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**ORDINANCE NO. 771**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SUISUN CITY, CALIFORNIA, AMENDING SECTIONS 8.12.070  
(GENERALLY – DEFINITIONS) AND 8.12.080 (GENERALLY – ACTS  
DECLARED TO BE NUISANCES) OF CHAPTER 8.12 (PUBLIC  
NUISANCES) OF TITLE 8 (HEALTH AND SAFETY), AND  
AMENDING SECTION 15.04.075 (CONSTRUCTION WORK HOURS)  
OF CHAPTER 15.04 (PERMITS – UNIFORM CODES) OF TITLE 15  
(BUILDINGS AND CONSTRUCTION) OF THE SUISUN CITY  
MUNICIPAL CODE TO IMPLEMENT NOISE REGULATIONS**

**WHEREAS**, the City of Suisun City (City) has the authority to legislate to protect the health, safety, and welfare of its residents and visitors pursuant to its police power; and

**WHEREAS**, the City has received an increased number of complaints about loud and annoying noises in the City; and

**WHEREAS**, the City Council of the City of Suisun City finds that these loud and annoying noises have disturbed the quiet enjoyment of residential property in the City; and

**WHEREAS**, the City Council finds that these noise complaints have resulted from, among other sources, mechanical equipment, amplified noises, drive-thru speakers, construction noise, power tools, landscape activities, alarms, loud parties, etc.; and

**WHEREAS**, the City has a keen interest in maintaining the City free from noise pollution; and

**WHEREAS**, the City Council finds that loud and unreasonable noises are a threat to the public peace, health, safety and welfare of the city and its residents; and

**WHEREAS**, the City Council now desires to amend Sections 8.12.070 (Generally – Definitions) and 8.12.080 (Public Nuisances) of the Suisun City Municipal Code to include a noise ordinance to preserve the public peace, health, and safety; provide City residents and visitors with clear guidance regarding what level of noise is prohibited in the City; and to provide City staff with a clear and effective mechanism to enforce noise regulations. The City Council further wishes to amend Section 15.04.075 (Construction work hours) to provide consistency with the noise ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council finds that the above recitals are true and correct, and are incorporated as though fully set forth herein.

**Section 2.** Section 8.12.070 (Generally—Definitions) of Chapter 8.12 (Public Nuisances) of Title 8 (Health and Safety) of the Suisun City Municipal Code is amended to add the following definitions.

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**A-Weighted Sound Level (dBA):** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The A-weighted network is the network for measuring sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.

**Commercial Entity:** Any contractor, handyman, landscape contractor or similar paid to perform services.

**Construction:** Any building activity that affects the exterior appearance of a structure, including the assembly, erection, alteration, reconstruction, repair, maintenance, demolition or extension of a structure.

**Construction equipment:** Any tools, machinery, or equipment used in connection with construction operations.

**Cumulative duration:** Refers to time within any one-hour period.

**Clearly audible:** A sound that can be heard by any person of average or normal hearing capability.

**Decibel (dB):** A unit for measuring the volume of a sound.

**Demolition:** Any act or process that destroys (in part or in whole) a structure.

**Domestic Power Tools.** Any mechanically, motorized or engine powered device including but not limited to: power saw, sander, drill, grinder, riding lawn mowers, lawn mowers, lawn or garden tool, leaf blower, or similar equipment excluding motor vehicles.

**Emergency work:** Work made necessary (1) to restore property to a safe condition following a natural disaster such as an earthquake, fire, flood, public calamity, or other cause or event not within the control of the person undertaking the work, (2) work required to protect persons or property from imminent exposure to injury, danger or damage, or (3) work by public or private utilities when restoring utility service.

**Motor vehicle:** Self-propelled vehicle, as defined in the California Vehicle Code, and also including but not limited to, all-terrain vehicles, minibikes and go-carts.

**Noise:** Any sound which annoys or disturbs a reasonable person of normal sensitivities.

**Noise level:** Means the same as sound level. The terms may be used interchangeably herein.

**Noise sensitive land use:** Locations where there is greater sensitivity to excess noise, including but not limited to, residences, hospitals, nursing homes, theaters, auditoriums, churches, meeting halls, schools, libraries, museums, and parks.

