

**ORDINANCE NO. 14-11**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
RICHMOND REPEALING CHAPTERS 14.70 AND 9.52 OF THE  
RICHMOND MUNICIPAL CODE IN THEIR ENTIRETY AND  
ADDING A NEW CHAPTER 9.52 RELATING TO COMMUNITY  
NOISE**

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The City Council of the City of Richmond do ordain as follows:

SECTION 1: Chapter 14.70 (Noise from Radios, Etc. in Vehicles) of the Richmond Municipal code is REPEALED in its entirety.

SECTION 2: Chapter 9.52 (Community Noise Ordinance) of the Richmond Municipal Code is REPEALED in its entirety and a new Chapter 9.52 is added to read as follows:

Section 9.52 **COMMUNITY NOISE ORDINANCE.**

Sections

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### 9.52.010 Title

This Chapter shall be know as the Community Noise Ordinance

### 9.52.020 Findings, Purpose and Scope

The City Council of the City of Richmond hereby finds and declares as follows:

**WHEREAS**, exposure to unnecessary and unwanted noise produces significant medical, social and economic effects as evidenced by the following:

- Noise is arguably the most common - and least regulated - form of environmental pollution;<sup>1</sup> and
- Noise represents the principal avoidable cause of permanent hearing impairment worldwide;<sup>2</sup> and
- Hearing impairment leads to interpersonal, school and job related problems, with lasting detrimental social and economic effects;<sup>3</sup> and
- Community noise interferes with sleep, leads to fatigue, increases irritability, impairs performance, and causes accidents;<sup>4</sup> and
- Noise increases blood pressure and heart rate and may cause abnormal rhythms, whether awake or asleep;<sup>5</sup> and
- Noise provokes strongly felt annoyance, creating stress that leads to disease and degrades quality of life,<sup>6</sup> and
- Current studies from the European Union confirm that 3% of all fatal heart attacks are induced by noise;<sup>7</sup> and

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1 Keizer G. *The Unwanted Sound of Everything We Want. A Book about Noise.* New York, NY: Public Affairs; 2010.

2 Colvin I, Luxon I. Clinical Diagnosis of Noise Induced Hearing Loss. In: Luxon L, Prasher D, eds. *Noise and its Effects.* West Sussex, England; John Wiley & Sons; 2007: 182-231.

3 Bergland B, Lindvall T. eds. Community Noise. *Archives of the Center for Sensory Research.* 1995,2:1-195. This document is an updated version of the document published by the World Health Organization in 1980. The updated version is available at <http://www.who.int/docstore/peh/noise/guidelines21.html>.

4 Coren S. Daylight Savings Time and Traffic Accidents. *N Engl J Med* 1966; 1334:924-925.

5 Stansfeld S, Haines M, Brown B. Noise and Health in the Urban Environment. *Rev Environ Health.* 2000; 15:43-82.

6 Ising H, Kruppa B. I. Stress Effects of Noise.. In: Luxon L, Prasher D, eds. *Noise and its Effects.* West Sussex, England; John Wiley & Sons; 2007: 516-548.

- Noise provokes unwanted behaviors, leading to antisocial acts or unwillingness to help others;<sup>8</sup> and
- Governmental studies confirm that substantial portion of the population is exposed to noise levels that are unhealthy, interfering with learning ,task performance, leisure, and sleep;<sup>9</sup> and
- Studies in the European Union show that noise decreases housing prices and median home costs, imposes restrictions on land use, and increases time lost from work; <sup>10</sup> and

**WHEREAS**, the 1999 United States Census reported that Americans named noise as the number one problem in neighborhoods, of greater concern than crime or other bothersome conditions, noting that:

- Noise levels have risen at least six-fold in major U.S. cities, and will continue to grow because of increases in population, and the number, variety, and mobility of sources of noise; <sup>11</sup> and
- Most people object to the intrusion of unwanted noise into their homes, and on their streets, neighborhoods, and parks; and
- In 1974, the Environmental Protection Agency estimated that nearly 100 million Americans lived in areas where the daily average noise levels exceeded those identified as being safe; <sup>12</sup> and
- The number of people exposed to unhealthy levels of noise is far

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7 Mead MN. Noise Pollution. The Sound behind Heart Effects. *Environmental Health Perspectives*. 2007,115:A 536-A537.

8 United States Environmental Protection Agency. 1978. *Noise: A Health Problem*, United States Environmental Protection Agency, Office of Noise Abatement and Control, Washington, DC.

