

Chapter 12.16

NOISE CONTROL

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ARTICLE I. GENERAL PROVISIONS

12.16.010 Declaration of policy. It is declared to be the policy of the city to prohibit unnecessary, excessive, and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed. (Ord. 783 Art. I §1, 1972).

12.16.020 Definitions. As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

A. "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 chapter, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen 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.

B. "Commercial purpose" means and includes the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

C. "Decibel" means a unit for measuring the relative loudness of sounds equal approximately to the smallest degrees of difference of loudness ordinarily detectable by the human ear whose range includes about one hundred thirty decibels on a scale beginning with one for the faintest audible sound.

D. "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.

E. "Motor vehicles" includes, but is not limited to, mini bikes and go-carts.

F. "Noncommercial purpose" means the use, operation, or maintenance of any sound equipment for other than a commercial purpose. "Noncommercial purpose" means and includes, but shall not be limited to, philanthropic, religious, political, patriotic, and charitable purposes.

G. "Person" means a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature.

H. "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 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 any vehicle used only for traffic safety purposes.

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

J. "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 requirements in American Standard Specifications for sound level meters S1.4-1971 or the most recent revision thereof.

K. "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. (Ord. 783 Art. I §2, 1972).

12.16.030 Sound level measurement criteria. Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the A weighting and slow response. (Ord. 783 Art. I §3, 1972).

12.16.040 Ambient base noise level. Where the ambient noise level is less than designated in this section, the respective noise level in this section shall govern.

Zone	Time	Sound Level A, decibels Community Environment Classification
R1 and R2	10 pm to 7 am	45
R1 and R2	7 pm to 10 pm	50
R1 and R2	7 am to 7 pm	55
R3	10 pm to 7 am	50
R3	7 am to 10 pm	55
CN, RC	10 pm to 7 am	55
CC, W, OA, & CW	7 am to 10 pm	60
CM	anytime	70

(Ord. 783 Art. I §4, 1972).

12.16.050 Noise regulations generally. Notwithstanding any other provision of this chapter, and in addition thereto, it is unlawful for any person to 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 or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- A. The level of the noise;
- B. The intensity of the noise;
- C. Whether the nature of the noise is usual or unusual;
- D. Whether the origin of the noise is natural or unnatural;
- E. The level and intensity of the background noise if any;
- F. The proximity of the noise to residential sleeping facilities;
- G. The nature and zoning of the area within which the noise emanates;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. The time of the day or night the noise occurs;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent, or constant; and
- L. Whether the noise is produced by a commercial or noncommercial activity. (Ord. 783 Art. VI, 1972).

12.16.060 Violation is infraction--Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00). Each calendar day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 783 Art. I \$5, 1972)

12.16.070 Violation--Additional remedies. As an additional remedy, the operation or maintenance of any de-

vice, instrument., vehicle, or machinery in violation of any provision of this chapter shall be deemed and is declared to be, a public nuisance and may be subject to abatement summarily, or by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 783 Art. I §6, 1972)

ARTICLE II. SPECIAL NOISE SOURCES

12.16.080 Radios, television sets and similar devices--Use restrictions. It is unlawful for any person within any zone of the city to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing or working in the area. (Ord. 783 Art. II §1(a), 1972).

12.16,090 Radios, television sets and similar devices--Prima facie evidence of violation. Any noise level exceeding the ambient base level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five decibels shall be deemed to be a prima facie evidence of a violation of the provisions of Section 12.16.080. (Ord. 783 Art. II §1(b), 1972)

12.16.100 Drums and other instruments--Use restrictions. It is unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention for a commercial purpose by the creation of noise within the city. (Ord. 783 Art. II §2, 1972).