**Owner:** Owner of record of real property, occupant, lessee, or interest holder in same, as the case may be.

**Persistent noise:** Constant, fluctuating, or intermittent noise of cumulative duration of more than 20 minutes, that disturbs a reasonable person beyond the property line of the noise source. Examples of sources of persistent sound include but are not limited to dogs barking, amplified sound, power tools, vehicles, and like noises.

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**Premises:** Any real property, or improvements thereon.

**Public place:** Any right-of-way, public parks, public property, public parking lots, public marina.

**Sound amplifying equipment.** Any machine or device for the amplification of the human voice, music or any other sound. Sound amplifying equipment as used herein shall not be construed as including standard automobile radio when used and primarily audible only by the occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

**Sound level:** The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives a good correlation with subjective reactions to noise.

**Sound level meter:** An instrument of the measurement of sound including a microphone, amplifier, an attenuator, networks for at least the standardized “A” frequency weighting, and an indicating instrument having at least the standardized dynamic characteristic “fast,” as specified in the American National Standards Institute Specifications for Sound Level Meters.

**Section 3.** Section 8.12.080 (Generally—Acts declared to be nuisances) of Chapter 8.12 (Public Nuisances) of Title 8 (Health and Safety) of the Suisun City Municipal Code is amended to add subsection S as follows:

**S. Noise Regulations.** The following special noise restrictions are hereby established without regard to their sound level impact and may be enforced without the prerequisite of a sound level measurement.

**1. General Noise Regulations**

a. It is unlawful for any person to willfully make or continue or permit or cause to be made or continued, any loud, unnecessary, or unusual noise which unreasonably 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.

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:

- i. The volume of the noise;
- ii. The intensity of the noise;
- iii. Whether the nature of the noise is usual or unusual;
- iv. Whether the origin of the noise is natural or unnatural;
- v. The volume and intensity of the background noise, if any;
- vi. The proximity of the noise to residential sleeping facilities;
- vii. The nature and zoning of the area within which the noise emanates;
- viii. The density of the inhabitation of the area within which the noise emanates;

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- ix. The time of the day or night the noise occurs;
  - x. The duration of the noise, including whether its short term or temporary;
  - xi. Whether the noise is produced by a commercial or noncommercial activity.
- b. This section shall be inapplicable to emergency work, vehicles, and personnel.

2. **Specific Prohibitions:** No person shall do, cause, or suffer, or permit to be done on any premises owned, occupied, or controlled by such person, the following activities which are declared prima facie evidence of a violation of this section, but said enumeration shall not be deemed exclusive.

- a. **Auto body repairs** - Repair any auto body unless within a completely enclosed building and the noises from such repairs are reasonably confined to such building.
- b. **Engine Repair and Testing** - Repair, rebuild, or testing of any engine in a manner that can be heard on neighboring properties between the hours of 9:00 p.m. and 7:00 a.m.
- c. **Animals** - The keeping of any animal that causes frequent or persistent noise plainly audible by inhabitants or occupants of any adjacent or neighboring residential properties or units, or plainly audible at a distance of 50 feet from any nonresidential building or structure, shall be presumed to disturb the comfort and repose of any person on a nearby property, following regulations of Title 6 Animals; however, nothing in this subsection shall be construed to apply to occasional noises emanating from a legally operated kennel, animal hospital or veterinary clinic, humane society or pound.
- d. **Generators** – Generators are considered accessory structures in residentially zoned lots and shall meet the setbacks described in Table 18.31.005 (Table of development standards in residential zones) for accessory structures in residential zones. Generators in commercially zoned lots located near noise sensitive land uses must meet the guidelines of section 18.20.080 (Trash and Storage Areas) and meet the setbacks described in Table 18.32.010 (Table of development standards in commercial zones) for enclosed structures for generators in commercial zones, the openings of the structure shall not face noise sensitive zones. Portable generators must meet the setbacks described in Table 18.31.005 (Table of development standards in residential zones) for accessory structures in residential zones, unless manufacturer’s decibel rating is below 70dB (consistent with air conditioning unit).
- e. **Domestic power tools.** Operating or permitting the operation of any domestic power tools, small power equipment, or similar device used in residential areas between the hours of 9:00 p.m. and 7:00 a.m. so as to cause noise that can be heard across a residential real property boundary.
- f. **Sounding horns and signal devices** - The sounding of any horn or signaling device on any automobile, motor vehicle or any other vehicle on any street or public street except as a danger warning; the creation by means of any such signaling device of any unreasonably and unnecessarily loud or harsh sounds;

