

ourHealdsburg.com commentary, and suggested revisions for the Nov 5 DRAFT Noise Ordinance.

The following links can be found at www.ourHealdsburg.com

REVIEW SUMMARY

November 5 DRAFT Noise Ordinance - without comments

Learn more about developing a new noise ordinance [here](#).

NOISE GLOSSARY - Look here to assist your review of the draft ordinance

Healdsburg's current noise regulations

[Noise Pollution and the Commons](#) (ourHealdsburg.com commentary)

**Public review meeting for the Nov. 5 DRAFT Ordinance:
January 13, 2003 7 p.m. City Hall.**

Where do we begin? Do you remember the big noise controversy caused by the Healdsburg Bar and Grill's super amplified outdoor music back in the summer of 2001? Well that resulted in complaints from all over town. The most vocal complaints came from The Hotel Healdsburg staff and owners. The result was a Planning commission meeting on September 6, 2001 to discuss a "90 Day Permit", and determine what kind of ordinance the city should develop to control this "noise". Mr. John Holt, developer and part owner of the Hotel suggested the city adopt the City of Mill Valley's noise ordinance. This is where our story begins. [Read the minutes of that famous meeting here:](#) www.ourHealdsburg.com/noise/

Since our Planning Department has determined the Mill Valley, CA Municipal Noise Control code is the de facto **gold standard**, we have used it as a comparison to the new DRAFT Healdsburg Noise Ordinance. We have reviewed many community noise ordinances from around the world and although most are well-suited to their locality they usually have noise limits that are too high. We believe the Mill Valley noise ordinance is acceptable as a starting point for our new Healdsburg Noise Ordinance. Mill Valley is comparable to current day Healdsburg in that it is situated next to highway 101, is primarily residential, and has a small high-end shopping area, and a commercial area that includes a hardware store, lumber yard and auto dealers.

Unfortunately, although the new Healdsburg DRAFT is basically a copy of the Mill Valley ordinance, it was altered and weakened with exemptions, exceptions and variances and therefore is not acceptable as written. We are also very disappointed that this DRAFT was prepared without much care or attention to the details.

ourHealdsburg.com Review of November 5, DRAFT HEALDSBURG NOISE Ordinance		
City of Mill Valley Municipal Code Title 7 Health and Sanitation Chapter 7.16 Noise Control	DRAFT Healdsburg Noise Ordinance Issued November 5, 2002 by Healdsburg Planning Department.	Discussion - Rationale
	CITY OF HEALDSBURG ORDINANCE NO. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG REPEALING CERTAIN NOME REGULATIONS CONTAINED IN THE CITY OF HEALDSBURG ZONING ORDINANCE, SPECIFICALLY ARTICLE 21 ENVIRONMENTAL PERFORMANCE STANDARDS SECTION 2130, AND REPLACES THIS SECTION WITH NEW LANGUAGE WHICH ESTABLISHES	In order to have a comprehensive and consistent noise ordinance in Healdsburg it is necessary to change several parts of the existing Zoning Ordinance, not just Article 21, Section 2130. For a comprehensive review of the existing Healdsburg noise regulations review the www.ourHealdsburg.com website commentary.

A NEW ORDINANCE THAT REGULATES EXCESSIVE NOISE IN THE CITY OF HEALDSBURG, ESTABLISHES CERTAIN EXEMPTIONS, AND ESTABLISHES ENFORCEMENT PROCEDURES AND PENALTIES FOR VIOLATION THEREOF

The City Council of the City of Healdsburg does hereby declare and ordain as follows:

SECTION 1. Existing Article 21, Section 2130 of the Healdsburg Municipal Code is hereby repealed

SECTION 2. New Article 21, Section 2130 is hereby established to read as follows: The noise standards established by this ordinance shall be applied to control excessive noise in the community and shall be the standards used under Article 21 as the noise level standards to be applied in the City of Healdsburg.

We will be remiss if we do not also remove other existing regulations such as:



- **Article 1, Section 115 Definitions**, wherein we define "Local ambient noise,
- **Article 3, Sec. 300 Purposes**, wherein we define the purpose of the ordinance is to protect the residential areas from noise created by industrial traffic,
- **Article 18, Sec. 1840 Home occupation requirements** wherein we illogically set noise limits for at the "boundary of the lot" instead of "in compliance with the noise limits of the zoning area where the home is located".
- **Article 18, Sec. 1890 Residential visitor lodging requirements** wherein we refer to "amplified music or speech" must be compliant with the noise regulations in Sec. 2130. You will see below we have no amplified noise limits at all in the DRAFT Ordinance.
- **Sec. 18130 Alcoholic Beverage Establishments**, where we create a mini noise ordinance with its own remedies and mitigations. It basically usurps the DRAFT Noise regulation.


<p>7.16.010 Declaration of policy.</p>	<p>SECTION 3. Goals.</p>	<p>This is important!</p>
<p>In order to control unnecessary, excessive, and annoying noise in the City of Mill Valley, it is declared to be the policy of the City to prohibit such noise generated from or by all sources as specified in this chapter. It shall be the policy of the City to maintain quiet in those areas which have low noise levels and to implement programs aimed at reducing noise in those areas within the City where noise levels are above acceptable values.</p> <p>It is determined that certain noise levels are detrimental to the public health, welfare and safety, and are contrary to the public interest. Therefore, the City Council does ordain and declare that creating, maintaining, or causing directly or indirectly any noise in a manner prohibited by or not complying with the provisions of this chapter is a public nuisance and shall be punishable as such. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1</p>	<p>In accordance with the adopted goals and policies of the general plan Section VIII, Health and Safe, Goal H, which states that the purpose and goal of this section is "to protect the residents of Healdsburg from the harmful effects of exposure to excessive noise" this ordinance is adopted in the furtherance of that general plan Goal;</p> <p>This ordinance is also adopted iv the furtherance of the following goals:</p> <p>To retain and enhance the quiet residential atmosphere within the City.</p> <p>To ensure that the residents and visitors will not be exposed to noise levels which diminish the ability to enjoy an amenable environment and render areas unsuitable for residential use</p> <p>To encourage all county, state and national</p>	<p>This section states the reasons for having a Noise Ordinance:</p> <p>"to protect the residents of Healdsburg from the harmful effects of exposure to excessive noise",</p> <p>and</p> <p>"To retain and enhance the quiet residential atmosphere within the City."</p> <p>All elements of this Noise</p>