9 Lee CSY, Fleming GG. General Health Effects of Transportation Noise. U.S. Department of Transportation. Dts 34-RR297-LR2. Washington, DC, 2002. Available at: [http://www.fra.dot.gov/downloads/RRDs?Health\\_Final.pdf](http://www.fra.dot.gov/downloads/RRDs?Health_Final.pdf).

10 Ten Things You Didn't Know About Sound. 2010. CNN.com. Available at <http://www.cnn.com/2010/OPINION/10/10/treasure.sound/index.html>.

11 United States Environmental Protection Agency. 1974. *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare. (EPA-ONAC Report 550/9-74-004)*, United States Environmental Protection Agency, Washington, DC. Available at: <http://www.nonoise.org/library/levels.htm>.

12 United States Environmental Protection Agency. 1981. *Noise Effects Handbook. A Desk Reference to Health and Welfare Effects of Noise*. United States Environmental Protection Agency, Office of Noise Abatement and Control. Available at: <http://www.nonoise.org/library/handbook/handbook.htm>.

greater than it was in 1972 at the time the Noise Control Act was passed and the degree of oversight and control is unquestionably less;  
13 and

**WHEREAS**, noise is best controlled at the source; 14 and

**WHEREAS**, community noise intrudes into homes, neighborhoods, and parks,  
and

**WHEREAS**, between June 2004 and August, 2005, the Quality of Life Hotline in New York City received 410,000 complaints, 15 and

**WHEREAS**, since the air, a universally shared resource, is a commons, owned by none but used by all; 16 and,

**WHEREAS**, individuals and businesses, either willfully or ignorantly, assume they have the right to emit noise into the air, thereby adversely affecting all who have no choice but to hear it; 17 and

**WHEREAS**, domestic tranquility is one of the six guarantees in the United States Constitution; and

**WHEREAS**, in 1972, the Noise Control Act was passed by the Congress, declaring - - - "it is the policy of the United States to promote and environment for all Americans free from noise that jeopardizes health and welfare." - - -; 18 and

**WHEREAS**, it is the responsibility of government at all levels to protect citizens from the unwanted effects of noise and other forms of pollution; and

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13 Goines I, Hagler L. Noise Pollution: A Modern Plague. *Southern Med J* 2007. 100:287-294.  
Available at: <http://www.nonoise.org/library/smj/smj.htm>.

14 Bronzaft A, Hagler L. Noise: The Invisible Pollutant that Cannot Be Ignored. In: Shah V, ed. *Emerging Environmental Technologies*. Springer Dordrecht Heidelberg London New York, 2010:75-96.

15 Arline Bronzaft, personal communication.

16 Hardin G. The Tragedy of the Commons. *Science*. 1968; 162: 1243-1248.

17 Freeman R. *Noise War. Compulsory Media and our Loss of Autonomy*. New York, NY. Algora Publishing; 2009.

18 Noise Control Act of 1972. Public Law 92-574, October 27, 1972. 42 USC 4901 et seq.

**NOW THEREFORE**, it is the intent of the City Council in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging unwanted and unnecessary, noise of all types, and by protecting the public from nonconsensual exposure to community noise in and around the city of Richmond.

**9.52.030. Definitions.**

**“Annoying noise”** means noise with a repetitive pattern, shrill frequencies, and/or static-like sounds, including loud music and noise attributable to, but not limited to, leaf blowers, alarms, engines, machinery, radios, stereo equipment, vehicles, barking dogs, and other animals.

**“Cumulative period”** shall mean an additive period of time composed of individual time segments which may be continuous or interrupted.

**“Excessive noise”** means any unnecessary noise which persists for ten minutes or more; such period of noise need not be witnessed by enforcement personnel if the occupants of two or more separate housing or commercial units certify that they have experienced such period of noise and describe with particularity the source

**“Fixed noise source”** shall mean a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air-conditioners, and refrigeration equipment.

**“Impulsive sound”** shall mean a sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

**“Intrusive noise”** shall mean that noise which intrudes over and above the existing normal background noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence, and tonal or informational content, as well as the prevailing background noise level.

**“Mobile noise source”** shall mean any noise source other than a fixed noise source.

**“Motor vehicle”** shall mean any and all self-propelled vehicles as defined in the Vehicle Code of the State, including all on-highway type motor vehicles subject to registration under said Code and all off-highway type motor vehicles subject to identification under said Code.

**“Muffler or sound dissipative device”** shall mean a device for abating the sound of escaping gases of an internal combustion engine.