12.16.110 Interference with schools, churches and city buildings prohibited. It is unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, church, or city building while the same is in use, which noise unreasonably interferes with the workings of such institution. (Ord. 783 Art, II §3, 1972)

12.16.120 Animal and fowl keeping. No person shall keep or maintain, or permit the keeping of upon any premises owned, occupied, or controlled by such person, any animal or fowl otherwise permitted to be kept which, by any sound, cry, or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness. (Ord. 783 Art. II §4, 1972)

12.16.130 Machinery, equipment, fans and air conditioning. It is unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five decibels. (Ord. 783 Art. II §5, 1972)

ARTICLE III. CONSTRUCTION

12.16.140 Time restrictions on operating construction devices in residential zones. In order to preserve and enhance a sense of tranquility in the city of Sausalito, the following rules on the operation of construction, demolition, excavation, alteration or repair devices and equipment shall apply to all residential zones and the areas within a five hundred (500) foot radius of residential zones:

A. The operation of construction, demolition, excavation, alteration or repair devices and equipment shall only take place during the following hours:

1. Weekdays - Between eight a.m. and seven p.m.
2. Saturdays - Between nine a.m. and five p.m.
3. Sundays - Prohibited.
4. Holidays officially recognized by the city of Sausalito not including Sundays - Between nine a.m. and seven p.m.

B. Exceptions.

1. Homeowners currently residing on the property and other legal residents may operate construction, demolition, excavation, alteration or repair devices and equipment themselves on their own property on Sundays, provided that such operations occur between nine a.m. and seven p.m. and otherwise comply with the city's laws regulating noise.

2. Emergency work may be performed during any of the above-referenced restricted hours pursuant to a permit obtained from the city manager prior to the operations. "Emergency work" means work made necessary by and limited to restoring property to a safe condition following a public calamity such as an act of God, work required to protect persons or property from an imminent exposure to danger or work by private or public utilities to restore utility service.

C. Nothing herein shall be interpreted to conflict with any provisions in the Sausalito Municipal Code, including without limitation Chapter 12.16 (Noise Control) and Title 8 (Buildings and Construction) or the noise policies in the Health and Safety Element of the City of Sausalito's General Plan. (Ord. 1143 §1, 2000: Ord. 1048 §1, 1989: Ord. 783 Art. III §1, 1972).

ARTICLE IV. VEHICLES

12.16.150 Repairing, rebuilding or testing in residential zones. It is unlawful for any person within any residential zone, as defined in the zoning regulations of the city, to repair, rebuild, or test any motor vehicle in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance. (Ord. 783 Art. IV §1, 1972).

12.16.160 Operation of motor-driven vehicles. It is unlawful for any person to operate any motor-driven vehicle within the city in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street, or right-of-way shall be excluded from the provisions of this section. (Ord. 783 Art. IV §2, 1972).

ARTICLE V. AMPLIFIED SOUND

12.16.170 Purpose of regulations. The council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that under some circumstances, amplifying equipment is protected by the constitutional rights of freedom of speech and assembly,

the council never the less feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise. (Ord. 783 Art. V §1, 1972).

12.16.180 Conditions of use for commercial purposes. It is unlawful for any person to install, use or operate within the city, except within a completely enclosed building, a loudspeaker or sound amplifying equipment in a fixed or movable position or upon any sound truck for any commercial purpose. (Ord. 783 Art. V §2, 1972).

12.16.190 Registration--Required. 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 any noncommercial purpose by giving instructions, directions, talks, addresses, lectures, or transmitting music to any person or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without first filing a registration statement and obtaining approval thereof as set forth in this article. (Ord. 783 Art. V §3, 1972)

12.16.200 Registration—Filing and processing requirements. A. Filing. Every user of sound amplifying equipment for a noncommercial purpose, shall file a registration statement with the city manager three 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 number of a sound truck if a sound truck is to be used;

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4. A general description of the sound amplifying equipment which is to be used.

B. Statements Approval. The city manager shall return to the applicant an approved copy of the registration statement unless he or she finds that:

1. The conditions of motor vehicle movement are such that in the opinion of the police chief, use of the equipment would constitute a detriment to traffic safety; or

2. The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or

3. The registration statement required reveals that the applicant would violate the provisions set forth in this article or any other provision of this chapter.

C. Disapproval. In the event the registration statement is disapproved, the city manager shall endorse upon the statement his or her reasons for disapproval and return it forthwith to the applicant. (Ord. 783 Art. V §4, 1972).