<p>(part), February 5, 2001).</p>	<p>agencies to provide mitigation measures to reduce highway and freeway noise.</p> <p>SECTION 4. Purpose of the Provision.</p> <p>A. In order to address excessive noise or vibration in the City of Healdsburg, it is declared to be the policy of the City of Healdsburg to limit noise generated from sources as specified in this section. It shall be the policy of the City to maintain quiet in those areas which</p> <p>B. It is determined that the creation or maintenance of certain excessive noise levels or vibrations are detrimental to the public health, welfare, safety, and are contrary to the public interest. Therefore, the City Council does ordain and declare that creating, maintaining, or causing directly or indirectly any noise in a manner prohibited by or not complying with the provisions of this chapter is a public nuisance and shall be punishable as specified hereafter.</p> <p>C. It is determined that the creation or maintenance of excessive noise or vibration which is prolonged or unreasonable in its time, place and use, and reach or exceed certain noise levels is deemed to be a serious detriment to the public health, safety, welfare, and quality of life to the residents of the City.</p> <p>D. It is the intent of the City to control and in some instances, prohibit noise and vibrations which may impact the health, safety, or welfare of the residents of Healdsburg and therefore, the City does ordain and declare that creating, maintaining or causing directly or indirectly any noise or vibration in a manner prohibited by or not complying with the provisions of this ordinance is a public nuisance and shall be punishable as specified hereafter or under the general laws of the State of California.</p>	<p>Ordinance must foremost satisfy these essential requirements!</p> <p>"It is determined that the creation or maintenance of excessive noise or vibration which is prolonged or unreasonable in its time, place and use, and reach or exceed certain noise levels is deemed to be a serious detriment to the public health, safety, welfare, and quality of life to the residents of the City."</p>
<p>7.16.020 Definitions.</p>	<p>SECTION 5. Definitions.</p>	
<p>As used in this chapter, unless the context otherwise clearly indicates, the words, phrases, and terms used in this chapter are defined as follows:</p>	<p>Unless otherwise clearly indicated, the terms used in this Noise Ordinance as defined as follows:</p>	<p>NO COMMENT</p>
<p>"A" weighted network" means an electrical network utilized in a sound level meter to provide a prescribed frequency response. The frequency response characteristics are those specified in American National Standards Institute publication SI 4-1971, or the most recent revision thereof.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>It is worth noting that the two primary Sound Level Meter electrical networks are the "A" weighted network and the "C" weighted network. This is an important reference as will be pointed out below in Section 11 Enforcement Procedure, and should be included in the new ordinance.</p>
<p>"A" weighted sound level" means total sound level in decibels of all sound as measured with a sound level meter using the slow meter response and the "A" weighted network. The reference pressure shall be twenty (20) micropascals.</p>	<p><u>A weighted sound level</u> means total sound level in decibels of all sound, as measured with sound level meter using the slow meter response and a weighted network. The reference pressure shall be twenty (20) micropascals.</p>	<p>NO COMMENT</p>
<p>"Agricultural property" means a parcel of property which is undeveloped for any use other than agricultural purposes.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>In Section 7, Exceptions, below reference is made to agricultural machinery. Since it is important to define when</p>

		and where agricultural machinery can be used, perhaps this definition should be included in the new ordinance.
<p>“Ambient noise” means 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 lowest tendency of the sound level meter needle which is repeated during a ten (10) minute period of observation. The ambient level is approximately equal to L90, which is the level exceeded ninety (90) percent of the time.</p>	<p><u>Ambient noise</u> means the noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purposes of this chapter, <u>ambient noise level</u> is the lowest tendency of the sound level meter needle, which is repeated during a ten (10) minute period of observation. The ambient level is approximately equal to L90, which is the level exceeded ninety (90) percent of the time.</p>	<p>Most Professional SOUND LEVEL METERS, NO LONGER USE “NEEDLES” BUT DIGITAL READOUTS INSTEAD. This is especially true for those that can "Integrate" sound levels over a period of time.</p>
<p>“C” weighted network” means an electrical network utilized in a sound level meter to provide a prescribed frequency response. The frequency response characteristics are those specified in American National Standards Institute publication SI 4-1971, or the most recent revision thereof.</p>	<p><u>C weighted network</u> means an electrical network utilized in a sound level meter to provide a prescribed frequency response. The frequency response characteristics are those specified in American National Standards Institute publication SI 4-1971 or the most recent revision thereof.</p>	<p>This is an important oversight in editing the Mill Valley ordinance. It dramatically illustrates what was deleted from the "Gold Standard" Mill Valley ordinance. As we will see below in Section 11, both the "A" weighted and the "C" weighted networks are important to measure all the noise we need to measure in Healdsburg.</p>
<p>“Commercial purpose” in relation to sound amplifying equipment means 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 of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.</p>	<p><u>Commercial purpose</u> in relation to sound amplifying equipment means the use, operation, or maintenance of any sound amplifying equipment for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage of customers to or for any performance, show entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.</p>	<p>Another example of an oversight in the "cut and paste" editing of the Mill Valley ordinance. This is a good element to have in our new ordinance, but unfortunately nowhere else in the actual ordinance do we mention "sound amplifying equipment".</p>
<p>“Construction” means any site preparation, assembly, installation, development, substantial repair, alteration, demolition or similar activity, for or on public or private rights-of-way, structures, improvements, utilities, or other property.</p>	<p><u>Construction</u> means any site preparation, assembly, installation, development, substantial repair, alteration, demolition or similar activity, for or on public or private rights of way, structures, improvements- utilities, or other property.</p>	<p>NO COMMENT</p>
<p>“Decibel” means one-tenth of a bel. Thus, a decibel is ten (10) times the logarithm to the base ten of a ratio of two quantities which are proportional to power.</p>	<p><u>Decibel</u> means one-tenth of a bel. Thus a decibel is ten (10) times the logarithm to the base ten of a ratio of two quantities which are proportional to power.</p>	<p>NO COMMENT</p>
<p>“Emergency work” means any work 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.</p>	<p><u>Emergency work</u> means any work necessary to rescue or protect people or work 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.</p>	<p>The fact that this definition was altered makes it obvious that this "definitions" section was reviewed. It just makes it more curious the other editing problems pointed out in this column still exist.</p>
<p>“Fixed noise source” means a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.</p>	<p><u>Stationary noise source</u> means a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.</p>	<p>This is curious. As you see the original definition was called "Fixed noise source". For some inexplicable reason this was changed to "Stationary noise source". There is no other reference to a "Stationary noise source" in the new DRAFT Noise Ordinance. If you look at the definition for Mobile noise</p>

		source it compares it to a "fixed" noise source not "stationary".
<p>“Impulsive noise” means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level (such as might be produced by the impact of a pile driver) typically with one second or less duration.</p>	<p><u>Impulsive noise</u> is a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level (such as might be produced by the impact of a pile driver) typically with one second or less duration.</p>	<p>This is another sloppy cut and paste. There is no other reference in the new DRAFT Ordinance to "Impulsive noise". There should be but it was carefully cut out. See Section 7.16 below.</p>
<p>“Intruding noise level” means the total sound level created, caused, maintained, or originating from an alleged offensive source in decibels at a specified location while the alleged offensive source is in operation.</p>	<p><u>Intruding noise level</u> means the total sound level created, caused, maintained, or originating from an alleged offensive source in decibels at a specified location while the alleged offensive source is in operation</p>	<p>NO COMMENT</p>
<p>“Legal holiday” means the following days: the first day of January, the third Monday in January, the twelfth day in February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the eleventh day in November, Thanksgiving Day, the twenty-fifth day of December, or any other holiday designated by the State of California.</p>	<p><u>Legal holiday</u> means the following clays: The first day of January the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the eleventh day in November, Thanksgiving Day. the twenty-fifth day of December, or any other holiday designated by the State of California.</p>	<p>NO COMMENT</p>
<p>“Licensed” means the issuance of a formal license or a permit by the appropriate jurisdictional authority; or, where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public record.</p>	<p><u>Licensed</u> means the issuance of a formal license or a permit by the appropriate jurisdictional authority, or, where no permits or licenses are issued. the sanctioning of the activity by the jurisdiction as noted in public record.</p>	<p>There is no other reference in the new DRAFT Ordinance to the word "Licensed". There are references to "Permit" (for example Section 10) The defined word here should be changed to "Permit".</p>
<p>“Mobile noise source” means any noise source other than a fixed noise source.</p>	<p><u>Mobile noise source</u> means any noise source other than a fixed noise source.</p>	<p>There is no other reference in the new DRAFT Ordinance to the words "Mobile noise source" Also refers to a "fixed" noise source which does not exist in the new DRAFT Ordinance. (See suggested change of the word "Stationary" above.)</p>
<p>“Motor vehicle” means, but is not limited to, automobiles, trucks, motorcycles, minibikes, and go-carts.</p>	<p><u>Motor vehicle</u> means, but is not limited to, automobiles, trucks, motorcycles, minibikes, and go-carts.</p>	<p>NO COMMENT</p>
<p>“Noncommercial purpose” in relation to sound amplifying equipment means the use, operation, or maintenance of any sound equipment for other than a commercial purpose including, but not limited to, philanthropic, political, patriotic, and charitable purposes.</p>	<p><u>Noncommercial purpose</u> in relation to sound amplifying equipment means the use, operation, or maintenance of any sound equipment for other than a commercial purpose including, but not limited to philanthropic, political. patriotic. and charitable purposes.</p>	<p>This definition is meaningless as the new DRAFT Ordinance is currently written. There is no "Commercial purpose" nor "Noncommercial purpose" in the DRAFT as written. Since "sound amplifying equipment" is also non-existent in the new DRAFT this is a meaningless entry.</p>
<p>“Owner/occupant builder” means the person residing at the property upon which improvements are being made, or his/her immediate family.</p>	<p><u>Owner/occupant builder</u> means the person residing at the property upon which improvements are being made, or his/her immediate household members.</p>	<p>Section 8B of the new DRAFT Ordinance refers to an "Owner/occupant", but not in reference to construction or improvements, but to gardening activities. This definition needs to be rewritten to be meaningful.</p>