**“Noise disturbance”** shall mean any sound which (1) endangers or injures the safety or health of humans or animals; (2) annoys, disturbs, causes, or tends to cause an adverse psychological or physiological effect on a reasonable person of normal sensitivity; (3) is so harsh or prolonged as to be injurious to the health, peace and comfort of any reasonable person of normal sensitiveness residing in the area or (4) which causes excessive noise vibrations that endangers or injures personal or real property.

**“Noise Sensitive Uses”** shall mean hospitals, medical care facilities, nursing homes, schools, courthouses, churches or similar facilities during their hours of operation.

**“Street”** means any “highway,” “road,” “roadway” or “street” as defined by the Vehicle Code of the State of California, or any other public right-of-way which is used or may be used for purposes of vehicular traffic. The term “street,” however, shall be limited to any street, or portion thereof, which is located within the boundaries of the City of Richmond.

**“Vehicle”** means any “vehicle” as defined by the Vehicle Code of the State of California.

#### **9.52.040 General Prohibition**

It shall be unlawful for any person, corporation, firm or association to make, create or continue, or cause, permit, maintain, or suffer to be made or continued, any loud, raucous, unnecessary, and 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 or that exceeds the maximum dBA levels set forth herein or that violates any provision of this Chapter. The standard for determining whether a violation of the provisions of this chapter exists may include, but is not limited to, the following:

- (a) The volume, level and intensity of the noise;
- (b) Whether the nature of the noise is usual or unusual;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background noise, if any;
- (e) The proximity of the noise to residential dwellings;
- (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 day or night the noise occurs;
- (j) The duration of the noise;
- (k) Whether the noise is recurrent, intermittent, a cumulative period, or constant;
- (l) Whether the noise is produced by a commercial or non-commercial activity; and
- (m) Whether the noise can be heard more than twenty-five (25) feet away from any adjoining property boundary line in a residential district;
- (n) The intrusiveness of the noise;
- (o) Whether it is a mobile noise source;
- (p) The number of persons affected by the noise; or
- (q) Whether noise exceeds the maximum dBA levels set forth in 9.52.100 or 9.52.110.

**9.52.050. Specific Prohibitions.**

In addition to and separate from any provision of this Code, the following acts, and the causing, suffering or permitting thereof, shall be considered excessive and annoying noises creating a nuisance and disturbing the peace and shall constitute a violation of this Code. The listing of the following specific prohibited acts is not intended to limit the City's authority to regulate any and all loud, unnecessary and unusual noises and even if not included herein, such noise disturbances shall be subject to regulation pursuant to section 9.52.30:

- (a) Mechanical or Electronic Devices. Using any mechanical or electronic device for the intensification of any sound or noise into the public streets which produces excessive or annoying noise;
- (b) Advertisement. Using any instrument, whistle, drum or bell or making any other unnecessary noise for the purpose of advertising, announcing, or otherwise calling attention to any goods, wares, merchandise, or to any show, entertainment,

or event. The provisions of this section shall not be construed to prohibit the selling by verbally announcing the sale of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses or other similar licensed public entertainment events;

(c) Animals and Birds. Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other annoying noises continuously and/or incessantly for an unreasonable period of time so as to create a noise disturbance across a real property line. For the purposes of this chapter, the animal or bird noise shall not be deemed a noise disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated, or is using any other means to tease or provoke the animal or bird. This provision shall not apply to public zoos, licensed animal parks or licensed veterinarian facilities;

(d) Emergency Signaling Device. The intentional sounding or permitted sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device not in compliance with subsection (d)(1) or (2) unless occurring for emergency purposes or required by State or Federal regulations or the weekly testing of community emergency warning system:

(1) The testing of a stationary emergency signaling device shall not occur before seven a.m. or after seven p.m. Any such testing shall use only the minimum cycle test time, in no case shall such test time exceed sixty (60) seconds.

(2) The testing of the complete emergency signaling system, including the functioning of the signaling device, and personnel response to the signaling device, shall not occur more than once in each calendar month, except for the testing of the community emergency warning system that may be conducted weekly or as needed to protect public safety, health and welfare. Such testing shall not occur before seven a.m. or after seven p.m. The time limit specified in subsection (d)(1) of this section shall not apply to such community emergency warning system testing;

(e) Stationary Non-emergency Signaling Devices. Sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for non-emergency purposes, from any place, for more than ten seconds in any one hour period. Parking structure exit alarms and any warning

and/or signaling devices required by State or Federal law shall be exempt from the operation of this provision;

(f) Burglar or Fire Alarm. Sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm which is not terminated within fifteen (15) minutes of activation;

(g) Loading and Unloading. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, refuse, or similar objects between the hours of nine p.m. and six a.m. in such a manner as to cause a noise disturbance across a residential real property line or at any time to violate the applicable noise provisions of the Richmond Planning Code.

