

CITY OF  
**HAYWARD**  
HEART OF THE BAY

# **Proposed Revised Noise Ordinance**

City Council Meeting  
March 15, 2011



# Need for Revised Noise Ordinance

The Council and City staff have heard concerns from Hayward residents about unreasonable noise in community.

This proposed ordinance is an effort to address some of those concerns and provide City staff with additional tools to remedy noise conflicts.



# Current Noise Regulations

Three sections of the Hayward Municipal Code (“HMC”) regarding noise:

1. Noise Ordinance (HMC Sec. 4-1.02 et seq.)
2. Hayward Airport Noise Regulations (HMC Sec. 2-6.119 et seq.)
3. Animal Control Regulations (HMC Sec. 4-4.11)



# Current Noise Ordinance

## HMC Section 4-1.02 et seq.

- Prohibits “unnecessary noise” that disturbs the peace, quiet and comfort of the community.
- Prohibits construction noise that exceeds ambient levels by 6 decibels.
- Is difficult to enforce because lacks a clear definition of “unnecessary noise” or ability to establish violation based on ambient levels.



# Revisions to Noise Ordinance Proposed in October

- Clarified the definition of “unreasonable noise”
- Added definition for public property
- Allows citation or warning for initial decibel-based violation
- Added landscaping activities to section regulating construction activities
- Added an exemption for generators in emergencies or medically necessary
- Added section providing that the more restrictive provision of law applies in the event of conflict



# Recap of Proposed Ordinance Features

- Establishes decibel limits for noise violations
- Establishes an alternative method for determining noise violations using subjective criteria
- Authorizes the issuance of administrative citations for violations
- Authorizes City Manager to delegate enforcement authority to non-sworn staff and HPD to provide more effective resolution of noise complaints
- Confirms that all civil and criminal remedies remain available as enforcement tools



# Decibel Levels

- Proposed Ordinance decibel levels (not construction):
  - Residential: 70 dBA from 7am to 9pm
  - 60 dBA from 9pm to 7am
  - 60 dBA (anytime in multi-family units)
- Commercial & Industrial:
  - 70 dBA (except abutting residential)
- In Public Places:
  - 60 dBA (25 feet from the source)



# Construction and Landscaping

- Hours:

Monday-Saturday: 7am to 7pm

Sundays & Holidays: 10am to 6pm

- Maximum decibel levels:

83 dBA 25 feet from equipment

86 dBA from property line



# Noise Control by Sound Meter

- Decibel threshold levels consistent with General Plan Noise Element
- Allows citation with one signed complaint and sound meter reading; allows warning and intervention with anonymous complaint and sound meter reading
- Initial deployment of seven sound meters in Police Department and one meter in Code Enforcement



# Noise Control by Subjective Criteria

- When a complaint of unreasonable noise is received, enforcement officer assesses based on a menu of criteria
- Enforcement officer may issue a warning without a signed statement from any complainant
- If two complainants sign statements, enforcement officer can issue an administrative citation



# Noise from Vehicles

Vehicle sound systems in public places:  
Unlawful if audible 50 feet away

Vehicle sound systems on private property:  
Unlawful if audible 25 feet away  
from vehicle or property line



# Remedies for Violations

- Administrative Citation

\$100 1st offense

\$200 2<sup>nd</sup> offense

\$500 3<sup>rd</sup> offense



- All other remedies permissible by law



# Community Feedback

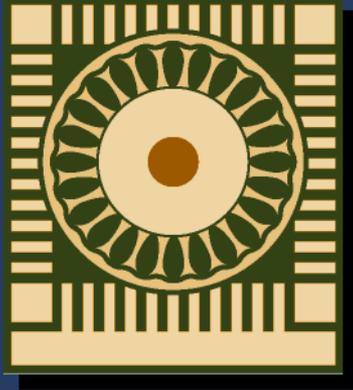
- “Subjective Criteria” would lead to inconsistent enforcement
- Noise conflicts where different zoning districts meet
- Higher fines and issuance of citations without warnings
- Support for use of sound meters
- Need for additional City staff able to enforce Noise Ordinance
- Concerns about required signed statement and possible retaliation



# Next Steps

- 1) If City Council introduces the ordinance, staff will bring the ordinance back for adoption
- 2) Staff will purchase sound level meters and undergo training prior to deployment of the meters
- 3) Report back to Council in 6-9 months





# Council Comments and Questions