		The new Healdsburg DRAFT Ordinance is deficient in that it eliminates the concept of " Owner/occupant " as used in the Mill Valley ordinance which defines an exemption for construction.
"Person" means any individual, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.	<u>Person</u> means any individual, firm, association, co-partnership, joint venture, corporation, or entity, public or private in nature.	NO COMMENT
"Property plane" means a vertical plane including the property line which determines the property boundaries in space.	<u>Property plane</u> means a vertical plane including the property line which determines the property boundaries in space.	NO COMMENT
"Recreation area" means a public park or other public land maintained for active recreation or any private land legally maintained for active recreation.	<u>Recreation area</u> means a public park or other public land maintained for active recreation or any private land legally maintained for active recreation.	This definition is meaningless as the new DRAFT Ordinance is currently written. There is no place in the DRAFT that mentions a "Recreation area". This is a serious fault because it gutted the Mill Valley ordinance (Section 7.16.090 G) goal of protecting residential areas for the excessive noise from recreation or sports areas.
"Sound amplifying equipment" means any machine or device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed.	NO COMPARABLE DEFINITION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE	 This is a serious flaw in the new DRAFT Noise Ordinance. The removal of this section and all other Sound amplification sections is inexplicable! This is a major noise sources that must be controlled by any new noise ordinance.
"Sound level meter" means an instrument, including a microphone with wind screen, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which satisfy the requirements pertinent for type S2A meters in American Standard Specifications for sound level meters, SI 4-1971, or the most recent revision thereof. The sound level meter and calibrator shall be certified annually by an independent authorized service agency to insure instruments meet the specifications.	NO COMPARABLE DEFINITION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE	Although the noise ordinance works without this definition, "Sound level meter" is used throughout the new DRAFT Ordinance and is the tool used to enforce the ordinance. Inexplicable oversight.
Sound Pressure Level. The "sound pressure level" in decibels of a sound is twenty (20) times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure. The reference pressure shall be twenty (20) micropascals.	<u>Sound Pressure Level</u> . The sound pressure level in decibels of a sound is twenty (20) times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure. The reference pressure shall be twenty (20) micropascals.	NO COMMENT
"Sound truck" means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having any sound amplifying equipment mounted on or attached to it.	NO COMPARABLE DEFINITION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE	NO COMMENT
Tone. A noise possesses "tones" or "tonal content" when the auditory sensation of pitch is distinguishable in the noise. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1	<u>Tone</u> . A noise possesses "tones" or "tonal content" in which the auditory sensation of pitch is distinguishable in the noise.	 This definition highlights a serious flaw in the new DRAFT Noise

(part), February 5, 2001).		Ordinance. There is no other mention of "Tone" in the new DRAFT because an important part of the Mill Valley ordinance (Section 7.16.060 B) was removed.
7.16.030 Department cooperation		
<p>A. Departmental Actions. All departments shall, to the fullest extent consistent with their authorities under other laws administered by them, carry out their programs in such a manner as to further the policies stated in Section 7.16.010.</p> <p>B. Project Approval. Each department whose duty it is to review and approve new projects or changes to existing projects that result or may result in the emission of noise shall require compliance with this chapter.</p> <p>C. Low Noise Emission Products. The City is encouraged to use low noise emission products. Products which have been certified by the Administrator of the U.S. Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972, as low noise emission products should be used in preference to any other products when practicable. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>Subparagraph C, of the Mill Valley noise ordinance re: Low Noise Emission Products seems like a good thing to include in new Healdsburg Ordinance if Section 15 of the Noise Control Act of 1972 was ever enforced by the EPA.</p>
7.16.040 Enforcement procedure.	SECTION 11. Enforcement Procedure.	
<p>A. Investigation. Upon receipt of a complaint from a citizen, the enforcing officer or his designee, equipped with a sound level meter satisfying the requirements specified in Section 7.16.020, shall investigate the complaint. The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem, including the following:</p> <ol style="list-style-type: none"> 1. Nonacoustic data; 2. Type of noise source; 3. Location of noise source relative to complainant's property; 4. Time period during which noise source is considered by complainant to be intrusive; 5. Total duration of noise produced by noise source; 6. Date and time of noise measurement survey. 	<p>A Investigation.</p> <p>Upon receipt of a complaint from a citizen, the enforcing officer or his designee, equipped with a sound level meter, shall investigate the complaint at such time as the noise officer deems appropriate and after the officer's assessment of the significance of the complaint, considering history of the noise source and absence or presence of other complaints.</p> <p>The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem including the following:</p> <ol style="list-style-type: none"> 1. Nonacoustic data; 2. Type of noise source; 3. Location of noise source relative to complainant's property; 4. Time period during which noise source is considered by complainant to be intrusive; 5. Duration of noise produced by noise source; 6. Date and time of noise measurement survey. 	<p>What does this mean: "considering history of the noise source and absence or presence of other complaints."</p> <p>If the average reader cannot understand what this means then it can't be enforced by any police officer.</p> <p>What is the rationale or intent? Doe this mean that a person who complains a lot about the noise from a neighbor is ignored. or taken more seriously?</p> <p>Does the absence or presence of other complaints make the complaint being investigated more, or less significant?</p> <p>We can do better here. This is a mushy useless procedure indefensible in any court.</p>
<p>B. Noise Measurement Procedure.</p> <p>Utilizing the "A" or "C" weighting scale of the sound level meter and the "slow" meter response, the noise level shall be measured at a position or positions along the complainant's property line closest to the noise source or at the location along the boundary line or on the complainant's property where the noise level is at the maximum level. Generally, the microphone shall be located five feet above the ground unless another elevation is</p>	<p>B. Noise Measurement Procedure.</p> <p>Utilizing the weighting scale of the sound level meter and the "slow" meter response, the sound level shall be measured at a position or positions along the complainant's property line closest to the noise source or at the location along the boundary line or on the complainant's property where the noise level is at the maximum level. Generally, the microphone shall be located five feet above the ground unless another elevation is deemed</p>	<p> This is where we get to the heart of the ordinance. It is sad to say the result does not provide protection to the residential neighborhoods in Healdsburg. You can see from the editing, the new DRAFT intentionally removed</p>

deemed appropriate.

If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling, or floor nearest the noise source.

Calibration of the instrument being used shall be performed immediately prior to and immediately after recording any noise data utilizing an acoustic calibrator.

The noise levels at the property line, with the alleged noise source in operation, shall be recorded on a data sheet, along with other pertinent data.