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the sounding of any such signaling device for an unnecessarily or unreasonably long period of time; or the use of any horn, whistle or other device operated by engine exhaust

- g. Vehicle noise.**
  - i. Defect in Vehicle or Load. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
  - ii. Motor Vehicle Noises. Any loud or annoying noise made by any motor vehicle and not reasonably necessary to the operation thereof under the circumstances, including, but not limited to, noise caused by screeching of tires; racing or accelerating the engine, except in the course of repair or adjustment thereof during nighttime hours; backfiring the engine; or the emission of exhaust from the engine tail pipe or muffler. Vehicles must be maintained in compliance with Sections 27150, 27151, 27200 of the Vehicle Code, 13 CCR 1036, including amendments and successor statutes, and any other relevant state laws and regulations.
  - iii. Large vehicle delivery and loading within 50 feet of residential uses - The loading, unloading, or delivery of goods, merchandise, vehicles or supplies by large trucks, tractor-trailers, or other similar vehicles between the hours of 9:00 p.m. and 7:00 a.m. unless a sound wall or other hours have been allowed through a use permit.
- h. Musical instruments and sound amplifiers-** Use or operate any musical instrument or any device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise as follows:
  - i. Use or operate any device, machine, apparatus, or instrument for intensification or amplification of musical instruments, the human voice, or of any other sound in or on a public place without first obtaining a special event permit.
  - ii. Use of any unamplified musical instrument, or other apparatus that is clearly audible from a distance of 70 feet, upon public places without first obtaining a special event permit.
  - iii. Operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device, which produces, reproduces, or amplifies sound in any public place such that the noise level disturbs a reasonable person owning, using, or occupying property in the neighborhood between the hours of 9:00 p.m. and 7:00 a.m. This section shall be inapplicable to radio systems operated by FCC licensees in the regular course of business.
  - iv. Use, operate, or play, or permit to be played, used, or operated, of any radio receiving set, musical instrument, audio system, loudspeaker, sound amplifying equipment or other machine or device for the producing or reproducing of sound, which casts sound upon the streets for the purpose of commercial or noncommercial advertising, or attracting the attention of the public to any building, structure or attraction (a) such that the sound therefrom creates noise in a residential area; or (2) on a public right-of-way or public space without first obtaining a special event permit.

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- i. **Explosives, firearms, and similar devices** - The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise across a real property boundary or on a public place, except when part of a government-authorized honor guard.
- j. **Construction or demolition work** – Construction or demolition work not in conformance with Section 15.04.075 (Construction work hours) of this Code.
- k. **Late night disturbances.** Disturbances of any kind that are plainly audible by inhabitants or occupants of any adjacent or neighboring residential properties or units, or are plainly audible at a distance of 50 feet from a real property boundary, that occur between 9:00 p.m. and 7:00 a.m., shall be prima facie evidence of violation of this subsection.
  - l. **Persistent Noise** not otherwise allowed.

- 3. **Exemptions:** The following are exempt from the provisions of this ordinance:
  - a. Sounds typically associated with residential uses (e.g., children at play, air conditioning and similar equipment in good working order, but not animal and fowl noises in violation of Subsection (2)(c), above).
  - b. Sounds typically associated with property maintenance (e.g., domestic power tools not performed by a commercial entity) provided such activities take place between the hours of 7:00 a.m. and 8:00 p.m.
  - c. Safety, warning, and alarm devices, including house and car alarms, and other warning devices that are designed to protect the health, safety and welfare, provided such devices are not negligently maintained or operated. The sounding of burglar alarms shall not constitute a violation of this section except after 20 minutes of continuous activation. Further, on or after one (1) year from the effective date of this ordinance, no owner of a motor vehicle, dwelling or commercial property shall have in operation an audible burglar alarm therein unless such burglar alarm shall be capable of terminating its operation within 20 minutes of its being activated.
  - d. The sounding of any horn, bell, whistle, siren or other audible warning device which is operated in compliance with Section 7604 of the California Public Utilities Code, or other State or Federal laws governing railroad operations.
  - e. The normal operation of public and private schools typically consisting of classes and other school-sponsored activities, such as school bands and school athletic events.
  - f. Sound or noise associated with emergencies or emergency work, involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including but not limited to, sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment.
  - g. Tree landscape, and park maintenance activities conducted by the City or a City contractor.
  - h. Any activity related to the construction, development, manufacture, maintenance, testing, or operation of any aircraft engine, or of any weapons system or subsystems which are owned, operated, or under the jurisdiction of the United States.