This subsection shall not apply to the collection and disposal of garbage and recyclable materials by the City's franchises;

(h) Domestic Power Tools; Machinery. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, leaf blower, lawn or garden tool, or similar tool between 9:00 p.m. and 7:00 a.m. during weekdays, so as to create a noise disturbance across a residential real property line or at any time to violate the applicable noise provisions as set forth in the Richmond Planning Code. Power tools and/or machinery or other tools creating noise associated with construction, manufacturing or gardening activities prior to 9:00 a.m. or after 7:00 p.m. on Saturdays and Sundays if the noise from such tools or machinery creates a noise disturbance across a residential property line or at any time violates any noise provisions of the Richmond Planning Code;

(i). Noise Sensitive Uses. Creation of any noise disturbance adjacent to or within one-thousand feet of a hospital or medical care facility, nursing home, school during school hours, courthouse during hours of operation, day care, church during hours of worship services, or similar facility, so as to interfere with the functions of such activity;

(1) Where construction activities on a construction project which is adjacent to any noise sensitive use(s) are anticipated to last for a year or more, temporary noise barriers shall be constructed that break the line of sight between the noise-sensitive use(s) and the construction project, and that minimize noise impacts.

(j). Noise resulting from construction and demolition activities, the operation of commercial refrigeration units, air conditioning systems, compressors, commercial exhaust systems, ventilation units, use of any instrumentality that results in impulsive sound, and other commercial or industrial noises associated with land use activities, shall be regulated pursuant to standards contained within the noise regulations of the Richmond Planning Code.

(k) Vehicular Attachments. Attaching any accessory or device to any vehicle which results in the creation of unnecessary noise.

(l) Radios, television sets, musical instruments or similar devices. Operating, playing, or permitting the operation or playing of any radio, television set, compact disc player, stereo, drum, musical instrument or similar device which reproduces sound so as to create a noise disturbance or cause any violation of this Chapter;

(m) Sound amplifier. Using or operating or permitting or allowing the using or operating, for any purpose, a sound amplifier except in compliance with and under a Sound Amplifier permit issued pursuant to Chapter 7.64 of this Code is prohibited.

(n) Places of public entertainment. Operating or permitting or allowing the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound in any place of public entertainment as to create a noise disturbance or which can be heard more than 500 feet from the property line of the property on which the public entertainment is located after 9:00 p.m. or before 8:00 a.m., except if the public entertainment is permitted or occurs on property that is not located within 1000 feet of residential dwellings.

(o) Tampering. The removal or rendering inoperative, other than for purposes of maintenance, repair or replacement, of any noise control device, muffler, or other sound dissipative device or element thereof; as required under federal, state or local law, and the use of said product after its noise control device has been removed or rendered inoperable, other than for purpose of maintenance, repair or replacement.

(p) Train bells, sirens, horns, whistles or similar audible warning devices shall be

exempt from the provisions of this chapter only to the extent that the General Code of Operating Rules (GCOR) adopted by railroad companies or Federal or State law permits or requires their use and such use is strictly limited to the GCOR or Federal or State sounding standards, including, but not limited to, the sound level, the necessity for using the signal and the pattern or frequency of use.

Where an adopted GCOR allows the use of “other forms of communication,” railroad companies are encouraged to use maximum reasonable restraint in the use of horns, particularly during times when people are likely to be sleeping (10:00 PM until 7:00 AM) and to use “other forms of communication,” including radios and visible signals whenever possible, consistent with safety requirements.

#### **9.52.060 Persistent Noises**

Failure to comply with the following provisions shall constitute a nuisance and violation of this ordinance:

- (a). All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
- (b). Unnecessary idling of internal combustion engines is prohibited.
- (c) All stationery noise-generating construction equipment such as tree grinders and air compressors are to be located as far as is practical from existing residences.
- (d). Quiet construction equipment, particularly air compressors, are to be selected whenever possible.
- (e). Use of pile drivers, sources of impulsive sound and jack hammers shall be prohibited on Sundays and holidays, except for emergencies or as approved in advance by the Building Official.