12.16.210 Conditions of noncommercial use of equipment. The 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 nine a.m. and seven p.m. each day, except on Sundays and legal holidays. The operation of sound amplifying equipment on Sundays and legal holidays shall only occur between the hours of ten a.m. and seven p.m.

C. The volume of sound shall be so controlled that it will not be audible for a distance in excess of two hundred feet from the amplifying equipment.

D. Notwithstanding the provisions of subsection C of this section, sound amplifying equipment shall not be operated within two hundred feet of churches, schools, or city buildings.

E. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility. (Ord. 783 Art. V §5, 1972).

Chapter 12.20

NUISANCE ABATEMENT

Sections:

- 12.20.010 Nuisance defined.
- 12.20.020 Notification of property owner.
- 12.20.030 Hearing of evidence relating to nuisance.
- 12.20.040 Cost assessment and responsibility when nuisance abated by city.
- 12.20.050 Summary abatement of immediate hazard or threat.

12.20.010 Nuisance defined. A nuisance is defined as being any act which is declared to be a nuisance by the provisions of Title 1 of Part 3 of the Civil Code of the State of California, or by any other provision of the laws of the state, or by any ordinance of the city. In addition, a nuisance is declared to include any thing, act or condition on the property lying within or adjacent to the city, which renders any property within the city dangerous or harmful to persons who may occupy or go upon such property within the city. (Ord. 826 §1, 1973).

12.20.020 Notification of property owner. Whenever any such nuisance exists, any officer or employee of the city may give notice in the manner hereinafter stated directing

the owner (as said owner is shown by the last equalized assessment roll) of said property to appear before the city council at a stated time and show cause why such nuisance shall not be abated. The notice shall describe the property by reference to its assessor's parcel number and shall describe the nuisance alleged to exist thereon. The notice shall be posted conspicuously on the property and a copy thereof shall be mailed, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll. Such posting and mailing shall be completed not later than seven days prior to the date that the matter is to be heard by the city council. (Ord. 826 §2, 1973).

12.20.030 Hearing of evidence relating to nuisance.

At the time fixed in the notice, the council shall proceed to hear evidence relating to the nuisance. The council may continue the hearing from time to time. If the owner fails to appear at the time fixed for the hearing, or at any time to which the hearing may be continued, such failure to appear shall not deprive the council of its jurisdiction to determine the matter. At the conclusion of the hearing, the city council may adopt a resolution declaring said condition to constitute a nuisance and directing the owner to abate the same within a reasonable period. In determining the period for abatement of such nuisance, the city council may consider, among other things, the imminence of the danger involved. In its resolution, the city council may direct that any officer or employee of the city shall abate the nuisance in the event that the owner fails to abate the same within the period prescribed by the council. (Ord. 826 §3, 1973).

12.20.040 Cost assessment and responsibility when nuisance abated by city. In the event that the owner fails to abate the nuisance as directed by the city council, and the city is required to abate the same, the expense of abatement thereof shall constitute a personal obligation of the property owner and the city council may assess the cost of such abatement as a special assessment against the land. Prior to making such assessment, the city council shall give notice in writing to the owner of the property at his address shown on the last equalized assessment roll of the time when the council will meet to consider making such assessment. The notice shall be mailed, postage prepaid, at least seven days prior to the date of such hearing. Any such special assessment shall be certified by the city council to the tax collector of the county and shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All

laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment. (Ord. 826 §4, 1973).

12.20.050 Summary abatement of immediate hazard or threat. Notwithstanding the foregoing, when any nuisance constitutes an immediate hazard or threat to the safety of person or property, the city manager may direct any officer or employee of the city to summarily abate the nuisance. In such event, the provisions of Section 12.20.020 shall not apply, but the city council may nevertheless proceed to make the cost of such abatement a special assessment against the property as provided in Section 12.20.040, and the expense of abatement of such nuisance shall constitute a personal obligation of the property owner. (Ord. 826 §5, 1973).

Chapter 12.24

GARBAGE COLLECTION AND DISPOSAL*

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- 12.24.010 Definitions.
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* Prior ordinance history: Ords. 601 and 627.