs;
5. Whether the origin of the noise, music, or related sound is natural or unnatural to the area in which it occurs;
6. The volume and intensity of the background noise or sound, if any;
7. The proximity of the noise, music, or related sound to residential sleeping facilities or to overnight accommodations, such as hotels and motels;
8. The proximity to offices, places of business or other areas where work is known to be carried on, of the noise, music, or related sound;
9. The nature and zoning of the area within which the noise, music, or related sound emanates;
10. The time of day or night the noise, music, or related sound occurs and the relationship of this time to the normal activities of the area in which it occurs and in relation to the other factors listed in this subsection;
11. The duration of the noise, music, or related sound;
12. Whether the noise, music, or related sound is recurrent, intermittent, or constant;
13. Whether the noise, music, or related sound is produced by a commercial or a noncommercial activity;
14. Whether the person or business responsible for the noise, music, or related sound has been previously recently warned that complaints have been received about the noise, music, or related sound and such person or business has failed to reduce it to an appropriate level. (Ord. 5145, 2000; Prior Code §32.28.)

9.16.015 Construction Work at Night.

It shall be unlawful for any person, between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day to erect, construct, demolish, excavate for, alter or repair any building or structure if the noise level created thereby is in excess of the ambient noise level by 5 dBA at the nearest property line of a property used for residential purposes unless a special permit therefor has been applied for and granted by the Chief of Building and Zoning. In granting such special permit the Chief of Building and Zoning shall consider if construction noise in the vicinity of the proposed work site would be less objectionable at night than during daytime because of different population levels or different neighboring activities, if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during daytime, if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site, if the neighborhood of the proposed work site is primarily residential in character wherein sleep could be disturbed, if great economic hardship would occur if the work were spread over a longer time, if the work will abate or prevent hazard to life or property, if the proposed night work is in the general public interest; and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise emissions, as he deems to be required in the public interest. This section shall not be applicable to activities of public or private utilities when restoring utility service following a public calamity or when doing work required to protect persons or property from an imminent exposure to danger. (Ord. 4039, 1980.)

9.16.020 Leaf Blowers - Restriction on Use.

A. DEFINITIONS

1. LEAF BLOWER. Any device used, designed or operated to produce a current of air by fuel, electricity or other means to push, propel or blow cuttings, refuse or debris.
2. NOISE LEVEL STANDARDS. Measured in accordance with those standards developed under the supervision of the American National Standards Institute's (ANSI) "Committee for Sound Level Labeling Standard for Hand Held and Back Pack Gasoline Engine Powered Blowers" presently adopted as ANSI B-175.2-1990 with the maximum noise level of 65 decibels.

B. PROHIBITION IN RESIDENTIAL ZONES

It is unlawful for any person to operate a Leaf Blower within two hundred and fifty feet (250') of any residential zone, as that term is defined in Title 28 of this Code, before 9:00 a.m. or after 5:00 p.m. Monday through Saturday or at any time on Sundays or national holidays, provided that the City Parks and Recreation Department employees shall be allowed to use leaf blowers between the hours of 7:00 a.m. and 9:00 a.m. Monday through Saturday when cleaning parking lots adjacent to the City's Beachfront parks.

C. CLEAN-UP OF DEBRIS

It is unlawful for any person operating any type of Leaf Blower to blow cuttings, refuse or debris onto a neighboring property or into a street or gutter. It is also unlawful for any person operating any Leaf Blower to fail to properly dispose of accumulated debris, leaves, or refuse in a sealed trash or refuse container.

D. PHASE -OUT OF CERTAIN LEAF BLOWERS

1. EXISTING LEAF BLOWERS
The use of Leaf Blowers which are not manufactured to meet or exceed the Noise Level Standards is prohibited in all areas of the City under all circumstances, after October 9, 1997.
2. SALE OF NEW LEAF BLOWERS
It is unlawful to sell or offer for sale within the City of Santa Barbara Leaf Blowers which are not manufactured to meet or exceed the Noise Level Standards of 65 decibels.