If possible, the ambient noise shall be measured at the same locations along the property line utilized in the preceding paragraph, with the alleged offending noise source inoperative. The noise levels measured for this condition shall also be recorded on the survey data sheet. If for any reason the alleged offending noise source cannot be shut down, then the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is inaudible. If the difference between the noise levels with noise source operating and not operating is six decibels or greater, then the noise measurement of the alleged source can be considered valid with a small correction applied to account for the contribution of the ambient noise. The correction is to be applied in accordance with data shown in table A-1.

appropriate.

Calibration of the instrument being used shall be performed immediately prior to and immediately after recording any noise data utilizing an acoustic calibrator.

The sound levels at the property line, with the alleged noise source in operation, shall be recorded.

If possible, the ambient noise shall be measured at the same location along the property line utilized in the preceding paragraph, with the alleged offending noise source inoperative. The sound levels measured for this condition shall also be recorded. If for any reason the alleged offending noise source cannot be shut down, then the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is inaudible. If the operating and not operating is six decibels or greater, then the noise measurement of the alleged source can be considered valid with a small correction applied to account for the contribution of the ambient noise. The correction is to be applied in accordance with data shown in Table A- 1.

the references to "Utilizing the **"A" or "C" weighting scale**.

(What doesn't make sense is that there is no reference to any weighting scale at all!)

The least sensitivity to lower frequencies is provided by the A-scale, the most by the C-scale.

Using the "C" scale on a Sound Level Meter allows recording low frequency sounds. Many of the ongoing unreasonable noise sources in Healdsburg are lower frequency sounds that must be measured using the "C" weighting scale.

The new DRAFT Ordinance has not addressed interior noise levels. We believe this is a reasonable compromise to avoid unnecessary and difficult to enforce noise issues such as noise complaints between two apartment units.

Other pertinent data can include date, time, location on property. This should not have been deleted on the new DRAFT Ordinance.

TABLE A-1
Background Noise Correction For Sound Level Measurements

Difference between total noise and background noise alone (Decibels)	Amount to be subtracted from total noise measurement (Decibels)
6 - 8	1
8 -10	0.5
10	0

(Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).

TABLE A-1
Background Noise Correction For Sound Level Measurements

Difference between total noise and background noise alone (Decibels)	Amount to be subtracted from total noise measurement (Decibels)
6 - 8	1
8 -10	0.5
10	0

NO COMMENT


7.16.050 General noise regulation.

A. Notwithstanding any other provision of this chapter, it is unlawful for any person to willfully make or cause to be made any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

SECTION 6. Prohibition Against Excessive Noise.
Notwithstanding any other provision of this ordinance and in addition thereto, it is unlawful for any person to willfully make, create, maintain or continue, or cause to be made or continued directly or indirectly any loud, excessive, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area

This is why we have lawyers, bless their verbose hearts!

	<p>or in any manner prohibited by or by not complying with the provisions of this ordinance, and shall be punishable as specified hereafter.</p>	
<p>B. 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:</p> <ol style="list-style-type: none"> 1. The sound level of the objectionable noise; 2. The sound level of the ambient noise; 3. The proximity of the noise to residential sleeping facilities; 4. The nature and zoning of the area within which the noise emanates; 5. The density of the inhabitation of the area within which the noise emanates; 6. The time of day or night the noise occurs; 7. The duration of the noise and its tonal content; 8. Whether the noise is continuous, recurrent, or intermittent; 9. Whether the noise is produced by a commercial or noncommercial activity; 10. The intensity of the noise; 11. Whether the noise is natural or unnatural; 12. Whether the noise is usual or unusual; 13. Compliance with any project conditions of approval. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001). 	<p>SECTION 9. cont. Standards for Maximum Sound Levels and Determining Violations.</p> <p>The criteria to be considered in determining whether a violation has occurred include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. The intensity of the noise; 2. Whether the origin of the noise is natural or unnatural; 3. The level and intensity of the background noise; 4. The proximity of the noise source to receptors; 5. The time of the day or night the noise occurs; 6. The duration of the noise; 7. Whether the noise is recurrent, intermittent, or constant; 8. Whether the noise is produced by a commercial or noncommercial activity; and 9. Whether the noise is produced by equipment normally required for maintenance of residential properties or for authorized construction projects. 	<p>This list should not be in Section 9! It should be part of <u>Section 11 Enforcement Procedure</u> , thus:</p> <p><u>A Investigation,</u> <u>B Noise Measurement Procedure,</u> <u>C Determining Violations.</u></p> <p>Also consider these changes: Item #2. What is "natural or unnatural"? A lawyer could have a great day with this phrase. It should be: "caused by nature". Better yet delete the item.</p> <p>#3. "level and intensity" should be written correctly: "intensity level", see DEFINITIONS:</p> <p><u>LOUDNESS.</u> The subjective judgment of intensity of a sound by humans. <u>INTENSITY:</u> The energy transmitted per unit time and area by a sound wave. The term is used generally to denote the magnitude of a sound. The measurement of intensity is called intensity level. <u>INTENSITY LEVEL:</u> The measurement of the intensity of a sound in comparison to another sound or fixed level as expressed in decibels. <u>DECIBEL</u> = a unit of intensity</p> <p>#4 "The proximity" of the noise is irrelevant for determining a violation. Delete.</p> <p>#7 Recurrent noise is not defined in this ordinance. Does this mean a noise that "recurs" once an hour, or does it mean a person who causes recurrent noise violations? In either case there is no other reference in the ordinance.</p> <p><u>Intermittent, vs. constant noise</u> is a very important determination if we have a requirement, as we recommend, for "Impulsive Noise" measurement. See</p>

		<p>how this is used in the Mill Valley ordinance Section 7.16.060 B below.</p> <p>#8 Whether the noise is produced by a commercial or noncommercial activity is irrelevant in this ordinance! This clause is another example of blindly copying the Mill Valley ordinance without thoughtful review.</p>
<p>7.16.060 Exterior noise limits.</p>		
<p>A. The noise limits specified in Table A-2 as adjusted by Table A-A shall, unless otherwise specifically indicated, apply to all property within a designated zone. It is unlawful for any person to create, maintain, or cause any noise which exceeds such limits when measured in the manner and at the locations set forth in Section 7.16.040.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p> This is a method used by some noise ordinances to account for special kinds of noise that cannot be measured by simply using maximum limits as in Table A-2. It adds or subtracts allowable Decibels based on the kind of noise. We need a modified version of the Mill Valley Noise Condition Adjustment table in our new Noise Ordinance.</p>

B. The numerical limits given in Table A-2 and in Table A-3 shall be adjusted by the addition of the following adjustments where appropriate:

Noise Condition	Adjustment to Limits (in Decibels)
1. Noise contains a steady, audible tone, such as a whine, screen or hum	-5
2. Noise is repetitive, impulsive noise, such as hammering, riveting or barking	-5
3. Noise occurs more than five but less than fifteen minutes per hour	+5
4. Noise occurs more than one but less than five minutes per hour	+10
5. Noise occurs less than one minute per hour	+20

NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE



This section provides a "penalty" for a noise that may not exceed the maximum sound level limits but by its nature is more annoying.

Items 1 and 2 should be retained in the new Healdsburg ordinance.

Items 3,4,5 are not necessary because in the DRAFT ordinance any offending noise may not exceed the limit for more than 6 minutes per hour.

There is a need in the Healdsburg Ordinance to regulate some special conditions such as steady audible tones like a whine, or hum caused by machinery that is either poorly maintained, or without proper sound control measures. This is where the "impulsive noise" definition that still remains in the Healdsburg draft is required.

