

## Chapter 9.36 NOISE

### Sections:

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### **9.36.010 CURFEW – OFFENSIVE NOISE.**

(a) No person shall between the hours of 10:00 p.m. and 8:00 a.m. make, cause, suffer or permit to be made any offensive noise (1) which is made within one hundred feet of any building or place regularly used for sleeping purposes, or (2) which disturbs, or would tend to disturb, any person within hearing distance of such noise.

(b) “Offensive noise” means any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner, such that it is likely to disturb people in the vicinity of such noise, and includes, but is not limited to, noise made by barking or howling dogs, by an individual alone or by a group of people engaged in any business meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, structure, construction, ride, machine, implement, or instrument.

(c) Subsection (a) above shall not apply between the hours of 7:00 a.m. and 8:00 a.m. to any person engaged in performance of a contract for public works awarded by the city of Santa Cruz where the director of public works determines that the project has the potential to disrupt traffic and that this disruption could be alleviated by authorizing construction work to commence at 7:00 a.m. or that due to time constraints on project completion it is necessary to allow the contractor to begin work at 7:00 a.m.

(d) Subsection (a) above shall not apply to any person engaged in performance of a contract for public works awarded by the city of Santa Cruz, in the event of emergency and if the city manager of the city of Santa Cruz so authorizes such work.

(e) Subsection (a) above shall not apply to any person engaged in the performance of a public or private construction project where either the chief building official, public works director, planning and community development director or water department director, in his or her sole discretion, determines that the specific tasks hereinbelow delineated to be undertaken in connection with the subject construction project require an extended period of time to complete or, due to concerns based on public health and safety, those tasks should be undertaken between the hours of 10:00 p.m. and 8:00 a.m. When this determination has been made, the chief building official, public works director, planning and community development director or water department director may authorize such tasks to commence, be completed or be undertaken between the hours of 10:00 p.m. and 8:00 a.m.; however no such tasks shall be undertaken during these hours without the express written permission of the chief building

official, public works director, planning and community development director or water department director and then only to the extent and between the hours specifically authorized in writing by the chief building official, public works director, community development director or water department director. At a minimum, notice of the dates and times such tasks will be undertaken shall be provided by the contractor in accordance with city instructions to all residents, tenants and property owners who occupy or own property within 300 feet of the site at which such tasks will be performed.

- i. Large concrete foundation pours which cannot reasonably be split over multiple days;
- ii. Movement of large quantities of construction materials which cannot safely be completed during normal daytime traffic;
- iii. Movement of buildings, prefabricated structures or other large items which would cause extensive traffic disruption during non-curfew hours;
- iv. Construction necessary to minimize disruption of public utilities.

(Ord. 2007-02 § 1, 2007: Ord. 97-05 § 1, 1997: Ord. 96-23 § 1, 1996: Ord. 80-29 § 1, 1980; prior code § 4274).

### **9.36.020 UNREASONABLY DISTURBING NOISES.**

No person shall make, cause, suffer or permit to be made any noises or sounds (a) which are unreasonably disturbing or physically annoying to people of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time or place as to cause physical discomfort to any person, and (b) which are not necessary in connection with an activity which is otherwise lawfully conducted. As used in this section, "lawfully conducted activities" shall include, but not be limited to, any and all activities conducted by the city for public health, safety or welfare purposes.

(Ord. 93-08 § 1, 1993: Ord. 80-29 § 1, 1980; prior code § 4275.1).

### **9.36.025 PUBLIC HEALTH AND SAFETY.**

This chapter shall not apply to refuse collection, recyclable collection or street sweeping activities undertaken by, or pursuant to contract with, the city of Santa Cruz. Similarly, this chapter shall not apply to any other activity undertaken by the city, another governmental agency, or city contractor, for public health and safety purposes when, in the judgment of the city or governmental agency, such activity cannot be undertaken effectively or efficiently in compliance with the regulations set forth in this chapter.

(Ord. 2003-37 § 1, 2003).

### **9.36.030 SUBSEQUENT OFFENSE WITHIN FORTY-EIGHT HOURS.**

Any person who violates any section of this chapter and is cited for such a violation, and who within forty-eight hours after receiving such a citation again violates the same section, is guilty of a misdemeanor. A person is cited for a violation when he or she is issued and signs an infraction or misdemeanor citation, or when he or she is arrested and booked, or when a complaint is filed and the person is notified of the filing of such a complaint.

(Ord. 80-29 § 1, 1980).

**9.36.040 ENFORCEMENT.**

The provisions of this chapter are enforceable without reference to the regulations concerning noise set forth in the Zoning Ordinance and the fact that the city officer issuing a citation has not obtained a scientific noise measurement prior to issuing the citation shall not constitute a defense.

(Ord. 93-52 § 2, 1993; Ord. 80-35 § 1, 1980).