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**Article 7-30
NOISE CONTROL**

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7-30.010 Purposes of Article.

This Article is adopted for the following purposes:

- (a) To maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise generated by equipment and/or amplified sound that is subject to regulation and control by the City;
- (b) To maintain and preserve the quiet residential atmosphere of the City;
- (c) To implement the goals and policies contained in the Noise Element of the City's General Plan by addressing noise transfer between properties;
- (d) To promote land use compatibility by addressing noise exposure from existing and new noise sources;
- (e) To prohibit noise which disturbs the peace and quiet of a neighborhood or causes discomfort or annoyance to persons of normal sensitivities.

(Ord. 71.92 § 1 (part), 1991; Amended by Ord. No. 315, § 1.2, 4-2-2014)

7-30.020 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them in this Section:

- (a) **Acoustic music** means live vocal or instrumental music that is not electrically enhanced or modified to project or transmit sound through amplifiers, loudspeakers, microphones, or similar devices or combinations of devices which are intended to increase the volume, range, distance or intensity of music.
- (b) **Amplified music** means live or recorded music projected or transmitted by electronic equipment, including, but not limited to, amplifiers, loudspeakers, microphones, or similar devices or combinations of devices which are intended to increase the volume, range, distance or intensity of music.
- (c) **Approving authority** means the City Council, commission, officer or official of the City having the

authority to initially approve or deny a particular type of application.

- (d) **Background music** means recorded music played through permanently mounted speakers which is clearly incidental to the primary use, and (at any location five feet or more from the source of the sound) allows for normal conversation levels and conforms to the noise standards in [Section 7-30.040\(a\)](#).
- (e) **Daytime** means the twelve-hour period from 7:00 A.M. to 7:00 P.M.
- (f) **Decibel** or **dB** means a standardized unit of sound pressure level. Increasing values [are] related to louder sounds. "Decibel" represents the logarithm of the ratio of measured acoustical energy and a standard reference of twenty micropascals.
- (g) **Decibel A Scale** or **dBA** means a measure of decibels using the "A" scale or "A" weighted network of the sound level meter.
- (h) **Director** means the Community Development Director.
- (i) **Evening** means the three-hour period from 7:00 P.M. to 10:00 P.M.
- (j) **Leq (equivalent continuous sound level)** means the average A-weighted noise level over a stated time period.
- (k) **Lmax** means the typical maximum A-weighted noise level measured using the "slow" meter response.
- (l) **Nighttime** means the nine-hour period from 10:00 P.M. to 7:00 A.M. of the following day.
- (m) **Noise level** means the maximum continuous sound level or repetitive peak level produced by a noise source or group of sources, as measured with a sound level meter.
- (n) **Open space/parks** means a site which has an Open Space (OS) General Plan land use designation.
- (o) **Public and quasi-public facilities** means a site which has a Commercial Facilities (CFS) General Plan land use designation.
- (p) **Sound level meter** means an instrument comprised of a microphone, an amplifier, an output meter and frequency weighing networks, used for measuring sound levels in decibel units.

(Ord. 71.92 § 1 (part), 1991; Amended by: Ord. No. 298, § 1.A.1., 9-5-2012; Ord. No. 315, § 1.2, 4-2-2014)

7-30.030 Exemptions.

The following sources of noise shall be exempt from the provisions of this Article:

- (a) **Emergencies.** Persons and equipment engaged in essential activities necessary to preserve, protect or save lives or property from imminent danger, loss or harm.
- (b) **Alarm systems.** Any outside audible alarm system for which a permit has been issued pursuant to [Article 6-10](#) of this Code, and which complies with the requirements set forth in [Section 6-10.060](#) of said Article.

(Ord. 71.92 § 1 (part), 1991)

7-30.040 Noise standards.

- (a) Except as otherwise provided in Paragraph (b) of this Section, all uses and developments shall comply with the following noise standards for the various land uses and times of day as indicated below. No person shall cause, produce, or allow to be produced any noise that exceeds these noise standards at any point outside the property boundary on which the noise is generated.

Maximum Permissible Outdoor Noise Levels Generated (dBA)						
Land Use	Daytime (7:00 am to 7:00 pm)		Evening (7:00 pm to 10:00 pm)		Nighttime (10:00 pm to 7:00 am)	
	Average Leq	Maximum Lmax	Average Leq	Maximum Lmax	Average Leq	Maximum Lmax

Residential (single and multi-family)	55	65	45	55	40	50
Open Space/Parks	60	70	50	55	45	50
Commercial/Office	65	75	60	70	55	60
Public and Quasi-Public Facilities	60	70	55	60	45	50

- (b) Subject noise levels shall be measured with a sound level meter as follows:
- (1) Noise originating upon a particular site shall be measured at any point outside of the property boundary for that site at least four feet above the ground/floor and at least four feet away from any wall or similar large acoustically reflective surface if any is located on the site receiving the noise generated.
 - (2) Noise shall be measured with a Class I or II sound level meter set utilizing the "A" Weighting scale and the "slow" meter response.
 - (3) Minimum measurement time shall be three minutes.
 - (4) With respect to noise originating from a dwelling unit constituting part of a multi-family development, the measurement can be taken at any point beyond the exterior walls of such unit or at any point within the habitable interior of another dwelling unit located on the same site.