C. If the measurement location is on a boundary between two different zones, the noise level limit applicable to the lower noise zone shall apply.

It is the objective of the City to require intruding noise levels not to exceed these listed below at the property line closest to source of loudest noise. (see table below)

TABLE A-2

Zone	Time	Noise level (dBA) * **
Single-family residential and open areas (RS, RP, OA)	9 pm--7 am	45
	7 am--9 pm	50
Multi-family residential (all RM)	9 pm--7 am	50
	7 am--9 pm	55
Professional - administrative (PA)	9 pm--7 am	55
	7 am--9 pm	60
Commercial (CG and CR)	9 pm--7 am	55
	7 am--9 pm	65

* Refer to Section 6.04.170 of this Code relating to animal nuisances.
 ** In the case of an elevated or directional sound source, compliance with the noise limits

SECTION 9. Standards for Maximum Sound Levels and Determining Violations.

Sound Level Standards

It is the objective of the City to require intruding noise levels not to exceed these listed below at the property line closest to source of loudest noise:

Receptor Land_Use	Daytime Exterior Sound Level dBA Lio	Nighttime Exterior Sound Level dBA Lio
Residential and Office zoned properties	60	55
Commercial zoned properties	65	60
Industrial zoned properties	75	70

Daytime shall be considered 7:00 a.m. to 7:00 p.m., and nighttime shall be considered to be 7:00 p.m. to 7:00 a.m.



This is the heart of the Noise Ordinance.


MAXIMUM NOISE LEVELS

NOTE: A 60 Decibel (dB) noise is TWICE as loud as a 50 dB noise.

The proposed DRAFT ordinance levels exceed model Mill Valley ordinance by 10 dB, daytime and nighttime!

Unfortunately these noise levels are 10dB too high for Healdsburg's rural residential setting, and they exceed the World Health Organization guidelines for residential areas.

The WHO has recommended maximum daytime exterior noise levels not exceed 50 dB,

<p>is to be maintained at any location or elevation along and beyond the property line. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).</p>	<p>***** Excerpt from: WHO Community Noise Guidelines, 1995 "For dwellings, recommended guideline values inside bedrooms are 30 dB LAeq for steady-state continuous noise and for a noise event 45 dB LMax. To protect the majority of people from being seriously annoyed during the daytime, the sound pressure level from steady, continuous noise on balconies, terraces, and in outdoor living areas should not exceed 55 dB LAeq. To protect the majority of people from being moderately annoyed during the daytime, the sound pressure level should not exceed 50 dB LAeq. At nighttime outdoors, sound pressure levels should not exceed 45 dB LAeq, so that people may sleep with bedroom windows open."</p>	<p>and even then it causes annoyance in residential areas. (See excerpt in the center column.) View the The WHO Noise Level Guidelines Chart here.</p> <p>*****</p> <p>NOISE HOURS This is the one item in the proposed DRAFT that is better for residential areas than the Mill Valley ordinance.</p> <p>What is the rationale? Why not normal business hours such as 7 a.m. to 5 p.m.?</p> <p>Better yet, lets be consistent throughout the ordinance. We like the hours for Construction 7:30 a.m. to 6 p.m. (See Section 8 below).</p>														
<p>7.16.070 Interior noise standards.</p> <p>A. No person shall create or maintain or cause to be created or maintained within the interior of a multi-family dwelling four feet from any wall, floor, or ceiling any noise which exceeds the limits of Table A-3 below, as adjusted by correction factors under subsection B of Section 7.16.060, and as adjusted by Table A-4 except within the apartment where the noise source or sources may be located.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>The Healdsburg DRAFT Noise Ordinance has not attempted to address "Interior Noise Standards".</p> <p>Perhaps this is a significant issue if the City plans on building more multi-family "low-income" apartments and row housing.</p>														
<p>B. All school, hospital, and residential uses and construction commenced after October 19, 1977, shall employ construction methods and materials which the Building Inspector and/or City Engineer determine will ensure compliance with the limits specified in Table A-3.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>Do our schools, Hospital, and multi-family dwellings need a regulation to mandate construction methods to limit interior noise?</p>														
<p>TABLE A-3</p> <table border="1"> <thead> <tr> <th><u>Type of Land Use</u></th> <th><u>Time Interval</u></th> <th><u>Allowable Interior Noise Level (dBA)</u></th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residential</td> <td>9 pm - 7 am</td> <td>35</td> </tr> <tr> <td>7 am - 9 pm</td> <td>45</td> </tr> <tr> <td>School</td> <td>7 am - 9 pm</td> <td>45</td> </tr> <tr> <td>Hospital</td> <td>Any Time</td> <td>35</td> </tr> </tbody> </table> <p>(Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).</p>	<u>Type of Land Use</u>	<u>Time Interval</u>	<u>Allowable Interior Noise Level (dBA)</u>	Residential	9 pm - 7 am	35	7 am - 9 pm	45	School	7 am - 9 pm	45	Hospital	Any Time	35	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>What is the Planning Department rationale for not including these standards?</p> <p>The World Health Organization noise guidelines are met by this Mill Valley requirement.</p> <p>Why don't we recognize hospitals and schools as special places to limit distracting noise? The Healdsburg DRAFT does not even mention hospitals, schools or parks.</p>
<u>Type of Land Use</u>	<u>Time Interval</u>	<u>Allowable Interior Noise Level (dBA)</u>														
Residential	9 pm - 7 am	35														
	7 am - 9 pm	45														
School	7 am - 9 pm	45														
Hospital	Any Time	35														
<p>7.16.080 Exemptions.</p>	<p>SECTION 7. Exemptions.</p>															
<p>The following activities shall be exempted from the provisions of this chapter:</p>	<p>The following activities shall be exempted from the provision of this chapter:</p>															
<p>A. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided such events are conducted pursuant to a permit or license issued by the City relative to the</p>	<p>A. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided such events are conducted pursuant to a permit or license issued by the City relative to the</p>	<p> Permits issued for these "occasional" outdoor events</p>														

<p>staging of such events;</p>	<p>staging of such events.</p>	<p>must have provisions for limiting amplified sound.</p>
<p>B. Any mechanical device, apparatus or equipment used, related to, or connected with any emergency machinery, vehicle, work or warning alarm or bell, provided the sounding of any bell or alarm on any building or motor vehicle shall terminate its operation within fifteen (15) minutes of its being activated;</p>	<p>B. Any mechanical device, apparatus or equipment used, related to, or connected with any emergency or agricultural machinery, vehicle, work or a warning alarm or bell, provided the sounding of any bell or alarm on any building or motor vehicle shall terminate its operation within fifteen (15) minutes of its being activated.</p> <p>Lets break that sentence down:</p> <p>Any mechanical device, apparatus or equipment</p> <p>used, related to, or connected with any emergency</p> <p>or agricultural machinery,</p> <p>vehicle,</p> <p>work or a warning alarm or bell,</p> <p>provided the sounding of any bell or alarm on any building or motor vehicle shall terminate its operation within fifteen (15) minutes of its being activated.</p>	<div data-bbox="1127 191 1252 310" data-label="Image"> </div> <p>This is a mess. Even the Mill Valley version is screwed up. It does not make sense, even if you rearrange the commas. Probably the original Mill Valley clause was intended to exempt emergency machinery and vehicles, and their warning alarm or bell, nothing else.</p> <p>So lets look at the Healdsburg DRAFT version.</p> <p>Ignore the "work or warning alarm or bell" for now, this is a separate item, and only confuses the issue.</p> <p>Also ignore the reference to "emergency", that too only confuses the issue. The DRAFT clause as written does not say it exempts emergency vehicles (including ambulances, or even Utility service vehicles), only "related equipment". The Healdsburg DRAFT Ordinance somehow deleted that important "Emergency Work" exemption (See Mill Valley ordinance Section 7.16.090 D below)</p> <p>Where did the "agricultural machinery" come from? Someone thought they would be a hero and add this phrase. We all love our farms and vineyards but this is doesn't make sense in our city noise ordinance. We have only a few acres of land in the city zoned for agriculture, and that is south of the freeway.</p> <p>To protect our residential neighborhoods let us at least add the phrase "when used for agricultural purposes", or better yet take it out!</p> <p>As written, this clause exempts <u>all mechanical devices</u> if they are used, related to or attached to any vehicle, any emergency vehicle, or any agricultural machinery.</p>

