

Chapter 19.42. Definitions

19.12.060. (6) "Emergency" means essential activities necessary to restore, preserve, protect, or save lives or properties from imminent danger or loss or harm.

19.12.140. (5) "Major Transportation Corridor" means a large roadway or rail line that contributes a significant amount of noise and air pollution to the ambient environment. Large roadways include freeways (Interstate 280, State Route (SR) 85, SR 237, and U.S. Highway 101); expressways (Central Expressway and Lawrence Expressway); Class I arterials (Caribbean Drive, El Camino Real (SR 82), Java Drive, Mathilda Avenue, N. Fair Oaks Avenue, N. Wolfe Road, and Sunnyvale-Saratoga Road); and Class II arterials (Arques Avenue, E. Remington Drive, Evelyn Avenue, Fremont Avenue, Homestead Road, Mary Avenue, S. Fair Oaks Avenue, S. Sunnyvale Avenue, and S. Wolfe Road). Any future large roadways not listed in this definition that are identified in the General Plan as freeways, expressways, Class I arterials, or Class II arterials are also major transportation corridors.

19.12.160. (6) "Operational noise" means ~~continuous or frequent~~ noise related to the basic use of a property. Operational noise includes, but ~~is~~ not limited to, noise produced by: stationary equipment such as, air conditioners, equipment for swimming pools or spas, industrial machinery, or air compressors, ~~or fork lifts. Powered equipment or deliveries~~ Noise from childcare or vehicles shall not be considered operational noise.

19.12.170. (8) "Powered equipment" means a motorized device powered by electricity or fuel used ~~generally~~ for construction, demolition, property or landscape maintenance, and repairs. Powered equipment includes, but ~~is~~ not limited to: lawn mowers, edgers, leaf blowers, parking lot sweepers, saws, sanders, ~~motors~~, pumps, generators, blowers, fans, wood chippers, vacuums, and similar tools and devices.

19.12.170. (10) "Primary useable open space" means private rear yards or a fenced side yard, common courtyards, roof lawns, parking lots, roof gardens or gathering spaces for multi-family or mixed-use properties. This does not include secondary useable open space, such as front yards, balconies, stoops, and porches.

19.12.210. (2) "Temporary noise" means noise generated on an intermittent basis for a specific activity and is not intended to result from the continuous use of equipment or operation of the property.

Chapter 19.42.030. Noise or Sound Level.

(a) Residential Noise Limits:

- (1) ~~a) Operational noise shall not exceed seventy five dBA at any point on the property line of the premises upon which the noise or sound is generated or produced; provided, however, that the noise or sound level shall not exceed fifty 50 dBA during nighttime or sixty 60 dBA during daytime hours at any point on the primary useable open space of on the property line of the adjacent residentially zoned property. single family or duplex uses. If the noise occurs during nighttime hours and the enforcing officer has determined that the noise involves a steady, audible tone such as a whine, screech or hum, or is a staccato or intermittent noise (e.g., hammering) or includes music or speech, the allowable noise or sound level shall not exceed forty five dBA.~~

- (2) Operational noise shall not exceed 55 dBA during nighttime or 65 dBA during daytime hours on the primary useable open space of multi-family uses.
- (3) Operational noise shall not exceed 60 dBA during nighttime or 70 dBA during daytime hours on the primary useable open space of residential uses located along major transportation corridors (freeways, expressways, arterials, and rail lines) or mixed-use residential properties.

(b) Non-Residential Noise Limits:

- (1) Operational noise shall not exceed 60 dBA during nighttime or 70 dBA during daytime hours at any point on the property line of the adjacent non-residential use.
- (2) Operational noise generated at industrial, manufacturing, or similar uses shall not exceed 75 dBA during daytime hours at the adjacent property line.

(c) Special Exceptions from Noise Limits:

- (1) Powered Equipment: ~~(b)~~ Powered equipment used on a temporary, ~~occasional or infrequent~~ basis during daytime hours is exempt from the operational noise limits. When used on a continuous basis or during nighttime hours, they should comply with operational noise limits. When used adjacent to residential uses, operation of powered equipment is not allowed during nighttime hours. which produces a noise greater than the applicable operational noise limit set forth in subsection (a) shall be used only during daytime hours when used adjacent to a property with a residential zoning district. Powered equipment used on other than a temporary, occasional or infrequent basis shall comply with the operational noise requirements. For the purpose of this section, powered equipment does not include leaf blowers.
- (2) Construction: Construction activity regulated by Title 16 of this code shall not be governed by this section.
- (3) Deliveries: Noise from deliveries shall not be considered operational noise. ~~(c)~~ It is unlawful for any person to make or allow to be made a nighttime delivery to a commercial or industrial establishment when the loading/unloading area of the establishment is adjacent to a residential ~~use-zoning district~~. Businesses legally operating at a specific location as of February 1, 1995, are exempt from this requirement.
- (4) Leaf Blower: A “leaf blower” is a small, combustion engine-powered or electric device used for property or landscape maintenance that can be hand-held or carried by ~~on~~ the operator’s ~~back~~ and which operates by propelling air under pressure through a cylindrical tube. It is unlawful for any person to operate a leaf blower on private property in or adjacent to a residential ~~area-use~~ except between the hours of 8:00 a.m. and 8:00 p.m. Effective January 1, 2000, all leaf blowers operated in or adjacent to a residential area shall operate at or below a noise level of sixty-five dBA at a distance of fifty feet, as determined by a test conducted by the American National Standards Institute or an equivalent. The dBA rating shall be prominently displayed on the leaf blower. (Ord. 2623-99 § 1; prior zoning code § 19.24.020(b)—(d)).
- (5) Warning Sounds: Warning sounds necessary for the protection of public health, safety, and welfare including but not limited to: civil defense and fire sirens; commercial and residential

burglar or fire alarms; and emergency response warning noises are exempt from the operational noise limits.

(6) Emergency Utility and Street Repairs: Noise from emergency utility and street repairs are exempt from this chapter.

(7) Street Sweeping and Refuse Collection Services: Noise from street sweeping and refuse collection services (garbage, recycling, and organic materials) are exempt from this chapter.