(Ord. 71.92 § 1 (part), 1991; Amended by Ord. No. 315, § 1.2, 4-2-2014)

7-30.050 Repealed.

Editor's note—

Ord. No. 315, § 1.2, adopted Apr. 2, 2014, repealed [§ 7-30.050](#), which pertained to general noise restriction and derived from Ord. 71.92 [§ 1](#) (part), 1991; and Ord. No. 272, [§ 1](#) (exh. A), adopted Sept. 16, 2009.

7-30.060 Exceptions for specific activities.

Specific activities shall be permitted to exceed the standards set forth in [Section 7-30.040](#) under the following conditions:

- (a) **Construction activities.** Construction, alteration, repair, and grading activities shall not exceed one hundred dBA measured at any point twenty-five feet or more from the source of noise. Such activities may be conducted between the hours of 7:30 A.M. and 6:00 P.M. Monday through Friday and between the hours of 9:00 A.M. and 5:00 P.M. on Saturday. Construction activities shall be prohibited on Sundays and weekday holidays, with the exception of the following:
 - (1) Residential construction activities that do not require a City permit, or which are authorized by a valid City permit and do not exceed fifty percent of the existing main or accessory structure, may be conducted between the hours of 9:00 A.M. and 5:00 P.M. on Sundays and weekday holidays.
- (b) **Powered garden tools.** Powered garden tools shall not exceed seventy-eight dBA at any point twenty-five feet or more from the source of noise. Such tools may be utilized during the following days and times:
 - (1) Gasoline powered leaf blowers may be utilized between 8:00 A.M. and 5:00 P.M. Monday through Friday and Saturdays between 10:00 A.M. and 5:00 P.M. Use of gasoline-powered leaf blowers shall not be allowed on Sundays.
 - (2) Gasoline powered chainsaws may be utilized between 8:00 A.M. and 5:00 P.M. Monday through Friday and between 10:00 A.M. and 5:00 P.M. on Saturdays and Sundays.

- (3) Other powered garden tools (except gasoline powered leaf blowers and chainsaws) may be utilized between the hours of 8:00 A.M. and 9:00 P.M. any day of the week.
- (c) **Wood chippers.** Wood chippers shall not exceed one hundred dBA at any point twenty-five feet or more from the source of noise. Wood chippers may be utilized between 8:00 A.M. and 5:00 P.M. Monday through Friday and Saturdays between 10:00 A.M. and 5:00 P.M. Use of wood chippers shall not be allowed on Sundays.
- (d) **Emergencies.** The Director may grant temporary exemptions from the requirements in this Section upon his/her determination of an emergency.
- (e) **Indoor live or recorded music.** Commercial establishments in commercial zoning districts may have live or recorded music played inside a building. All doors and windows within the commercial establishment shall be kept closed after 9:00 P.M. when live or recorded music is being played except that doors may be opened for ingress or egress if closed immediately after use. The noise level shall not exceed seventy-three dBA before 9:00 P.M. and shall comply with the standards set forth in [Section 7-30.040](#) after 9:00 P.M. as measured by a sound level meter five feet outside the building.
- (f) **Animal noise.** It shall be unlawful for any person to harbor, keep or maintain any animal, including birds, in the City which howls, barks, meows, squawks, or makes other noises which creates a noise disturbance across a property boundary during the following times:
- (1) Between the hours of 10:00 P.M. and 7:00 A.M.
 - (2) Between the hours of 7:00 A.M. and 10:00 P.M. where the noise disturbance occurs continuously for a period of five minutes or intermittently for at least thirty minutes.
 - (3) For the purposes of this Chapter, the animal noise shall not be deemed a disturbance if the animal is in the act of protecting its owner, resisting trespassers, or is provoked. The burden of proof of such an act of protection, resistance to trespassers, or provocation is upon the person owning, harboring, controlling, maintaining, possessing or having charge of the animal.
- (g) **[Community uses and events.]** Non-amplified noise from community uses and events that are inherent to a suburban environment, including but not limited to playgrounds, sports facilities and fields, and common recreational areas.

(Ord. 71.92 § 1 (part), 1991; Amended by: Ord. 200 § 2, 2000; Ord. No. 298, § 1.A.2., 9-5-2012; Ord. No. 315, § 1.2, 4-2-2014)

7-30.070 Exhaust fans.

All exhaust fans and mechanical equipment shall be enclosed for the purpose of soundproofing, subject to the Director's review and approval. Exhaust fans lawfully constructed prior to August 2, 1991, shall be screened to the satisfaction of the Director no later than two years from the date of notice from the City to the owner.