		<p>Now what is the real issue here? This clause totally exempts all noise making mechanical devices such as fork lifts, truck loading docks, garbage trucks, blowers, vacuums, any thing remotely associated with a vehicle!</p> <p>This is not acceptable. Noise is noise.</p> <p>Anybody have a problem with a "work" bell? Does this refer to a "time to start or stop work bell"? They rarely ring for 15 minutes.</p> <p>About those alarm bells.</p> <p>Why are we willing to tolerate 15 minutes of an alarm on a motor vehicle? It is understandable for a burglar system on a building, but not for a motor vehicle. Many of these auto alarm systems cycle through many types of sound over and over. Many autos equipped with these systems are set of by a short nearby noise and trip over and over again.</p> <p>This is not acceptable. We need a section in this ordinance that deals with repeated false burglar alarms and auto alarms.</p> <p>Effective January 1, 2003 a new noise regulation went into effect, the: <u>FALSE ALARM ORDINANCE 14-B</u>. This regulation should effectively deal with repeated false alarms on buildings, but unfortunately does not deal with auto alarms. Does Healdsburg have an auto alarm ordinance? This requires some investigation.</p>
<p>C. Noise sources associated with or vibration created by construction, repair, remodeling, or grading of any real property or during authorized seismic surveys, provided such activities do not take place between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or at any time on Saturday, Sunday or a legal holiday, and provided the noise level created by such activities does not exceed the noise standard of sixty (60) dBA plus the adjustments specified in subsection B of Section 7.16.060, as measured on residential property, and any vibration created does not endanger the public health, welfare and safety.</p>	<p>SECTION 8. Construction and Temporary Activities.</p> <p>A. Noise sources associated with or vibration created by construction, repair, remodeling. Or grading of any real property or during authorized seismic surveys are permitted, provided such activities do not take place between the nighttime hours of 6:00 p.m. and 7:30 a.m. daily, or at any time on Sunday or a legal holiday, and provided the noise level created by such activities does not exceed the outdoor noise standard of sixty (60) dBA plus the adjustments specified in subsection B of Section 11 herein, as measured at the</p>	<p>We all recognize that construction projects can be loud noisy places, and of course we don't want to hamper those million dollar homes in Northside, or even our older neighborhoods.</p> <p>This section sets a rational standard for hours of operation, 7:30 am to 6 pm. Lets make this the universal standard throughout this ordinance.</p>


Heavy equipment and power tools are restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m. **Owner/occupant builders are exempt from the time and heavy equipment and power tools restrictions on Saturdays between the hours of 9:00 a.m. and 5:00 p.m.** Construction noise sources exceeding the above limits shall be allowed only upon issuance of a special permit under subsection D of Section 7.16.090.

Nothing in this Chapter shall be construed to prohibit construction activities that do not exceed the ambient noise level by more than ten (10) dBA, such as painting or interior work. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 907, Sec. 1, February 21, 1978; Ord. 1174, Sec. 1 (part), February 5, 2001).

property plane of residential or transient lodging property, and any vibration created does not endanger the public health, welfare and safety.

See Section 8.-B. (below).

C. Nothing in this Section shall be construed to prohibit construction activities that do not exceed the ambient noise level by more than ten (10) dBA, such as painting or interior work.



Unfortunately the Healdsburg DRAFT Ordinance insists on allowing construction and Industrial operations on Saturdays.

Note that "Owner/occupant builders" may use heavy equipment and power tools on Saturday ([DRAFT Section 8 B](#))

The 60dB is a rational standard for construction noise limits measured at the nearest (occupied) residential property plane.

7.16.090 Special noise limits.

A. Motor Vehicles. It is unlawful for any person to operate any motor vehicle which is not subject to registration under the Vehicle Code in such a manner that the noise limits described in Section 23130 of the Vehicle Code are exceeded. Any measured noise level exceeding these limits shall be deemed to be prima facie evidence of a violation of the provisions of this section.

NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE

REVIEW Notes related to comment at right:
California Vehicle Code, Section 27150 VC requires that every motor vehicle subject to registration be equipped with an adequate muffler. There we no exceptions -- all vehicles must be equipped with a muffler, as defined in Section 425 VC. A turbocharger is not considered a muffler.

Section 21 VC makes the VC applicable and uniform throughout the state, and prohibits local authorities from enacting or enforcing any ordinance on the matters covered by the VC unless expressly authorized to do so. In-use vehicle noise is addressed in Sections 23130 and 23130.5 VC. There Is no provision in the VC that permits local authorities to adopt additional noise limitations. Consequently, citations issued under such ordinances are invalid.


Sections 23130 and 23130.5 VC specify noise standards for vehicles operating on the highway (in-use vehicles), and are intended for use in actual traffic conditions. The limits of Section 23130 apply under all conditions of grade, load, acceleration and deceleration, The lower limits of Section 23130.5 apply only to relatively level roadways and under conditions of relatively constant speed. They specifically do not apply to areas of congested traffic, that require noticeable acceleration or deceleration, or within 200 feet of an official traffic control device or change in grade. Although these sections were intended for use in actual traffic conditions, the complexities of noise testing require the testing be conducted in a relatively large open area free of other vehicles and large sound-reflecting objects. This makes in-use vehicle noise testing in most developed areas impractical, where noise complaints are most


[California Motor Vehicle Code Section 23130](#) addresses issues such as loud mufflers on registered vehicles.

This part of the Mill Valley ordinance regulates "off road" vehicles motorcycles and loaders and off-road trucks that do not require registration.

Unfortunately the CA motor vehicle code is very liberal and allows up to 82 dB on residential streets.

This section is needed in the new Healdsburg Noise Ordinance to control noise from off-road vehicles that do not require State vehicle registration.