E. CERTIFICATION

Owners and operators will present equipment to the City Parks and Recreation Director or his designee, with an application and reasonable fee, for noise testing according to ANSI testing criteria in the Noise Level Standards. Leaf Blowers which generate 65 decibels or less according to the test will be issued a certification sticker, which is valid for one year following the date of testing. The use of a Leaf Blower, without a current and valid certification sticker affixed to it, within the City after July 1, 1998 is an infraction.

All sound level measurements described in this section shall be taken with a Sound Level Meter.

F. GUIDELINES FOR THE PROPER USE OF LEAF BLOWERS

The City Parks and Recreation Director is hereby authorized and directed to adopt guidelines for the proper use of Leaf Blowers which guidelines shall promote the safe and efficient use of Leaf Blowers, while also mitigating, to the extent possible, the noise and nuisance effects of Leaf Blowers. The Finance Department is hereby directed to provide a copy of this ordinance and the Leaf Blower guidelines to each person obtaining a City business license for the operating of a gardening or landscaping maintenance service or business within the City. The operator of every business establishment selling Leaf Blowers within the City of Santa Barbara shall post in a conspicuous location and shall distribute to all purchasers a copy of this ordinance and the guidelines. (Ord. 5037, 1997; Ord. 5024, 1997; Ord. 4720, 1991; Ord. 4718, 1991; Ord. 4452, 1987.)

9.16.021 Use of Gasoline Powered Leaf Blowers Prohibited.

Measure D97, adopted November 4, 1997, provides: In order to secure and promote the public health, comfort, safety and welfare, and to protect the rights of its citizens to privacy and freedom from nuisance, it is the purpose of this ordinance to prohibit unnecessary, excessive and annoying noises at levels which are detrimental to the health and welfare of the community, and to minimize airborne dust and pollen.

It shall be unlawful for any person within the City to use or operate any portable machine powered with a gasoline engine, or gasoline powered generator, to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces. (Ord. 5036, 1997.)

9.16.025 Regulation of Noise Affecting Parcels Zoned or Used for Residential Purposes.

A. Hours of Operation. Hours of operation for planting, grading, vegetation removal, harvesting, sorting, cleaning, packing, shipping, and pesticide application shall be limited to 7:00 AM to 7:00 PM Monday through Saturday. Hours of operation for the above-stated activities shall be limited to 8:00 AM to 7:00 PM on Sunday and holidays.

B. Mechanical Equipment. Mechanical equipment other than vehicles and equipment which is operated by electricity obtained from an electricity utility company shall not be used outside before 8:00 AM or after 7:00 PM on Saturday, Sunday or holidays or before 7:00 AM or after 7:00 PM Monday through Friday.

C. Noise Limitations. All mechanical equipment other than vehicles shall be insulated and sound at the property line of any adjacent parcel used or zoned for residential, institutional or park purposes shall not exceed sixty A-weighted decibels using the Community Noise Equivalent Level (60 dB(A) CNEL). All wind machines are prohibited in the City. (Ord. 4878, 1994.)

9.16.030 Sonic Booms Declared Public Nuisance.

Flights of manned and piloted aircraft over and in the vicinity of the City so as to cause loud, sudden and intense "sonic booms" in the City constitute a public nuisance. (Ord. 3246 §1, 1967.)

9.16.040 Creating Sonic Boom Unlawful.

It is unlawful to pilot any aircraft over and in the vicinity of the City at supersonic speeds so as to cause loud, sudden and intense "sonic boom" impacts in the City. (Ord. 3246 §2, 1967.)

9.16.050 Sound Amplification.

No person shall amplify sound using sound amplifying equipment contrary to any of the following:

(a) The only amplified sound permitted shall be either music or the human voice or both.

(b) Sound emanating from any public park or place shall not be amplified above the ambient noise level so as to be audible within any hospital, rest home, convalescent hospital, or church while services therein are being conducted.