(Ord. 71.92 § 1 (part), 1991; Amended by Ord. No. 315, § 1.2, 4-2-2014)

7-30.080 Authority to require noise study.

As a condition for the granting of any license, permit or development approval, the Director or approving authority may require the preparation of a noise (acoustical) study to determine whether the proposed activity will comply with the noise standards contained in this Article. Furthermore, a noise (acoustical) study shall be required where the existing noise level exceeds outdoor DNL sixty dB to determine measures needed to reduce noise impacts to meet City noise standards. The cost of such study shall be paid, in advance, by the applicant. If the study predicts that any of the noise standards will be violated, the approving authority may require implementation of mitigation measures to reduce the noise impacts, and may further require the conduct of additional studies after the activity is commenced to determine the effectiveness of the mitigation measures. If the violation cannot be prevented or corrected

through mitigation measures, the approving authority may deny or revoke the license, permit or development approval.

(Ord. 71.92 § 1 (part), 1991; Amended by Ord. No. 315, § 1.2, 4-2-2014)

7-30.090 Exception permits.

- (a) **General noise exception permit.** If the applicant demonstrates to the satisfaction of the Director that immediate compliance with the requirements of this Article would be impractical or unreasonable, the Director may issue a permit to allow exception from any or all of the provisions contained in this Article, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be for an initial term as specified by the Director, not to exceed thirty days. Longer terms up to one hundred twenty days may be granted by the Planning Commission.

In determining whether an exception permit should be issued and the nature and scope of any conditions to be imposed, the Director shall consider the following factors:

- (1) The level and intensity of the noise;
 - (2) The level and intensity of the background noise, if any;
 - (3) The proximity of the noise to residential areas;
 - (4) The time of day when the noise occurs;
 - (5) The duration of the noise, and whether it is recurrent, intermittent or constant;
 - (6) The nature and zoning of the area within which the noise emanates or to which it is transmitted.
- (b) **Outdoor music permits—CH zoning district.** An outdoor music permit may be issued on an annual basis to a commercial establishment located within the CH zoning district subject to the requirements contained in this Section for the purposes of allowing the playing of acoustic and/or amplified music outside a building. Background music does not require an outdoor music permit.
- (1) Outdoor acoustic and/or amplified music is permitted at establishments holding an outdoor music permit during the following days and times, provided that it does not exceed seventy-three dbA as measured twenty-five feet or more from the source of the sound:
 - a. Fridays, 5:00 P.M. to 9:00 P.M.
 - b. Saturdays, 4:00 P.M. to 9:00 P.M.
 - c. Sundays, 11:00 A.M. to 4:00 P.M.
 - (2) The Director may condition an outdoor music permit on such other requirements that the Director determines are necessary to protect the public health, safety or welfare.
 - (3) Continuing jurisdiction and permit revocation. The Director shall retain continuing jurisdiction over each permit and may modify (by deleting or adding conditions to) or revoke an outdoor music permit to the extent the Director deems necessary to protect the public health, safety or welfare, or if the permit holder fails to meet any of the conditions of the permit or to adequately address changed circumstances.
 - (4) Denial of a permit. The Director may deny an outdoor music permit if the applicant has had an outdoor music permit revoked within the past twelve months or if the applicant is not in compliance with the City Code or a use permit issued pursuant to the City Code.
 - (5) Hearings and appeals from administrative decisions. Prior to denial, modification, or revocation of a permit, the Director shall notify the applicant in writing of the intent to deny, modify, or revoke the permit, the reasons for such intended decision, and that the applicant may within five days after receipt of such notice file with the Director a written request for a meeting with the Director. A determination of the Director to approve, conditionally approve, deny, modify or revoke a permit may be appealed to the Planning Commission in accordance with the procedures set forth in [Article 15-90](#) for appeals from administrative decisions and

notwithstanding [Section 15-90.020](#), the decision of the Planning Commission on the appeal shall be final and not subject to appeal to the City Council.

(Ord. 71.92 § 1 (part), 1991; Ord. No. 298, § 1.A.3., 9-5-2012; Ord. No. 307, § 1.B.3, 10-16-2013; Ord. No. 315, § 1.2, 4-2-2014)

7-30.100 Violations of Article; enforcement; penalties.

- (a) The violation of any provision contained in this Article shall constitute an infraction and a public nuisance.
- (b) It shall be the duty of all policemen, all deputies of the County Sheriff performing police services in the City, all Community Service Officers and the Director to enforce the provisions of this Article.
- (c) In addition to the penalties for infraction offenses and the procedures for nuisance abatement as set forth in [Chapter 3](#) of this Code, any noise level and its source in violation of any of the provisions of this Article may be summarily abated, which may include, but is not limited to, removal, dismantlement and taking into custody the source of such noise, and in this regard, the confiscation of any machine or device used to violate any of the provisions of this Article is hereby authorized to be held for use as evidence in any proceeding that may be brought for such violation.

(Ord. 71.92 § 1 (part), 1991; Amended by Ord. No. 315, § 1.2, 4-2-2014)