#### **9.52.070 Noise from Radios, etc. in Vehicles; Appeal**

- (a) It shall be unlawful for any person to use or operate a radio, tape player, tape recorder, record player, television or similar device in a vehicle on a street, which is audible to a person of normal hearing sensitivity more than twenty-five (25) feet from said vehicle.
- (b) Any penalties that may be imposed under this Chapter may be subject to being offset by the performance of community service work as determined by a court commissioner, judge or administrative hearing officer

(c) The provisions this section shall be enforced by the Richmond Police Department or authorized peace officer.

(d) Provisions of section 9.52.070 are to be supplementary and complementary to all of the provisions of this Code, the laws of the State of California and any other applicable law, and nothing in this chapter shall be read, interpreted or construed in any manner so as to limit any existing **or future** right or power of the City of Richmond to control or limit excessive noise caused by radios or other devices in vehicles.

### **9.52.080 Noises--Exceptions**

Nothing in this Chapter shall apply to the playing of music by a band or the blowing of a bugle, or the announcing of any show, entertainment, or event upon the public streets for which band music, bugle blowing or privilege or announcing, the Chief of Police has granted a special permit specifying the time and place when and where such music may be played or such bugle blown, or shall apply to the blowing of any whistle or horn or the ringing of any bell or other noise necessary as a vehicular or pedestrian traffic warning or signal; or to any regularly licensed peddler calling his or her wares in an ordinary tone of voice. Emergency vehicles, including police vehicles, fire vehicles and ambulances are exempt from the requirements of this Chapter.

### **9.52.090 Noise Enforcement Procedures.**

The Chief of Police, or his or her designee, shall be responsible for the overall enforcement of this Chapter, including assigning or referring the investigation and enforcement to the appropriate city department.

(a) If it is determined that a noise in violation of this Chapter exists at a fixed location, the following procedures shall be followed:

1. A written or verbal warning shall be issued by the investigating officer or his or her designee to the person(s) responsible for the event causing the noise disturbance.

2. If the noise disturbance persists for more than five (5) minutes following the issuance of a written or verbal warning, or reoccurs within a ninety (90) day period from the issuance of a written or verbal warning, then the person responsible for the event causing the noise disturbance shall be guilty of a violation of this Chapter.

- (b) If the noise disturbance is on real property and it reoccurs, in addition to the person responsible for the incident causing the noise disturbance, the property owner shall also be guilty of a violation of this Chapter if the owner fails to take all necessary measures to abate the noise violations after being given verbal or written notice of the violation. As with all nuisance per se violations occurring on private property, property owners shall use all reasonable means available to them to abate the violation, up to and including bringing legal eviction proceedings against the tenant or occupant causing or maintaining the noise violation if necessary. The property owner may use all written notices issued by the City to the person causing the violation and to the property owner regarding the violation in support of any legal proceedings, or notice of termination of a lease or rental agreement, to the extent permitted by the laws of the State of California.
- (c) If the noise violation occurs in a vehicle in violation of section 9.52.070, the procedures in subsection (a)(1) and (a)(2) herein do not apply and those violation are enforced pursuant to the procedures set forth in section 9.52.070.

#### **9.52.100 Alternative Use of Maximum noise limits by dBA levels.**

In addition to determining noise violations under the standard set forth elsewhere in this Chapter, the enforcing officer may alternatively use the maximum decibel (“dBA”) levels to determine a violation of this Chapter. The standard chosen by the enforcing officer for the specific incident shall be the sole means used to determine if a violation has occurred. Neither standard shall be considered superior, nor controlling, nor preempt the other.

If the enforcing officer selects the alternative standard to using the dBA level standard, evidence of dBA levels within the maximum permitted levels may be presented in defense of the charged violation only if the proffered dBA reading was taken at the exact time and location and under identical conditions, including wind, and temperature, as those encountered by the enforcing officer encountered at the time he or she charged the violation and by a decibel meter with valid current calibration records and evidence of the training or expertise of the person offering the dBA reading as evidence of compliance with this ordinance.