	<p><u>likely to occur. The CHP does not currently provide either the Instrumentation or training necessary to conduct vehicle noise testing. Enforcement using Section 27150 or 27151 VC is usually more appropriate and effective.</u></p> <p>Section 27150 VC requires that every motor vehicle subject to registration be equipped with an adequate muffler. There we no exceptions -- all vehicles must be equipped with a muffler, as defined in Section 425 VC. A turbocharger is not considered a muffler. Section 27151 VC prohibits the modification of the exhaust system but only prohibits modifications that result in a noise level higher than those specified In Sections 27201-27206 VC.</p>	
<p>B. Hawkers and Peddlers. It is unlawful for any person to sell anything by outcry within any area of the City zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, or other similar licensed public entertainment events.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>Don't see a need for this in the Healdsburg ordinance, but it doesn't hurt. (Visions of horse-drawn carts full of vegetables and tin ware for the kitchen, making their way down Matheson Street).</p>
<p>C. Attracting Attention Using Noise. It is unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise. This section shall not apply to any person who is a participant in a school band or duly licensed parade, or who has been otherwise duly licensed to engage in such conduct.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>Don't see a need for this in the Healdsburg ordinance. Must have been a problem in Mill Valley.</p>
<p>D. Construction Projects. The noise levels produced by construction projects shall not exceed sixty (60) dBA plus the adjustments of subsection B of Section 7.16.060 without issuance of a special permit.</p> <p>The special permit shall not be issued by the authorized City department unless the applicant demonstrates that the equipment to be used produces noise levels that are the lowest of currently available equipment. Exception: No permit is required to perform emergency work.</p> <p>Contractors shall be required to prominently display a notice of the date of commencement of construction noise at least three days prior to actual commencement. Such notice shall be located on the construction site and shall be readable from the closest adjacent street.</p>	<p>SEE SECTION 8 –A Construction and Temporary Activities. (above)</p> <p>SEE SECTION 8 -B (below)</p>	<p>At least the Mill Valley ordinance recognizes that construction projects can be loud noisy places. See Section 8 above.</p> <p>Special Permits are required in Mill Valley only after the applicant demonstrates the equipment is the quietest available! Can't we do the same? This needs to be added to Section 10 in the DRAFT.</p>
<p>E. Amplified Sound. While recognizing that the use of sound amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the City nevertheless 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.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>This seems to be a rational statement. We should have a similar one in the Healdsburg noise regulations. Amplified Sound must be regulated!</p>
<p>I. Amplified Sound Out-of-Doors--Permit Required. Persons intending to install, use or operate within the City a loudspeaker or sound amplifying equipment in a fixed or moveable position or mounted upon any sound truck for the</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p> This clause is an absolute must in the new Healdsburg ordinance.</p>

<p>purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any private property out -of-doors or upon any street, alley, sidewalk, park, or public property out -of-doors shall obtain a permit from the City. Such permit shall be issued for one day at a time and shall allow the operation of the amplifying equipment between the hours of 9:00 a.m. and 6:00 p.m. on weekdays and Saturday and between 12:00 noon and 6:00 p.m. on Sundays and legal holidays. The equipment shall be controlled by the permit holders so as not to disturb or be a nuisance to a person of normal sensitiveness. The only sounds allowed shall be of music or of human speech.</p>		
<p>2. Amplified Sound Emanating From Within a Building. Amplified sound emanating from within a building shall not exceed limits in Table A-2 at and beyond the property line.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p> This is simple rational application of universal noise limits. With this we don't need all the extraneous ordinances we currently have in the Healdsburg Municipal Code. For example our regulations contain many illogical and irrational noise regulations such as special regulation for Home occupations, and a special regulation for music and parties at bed and breakfast or visitor lodging, and a very complex regulation for alcoholic beverage establishments. You may review these [here].</p>

F. Noise Arising From Residential Activities.

Certain types of activities and noise sources associated with residential living, although not considered acceptable by most residential inhabitants, are, nevertheless, tolerated. It is the purpose of this section to allow these noise sources to persist, however, at controlled noise levels and at specified times. The general noise limits of Table A-2 and the specified adjustments of subsection B of Section 7.16.060 apply to the noise sources listed in Table A-4 below, except during the time periods specified. The higher noise limits listed in Table A-4 are allowed only between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays, and on Sundays and legal holidays as designated in Table A-4.

SECTION 8. (excerpt) Construction and Temporary Activities

B. Residential gardening activities conducted by the owner/occupants is permitted between the hours of 7:30 a.m. and 9:00 p.m. to include power mowers, pressure washers and other power apparatus. If these tools are used by outside contractors, then the activities are deemed to fall under construction activities as set forth in subsection A, above.



There is no reason owner/occupant noise generating activities should not be limited to the same reasonable hours as we have specified for Construction activities: 7:30 a.m. to 6:00 p.m.

It makes no sense to allow the use of leaf blowers, gas engine lawn mowers, or other noisy equipment after 6:00 p.m.

TABLE A-4

Noise Source Type	Noise Levels (dBA)	Sundays and Legal Holidays
Power garden equipment	80	Limits set in Table A-2
People during outdoor activities	70	12:00 noon to 9:00 p.m.
Musical activity indoors	Adjustments to +10 to limits in Table A-2	12:00 noon to 9:00 p.m.

NO COMPARABLE TABLE IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE



This table is not required if a new Healdsburg ordinance has requirements for owner/occupant noise generating activities. (See comment above in [Section 8.](#))

The DRAFT Healdsburg ordinance has not addressed "People during outdoor activities" and does not need to if amplified sound is controlled!

The DRAFT Healdsburg ordinance does not address indoor musical activities and does not need to if amplified sound is controlled!

G. Noise Arising From Activities in Recreation Areas. Activity noise levels in any recreation area shall not exceed seventy (70) dBA between 7:00 a.m. and 9:00 p.m. on any day. The limits of Table A-2 shall apply between 9:00 p.m. and 7:00 am.

NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE



Now you may not agree with this clause, but at least Mill Valley recognizes recreation or sports areas can be noisy places. Our DRAFT Ordinance doesn't even mention parks or recreation areas. Or hospitals for that matter.

H. Noise Arising From Activities at Tennis Courts. Activity noise levels at municipal tennis courts and at private tennis clubs shall not exceed seventy (70) dBA between 7:00 a.m. and 10:00 p.m. on any day. The limits of Table A-2 shall apply between 10:00 p.m. and 7:00 a.m.

NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE

NO COMMENT


I. Gasoline Powered Blowers. It is unlawful for any person to operate a gas-powered device to blow leaves, dirt or other debris off sidewalks, driveways, lawns or other surfaces within any area of the City. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1119, Sec. 1, January 4, 1993; Ord. 1174, Sec. 1 (part), February 5, 2001).


NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE

MAY BE CONSIDERED TO BE COVERED BY SECTION 8 B (above)



The DRAFT Healdsburg ordinance allows the limited use of gasoline powered garden or house maintenance equipment. We believe this is

		a useful compromise. See our comments regarding the proposed hours permitted in Section 8 , above.
7.16.100 Air conditioning and refrigeration-- Special provisions.		
Until January 1, 1980, the noise limits enumerated in Sections 7.16.070 and 7.16.080 shall be increased five dBA where the alleged intruding noise source is an air conditioning or refrigeration system or associated equipment which was installed prior to October 19, 1977. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).	NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE	NO COMMENT
7.16.110 Variance procedures.		
A. The owner or operator of a noise source which violates any of the provisions of this chapter may apply for a variance from the regulations designated in this chapter, on the basis of undue hardship, to the Planning Commission. Any variance granted by the Planning Commission shall contain all conditions upon which such variance has been granted and shall specify a reasonable time period that the variance shall be effective. The Planning Commission may grant the variance as applied for only if it is found that: 1. Additional time is reasonably necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or 2. The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with this chapter; or 3. No other reasonable alternative is available to the applicant.	SECTION 10. Temporary Exception Permit. If the applicant can demonstrate to the Planning Director that a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements of this section would be impractical or unreasonable, a permit to allow exceptions from the provisions contained in all or a portion of this ordinance may be issued, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be as short a duration as possible up to 90 days and shall be conditioned by a schedule for compliance and details of methods therefore in appropriate cases. A filing fee may be charged for this permit as determined by the City Council by resolution. Any person aggrieved with the decision of the Planning Director may appeal to the Planning Commission. Any decision of the Planning Commission may be appealed to the City Council. Applicants for construction and temporary activities addressed in Section 8 may apply for an exception to the time restrictions to the Planning Director if it can be demonstrated that extraordinary circumstances exist where application of the regulations would pose an economic hardship beyond ordinary inconvenience or would provide a community benefit to the provision of affordable housing. A filing fee may be charged for this permit as determined by the City Council by resolution. Any person aggrieved with the decision of the Planning Director may appeal to the Planning Commission. Any decision of the Planning Commission may be appealed to the City Council.	 This Temporary Exception Permit has the potential to circumvent this entire noise ordinance. The good news is the permit time has been reduced to 90 days from the existing noise ordinance's six months! On the other hand, a Temporary Exception Permit for construction is a reasonable exception for cases such as trying to get a roof on a building before an upcoming storm. What is disturbing here is the good intentioned exemption for "affordable housing". Construction of any kind is a dusty, noisy, activity and takes many months. When it occurs near occupied residences it is a major annoyance. This is why Construction activities have special time and noise limit regulations in this ordinance. Noise is noise! A blanket exemption to the time restrictions just because a project is "affordable housing" is not a reasonable exception for nearby residents! Trading the health and well being of nearby residents to finish a project sooner is not a rational trade. Remember the primary directive: "to protect the residents of Healdsburg from the harmful effects of exposure to excessive noise".