- i. Any other activity to the extent regulation thereof has been preempted by state or federal law or regulations.
- j. Activities or events whose noise is regulated by a City issued permit with conditions that specify the type of noise and hours permitted to operate, such as but not limited to, a Special Use Permit, Special Event Permit, Special Construction Permit.

**4. Penalties.**

- a. Each day of violation shall be deemed a separate violation. The City's remedies are not mutually exclusive.
- b. Violations of this chapter are deemed public nuisances and may be abated as such.
- c. Violations of this chapter may be punishable as infractions under Chapter 1.08 (General Penalties), and may be subject to administrative fines under Chapter 1.20 (Administrative Citations) of this code.

**Section 4.** Section 15.04.075 (Construction work hours) of Chapter 15.04 (Permits – Uniform Codes) of Title 15 (Buildings and Construction) of the City of Suisun City Municipal Code is amended to read as follows:

It shall be the responsibility of anyone engaging in construction or demolition work to restrict the hours of work activity on the site as follows.

- A. No construction equipment shall be operated nor any outdoor construction, non-residential projects or repair work shall be permitted within 600 feet from any occupied residence except during the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 8:00 p.m., on Saturday and Sunday.
- B. Construction work hours on residential projects shall be from 7:00 a.m. to 8:00 p.m.
- C. A request for an exception to the permitted construction hours and days may be granted by the chief building inspector for emergency work, to offset project delays due to inclement weather, for 24-hour construction projects, or other similar occurrences.
- D. City projects determined by the director of public works to be emergencies shall be exempt from these provisions.
- E. For construction work hours for earthwork, trenching, concrete or paving see Section 15.12.320.
- F. Interior work which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions.

[SIGNATURES OF FOLLOWING PAGE]

1 **PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council  
2 of the City of Suisun City, California, on this 16<sup>th</sup> day of 2020.

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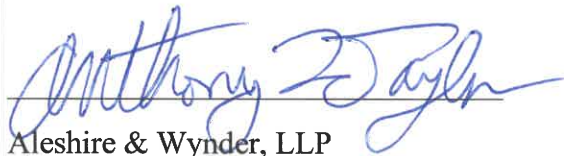
Lori D. Wilson, Mayor

5 ATTEST:

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8 Donna Pock, CMC  
9 Deputy City Clerk

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11 APPROVED AS TO FORM  
12 AND LEGAL CONTENT:

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Aleshire & Wynder, LLP

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17 **CERTIFICATION**

18 I, Donna Pock, Deputy City Clerk of the City of Suisun City and ex-officio Clerk of  
19 the City Council of said City, do hereby certify that the above and foregoing ordinance was  
20 introduced at a regular meeting of the said City Council held on May 19, 2020 and passed and  
21 adopted at a regular meeting of said City Council held on June 16, 2020, by the following vote:

|                    |                 |   |
|--------------------|-----------------|---|
| 22 <b>AYES:</b>    | Councilmembers: | <u>Adams, Day, Segala, Williams, Mayor Wilson</u> |
| 23 <b>NOES:</b>    | Councilmembers: | <u>None</u>                                       |
| 24 <b>ABSENT:</b>  | Councilmembers: | <u>None</u>                                       |
| 25 <b>ABSTAIN:</b> | Councilmembers: | <u>None</u>                                       |

26 **WITNESS** my hand and the seal of said City this 16<sup>th</sup> day of June 2020.

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Donna Pock, CMC  
Deputy City Clerk