It shall be unlawful to maintain, permit, allow or suffer any use or activity that creates noise levels which exceed the following standards:

TABLE INSET:

Zoning District:	Maximum Noise Level in dBA (levels not to be exceeded more than 30 minutes in any hour)		Maximum Noise Level in dBA (level not to be exceeded more than 5 minutes in any hour)
	Measured at Property Line or District Boundary	Measured at Any Boundary of a Residential Zone	Between 10 PM and 7AM***, Measured at Any Boundary of a Residential Zone
Single-Family Residential	60		
Multifamily Residential	65		
Commercial	70	60	50 or ambient noise level
Lt. Industrial and Office Flex*	70	60	50 or ambient noise level
Heavy and Marine Industrial	75	65	50 or ambient noise level
Public Facilities and Community Use	65	60	50 or ambient noise level
Open Space and Recreational Districts	65	60	50 or ambient noise level

\* For M-1 and M-2 the measurement will be at property lines.

\*\* For M-3 and M-4 the measurement will be at boundary of the district.

\*\*\* Restricted hours may be modified through condition of an approved conditional use permit. Section subsections of this Chapter also provide for additional restricted hours and the most restrictive hours shall be controlling.

(b) In determining whether any noise exceeds the maximum exterior noise limits set forth in this section, measurements shall be taken at the property line of the

property from which the noise emanates, except that for noise emanating from property in an M-3 or M-4 zoning districts, measurement shall be taken at boundary of the zoning district in which the property is located.

(c) No person shall operate or cause to be operated within a dwelling unit, any source of sound that causes the sound level when measured inside a neighboring receiving dwelling unit to exceed the allowable noise level, for any period of time.

(d) In the event the noise, as judged by the enforcing authority, contains a steady, pure tone such as a whine, screech or hum, or is an impulsive sound such as hammering or riveting, or contains music or speech, the standard limits set forth above shall be reduced by 5 decibels.

(e) The exterior noise limits for any source of noise within any residential zone shall be reduced by 10 dBA between 10:00 p.m. and 7:00 a.m. The exterior noise limits for any source of noise in any zone other than a residential zone shall be reduced between 10:00 p.m. and 7:00 a.m. so that when the noise measured at the property line of a “noise-sensitive use” does not exceed 50 dBA.

**9.52.110 Temporary construction activity.**

Where technically and economically feasible temporary construction activity shall be conducted in such a manner that the maximum sound levels at affected properties shall not exceed the following dBA levels:

(a) Mobile construction equipment- Maximum sound levels for nonscheduled, intermittent, and short term operation of less than 15-days:

	SFR-1, SFR-2, SFR-3 Zoning Districts (Single-Family Residential)	MR-1, MR-2, MR-3 Zoning Districts (Multifamily Residential)	Commercial and Industrial Zoning Districts
Weekdays, 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Weekends, including legal holidays 9:00 a.m. to 8:00 p.m.	60 dBA	65 dBA	70 dBA

(b) Stationary Construction Equipment- Maximum sound levels:

	SFR-1, SFR-2, SFR-3 Zoning Districts (Single-Family Residential)	MR-1, MR-2, MR-3 Zoning Districts (Multifamily Residential)	Commercial and Industrial Zoning Districts
Weekdays, 7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA
Weekends, including legal holidays 9:00 a.m. to 8:00 p.m.	55 dBA	60 dBA	65 dBA

**9.52.120 Violations and Penalties**

It is a misdemeanor for any person to violate, or cause, maintain, permit or suffer another person to violate, any provision of this Chapter. In addition to the penalties herein provided, any condition caused, maintained or permitted to exist in violation of any of the provisions of this Chapter is a threat to the public health, safety and welfare, and is declared and deemed a public nuisance and shall be punishable as such.

(a) **Strict Liability.** In addition to the person causing the offending sound, the owner, tenant, occupant or lessee of the property, or the manager, operator, agent or other person lawfully entitled to possession of the property from which the offending sound is emanating may be liable for any violation of this Chapter. It shall not be a lawful defense that another person caused the noise violation.

(b) **Continuing Violation.** Unless otherwise provided, a person shall be deemed guilty of a separate offense for every day, or portion thereof, for which the violation of this chapter is committed, continued, suffered, maintained or permitted.

(c) **Remedies not Exclusive.** Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies including administrative citations, civil and/or criminal actions. The remedies provided for herein shall be cumulative and not exclusive.

SECTION 3. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinance or the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION 5. Effective Date. This Ordinance becomes effective 30 days after its final passage and adoption.

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First read at a regular meeting of the City Council of the City of Richmond held on May 3, 2011, and finally passed and adopted at a regular meeting thereof held May 17, 2011, by the following vote:

AYES: Councilmembers Bates, Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES  
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California                    }  
County of Contra Costa                } : ss.  
City of Richmond                       }

I certify that the foregoing is a true copy of Ordinance No. 14-11 N.S., finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on May 17, 2011.