<p>B. The Planning Commission may prescribe any reasonable conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	 <p>Why was this not included in the Healdsburg DRAFT Ordinance?</p>
<p>C. The application shall be accompanied by a fee as established by the City Council.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>NO COMMENT</p>
<p>D. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>NO COMMENT</p>
<p>E. An applicant for a variance shall remain subject to prosecution under the terms of this chapter until a variance is granted. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>NO COMMENT</p>
<p>7.16.120 Prima facie violation.</p>		
<p>Any noise exceeding the noise level limits specified in Sections 7.16.060 and 7.16.070 and as adjusted by Table A-4 shall be deemed to be prima facie evidence of a violation of the provisions of this chapter. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>NO COMMENT</p>
<p>7.16.130 Violations--Misdemeanors.</p>		
<p>Any person violating any of the provisions of this chapter shall be guilty of an infraction and upon conviction thereof shall be fined and punished in accordance with Government Code Section 36900 or any successor statute. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).</p>	<p>SECTION 12. Violation -Misdemeanor. Every person who violates any provision of this chapter is guilty of a misdemeanor. Each day a violation is committed or permitted to continue after notification to desist is a separate offense.</p>	<p>NO COMMENT</p>
<p>7.16.140 Violations--Additional remedies--Injunctions.</p>		
<p>As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes or creates sound levels exceeding the allowable limits as specified in this chapter shall be deemed and is declared to be a public nuisance and may be subject to abatement as provided by law or by a restraining order or injunction, issued by a court of competent jurisdiction. By resolution, the City Council may declare the expense of such abatement to be a lien against the property on which such nuisance is maintained, and such lien shall be made a personal obligation of the property owner. In addition to any other remedy that the City may pursue under this chapter, the Building Official may subject any violator of the construction noise regulations of this chapter to a one-day work suspension under their building permit for the first offense and a one-week work suspension under their building permit for each subsequent offense. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).</p>	<p>SECTION 13. Violation - Public Nuisance. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this ordinance, which operation or maintenance thereof cause 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 restraining order or injunction issued by a court of competent jurisdiction. SECTION 14. Violation - Penalty. A. Whenever in this code any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, such violation of this code or failure to comply with its requirements shall constitute a misdemeanor, unless expressly provided otherwise.</p>	<p>See Mill Valley remedy. The Mill Valley code has teeth! For example a violation of the construction noise regulations may face a one day work suspension and a one-week suspension for each subsequent offense, and, it is not necessary to go to court! We believe there should be an automatic three step escalation process in the Healdsburg ordinance. (The City Attorney can add all the legalize as he feels necessary.) Our suggested revision would be worded similarly to this: "Any violation constituting a</p>

	<p>Any violation constituting a misdemeanor under this code may in the discretion of the City Attorney be charged and prosecuted as an infraction.</p> <p>Any person convicted of a misdemeanor under the provisions of this code, unless otherwise provided in this chapter, shall be punishable by a fine of not more than \$ 1,000.00 or by imprisonment in the County jail for a period of not more than six months or by both fine and imprisonment.</p> <p>Any person convicted of an infraction under the provisions of this code, unless otherwise provided in this chapter, shall be punishable by a fine as follows: Upon a first conviction by a fine not exceeding \$100.00, and for a second conviction within one year of the first conviction by a fine not exceeding \$250, and any subsequent conviction within one year from the first conviction by a fine not exceeding \$500.00.</p> <p>B. In addition to or in lieu of the remedies provided in subsection A of this section, the City Attorney may commence an action for abatement, including, but not limited to, an injunction thereof, in the manner required by law and shall take such other steps to obtain such relief as will abate or remove a violation and restrain and enjoin any person from violating any provisions of this code, or other applicable laws and rules and regulations. All costs, including attorney's fees, for the abatement of a violation of this code which constitutes a public nuisance shall be assessed against any property declared to be a public nuisance and the costs, including attorney's fees, shall be collected in the manner provided for by Government Code Section 38773.5.</p>	<p>misdemeanor under this code may in the discretion of the City Attorney be charged and prosecuted as an infraction.</p> <p>A warning notice will be issued by the enforcing officer upon the first incident deemed to be in violation of this code.</p> <p>A second violation within one month shall be a misdemeanor.</p> <p>Any person convicted of a second misdemeanor under the provisions of this code within one year will automatically be charged and prosecuted as an infraction including an action for abatement. "</p> <p>We believe that without an automatic escalation this regulation is toothless. The proposed fines may be effective for a typical resident, but are insignificant to a large corporation!</p>
<p>7.16.150 Responsibility for enforcement.</p>		
<p>A. City Engineer--Police Department--Building Official. Responsibility for enforcement of this chapter shall be delegated to the offices of the City Engineer, the Building Official or the Police Department. Requests for special permits for construction projects shall be directed to the office of the City Engineer. Such permits may be issued in accordance with Subsection D of Section 7.16.090.</p> <p>The City Engineer and/or the building/zoning code inspector, acting as his or her designee, shall be satisfied that appropriate methods are employed in new construction and new uses in order to meet the interior noise standards specified in Table A-4. Complaints about construction noise which are made during the working day (9:00 a.m. to 5:00 p.m., Monday through Friday) shall be investigated by the City Engineer, Building Official or their designee. Complaints about all other noises shall be investigated by an officer of the Police Department. When the office of the City Engineer or Building Official is closed, complaints about construction noises shall also be investigated by a police officer.</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>NO COMMENT</p>
<p>B. Enforcement Procedure. Whenever the enforcing officer has reason to believe that the noise level limits of this chapter have been violated, he shall see that noise measurements in accordance with the procedures specified in</p>	<p>NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE</p>	<p>The Healdsburg DRAFT addresses this section in Section 11</p>

Section 7.16.040 are performed.		
C. Interference With Enforcement Procedures. No person shall interfere with, oppose, or resist any authorized person charged with the enforcement of this chapter while such person is engaged in the performance of his duty.	NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE	NO COMMENT
D. Immediate Threat to Health and Welfare. The enforcing officer shall order an immediate halt to any sound in excess of limits established by this chapter which exposes any person to an immediate threat to health and welfare.	NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE	This is a major shortcoming in the Enforcement of the new Healdsburg Noise Ordinance. Why was it deleted?
E. Report and Evaluation. The City Engineer, Building Official and the police officers involved in this program shall keep records of their activities in enforcing the noise regulations and shall submit a report and evaluation together with recommendations to the City Manager annually. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).	NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE	With our noise problems in the past, and poor regulation of noise sources, we need this clause in the new Healdsburg Noise Ordinance.
7.16.160 Severability.		
If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are declared to be severable. (Ord. 899, Sec. 1 (part), September 19, 1977; Ord. 1174, Sec. 1 (part), February 5, 2001).	NO COMPARABLE SECTION IN HEALDSBURG NOVEMBER 5, 2002 DRAFT ORDINANCE	NO COMMENT

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