(c) The volume of amplified sound shall not exceed the noise levels set forth herein when measured outdoors at or beyond the property line of the property from which the sound emanates.

Time Period	Maximum Noise Level
10 p.m. - 7 a.m.	50 dBA
7 a.m. - 10 p.m.	60 dBA

(d) The volume of amplified sound inside a structure shall not exceed the noise levels set forth herein when measured inside a building used for residential purposes. This maximum noise level shall not apply to the dwelling unit from which the sound is emanating.

Time Period	Maximum Noise Level
10 p.m. - 7 a.m.	40 dBA
7 a.m. - 10 p.m.	45 dBA

(e) The limits set forth above shall not apply to the following:

(1) Amplification of sound by a person as part of an event or activity sponsored or approved by the County of Santa Barbara on property owned by or leased to the County, provided the County has adopted or approved a sound control plan for the property which is applicable to the event or activity.

(2) Amplification of sound by a person as a part of an event or activity sponsored or approved by the County of Santa Barbara on property owned by or leased to the County of Santa Barbara and for which property the County has not developed a sound control plan.

(3) Amplification of sound by a person as part of an activity or event sponsored or approved by the City of Santa Barbara on property owned by or leased to the City of Santa Barbara.

(4) Amplification of sound by a person as part of an activity or event sponsored by or approved by a nursery school, elementary school, secondary school or college or university on property owned by or leased to said educational institution.

(5) Amplification of sound by a person as part of an activity or event sponsored by or approved by a public entity on property owned by or leased to said public entity. (Ord. 4039, 1980.)

9.16.060 Definitions.

Unless the context otherwise clearly requires, technical words and phrases used in this chapter are defined as follows:

(a) Sound Amplifying Equipment. "Sound amplifying equipment" shall mean 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 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 chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes and shall not include communication equipment used by public or private utilities when restoring utility service following a public calamity or when doing work required to protect persons or property from an imminent exposure to danger.

(b) Ambient Noise. "Ambient noise" is the all-encompassing noise associated with a given environment, being usually composed 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 five (5) minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

(c) Decibel. "Decibel" (dB) shall mean an intensity unit which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio is ten (10) times the common logarithm of this ratio.

(d) Sound Level. "Sound level" (noise level) in decibels is the value of a sound measurement using the "A" weighting network of a sound level meter. Slow response of the sound level meter needle shall be used except where the sound is impulsive or rapidly varying in nature in which case fast response shall be used.

(e) Person. "Person" shall mean a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.

(f) Sound Level Meter. "Sound level meter" shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American National Standards Institute's specification S1.4 - 1971 or the most recent revision thereof for type S-2A general purpose sound level meters.

(g) Supplementary Definitions of Technical Terms. Definitions of technical terms not defined herein shall be obtained from the American National Standards Institute's Acoustical Terminology S1-1-1971 or the most recent revision thereof. (Ord. 4039, 1980.)

9.16.070 Measurement Methods.

(a) Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound pressure of twenty (20) micronewtons per square meter (0.0002 microbar) as measured with a sound level meter using the "A" weighting, and using the slow meter response.

(b) Unless otherwise provided, outdoor measurements shall be taken with the microphone located at any point on the property line of the noise source, but no closer than five (5) feet from any wall or vertical obstruction and three (3) to five (5) feet above ground level whenever possible.

(c) Unless otherwise provided, indoor measurements shall be taken inside the structure with the microphone located at any point as follows: (1) no less than three (3) feet above floor level; (2) no less than five (5) feet from any wall or vertical obstruction; and (3) not under common possession and control with the building or portion of the building from which the sound is emanating. (Ord. 4039, 1980.)

9.16.090 Violations - Additional Remedies - Injunctions.

As an additional remedy, the operation or maintenance of any sound amplifying equipment, device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable 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 summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 4039, 1980.)