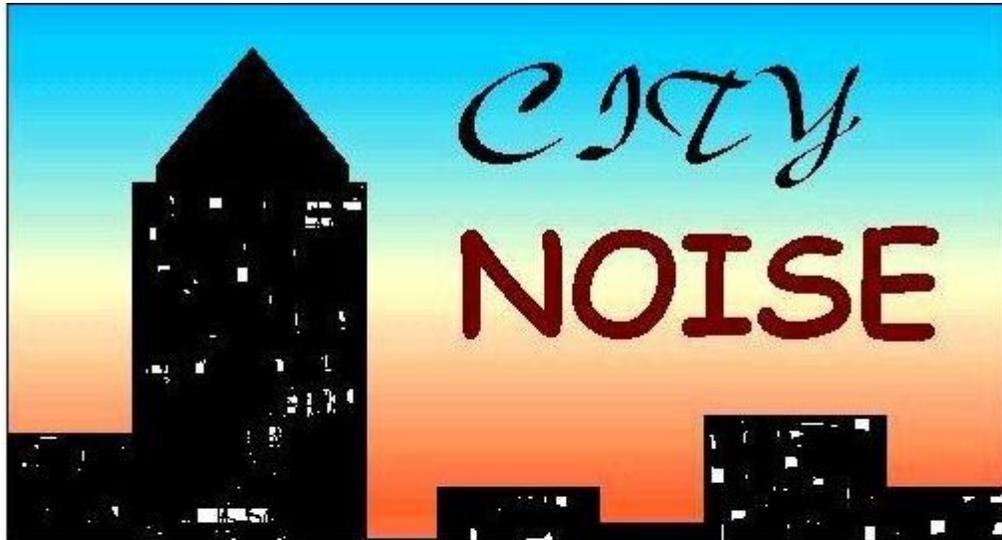


Final Report

CITY NOISE



The Report of the
CITIZENS NOISE ADVISORY GROUP
Albuquerque, NM
- 1999 -



"Good neighbors keep their noise to themselves"

Noise Pollution Clearinghouse

CITIZENS NOISE ADVISORY GROUP
Albuquerque, NM
September, 1999

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III.

EXECUTIVE SUMMARY

This City Noise Report was produced through the efforts of a group of private Albuquerque citizens brought together by an interest in their community and a concern for the well being of fellow citizens, and a desire to encourage the City to control growing noise pollution. The nucleus of the group were introduced at a meeting called by the Environmental Health Department to discuss possible changes to the City's Noise Control Ordinance. They were included in the meeting because of an interest in the problem of noise pollution that had been previously expressed to the EHD. Those individuals called on others, got together and organized the Citizens for a Quiet Environment.

The Group has worked independently of, but in cooperation with, the Environmental Health Department and since their first meeting in February, has had a liaison from EHD at almost all meetings. Subsequent to the formation of CQE, an Interdepartmental Committee was organized within City Government charged with the same task that had been taken on by CQE. That group is now waiting for input from public meetings before completing their recommended noise code changes.

There has been a free exchange of ideas and information between the Group and the Interdepartmental Committee. As a result, there will be some similarities in recommendations and even in wording between the recommendations in this report and those to come from the Interdepartmental Committee. CQE here wishes to publicly thank Sarah Kotchian of Environmental Health and Leo Bottos, her representative as liaison with the group, for their interest and support over the last eight months.

The noise codes of 36 cities (mostly comparable in size to Albuquerque but including some larger cities and some foreign cities) were reviewed by the Group to learn how others have dealt with noise problems. Most of the recommended changes to the code are verbatim transcriptions from the codes of other cities or slightly modified versions. In other words, **these are laws that are currently on the books and being enforced in other municipalities.** Other recommendations were drafted by the Group in response to Citizen complaints about various noise problems. A list of distinguished consultants have also provided input and guidance to the group and we thank them for so generously sharing their time and their expertise with us.

Public input for the Group's deliberations was solicited and received in several ways. Telephone and e-mail contact was established with a substantial list of Albuquerque residents as a result of stories run in the Journal, the Tribune and various other publications. Both Channel 7 and Channel 13 ran TV news stories about or inspired by the Group. In conjunction with the Noise Center, a division of the League for the Hard of Hearing in New York City, the Group conducted a *Neighborhood Noise Survey* at the Earth Day Fair on Nob Hill. In observance of International Noise Awareness Day, a public meeting was held in the Community Room of Winrock Mall on April 21. Most of the meeting was devoted to hearing and recording the noise complaints of

those attending. A brief transcript of the comments and of the topics raised at that meeting are included in the Appendices of this report. Noise survey sheets were also distributed at this meeting and a report of the findings of the noise survey are also appended.

This report contains recommendations by the Group for changes in the Noise Code, the General Penalty section of the City Code and that portion of the code dealing with Animal Control. It also contains a substantial list of recommendations on noise abatement and control that the City could undertake that are separate from the noise code. These are based on input from the public, the findings of the Group in their research, and on noise studies reviewed by the group that have been conducted in a number of cities including Denver, CO, Vancouver, BC, Sunnyvale, CA and the studies conducted here in Albuquerque at the behest of the Environmental Health Department.

The intent of this report is to provide recommendations that will improve the quality of life for all residents of Albuquerque, ease the burden on the hearing impaired that is caused by excessive background noise, protect others from hearing loss and the other

negative effects of noise pollution and assist the City in making infill a viable alternative to urban sprawl.

INTRODUCTION:

Loud vehicular sound systems, barking dogs, aircraft and traffic noise are the most common noise complaints from both the CQE survey and the EHD report. Unreliable enforcement of the various current noise regulations and their inadequacy in addressing certain noise problems are commonly cited as a problem by the public.

Additions to the code have been recommended to fill several current voids in the ordinance. Enforcement is discussed in the non-code recommendations of this report. The car stereo problem complained about by Albuquerque residents exists throughout the US and Canada. In just this last year, 5 cities in Washington state alone have passed laws to control automotive amplified sound. Those communities join a long list including Denver, Tulsa, Tucson, St. Paul, Bethlehem, PA and others in addressing the problem in their noise codes. Barking dogs and traffic noise exist, in part, in direct proportion to the lack of enforcement of the laws controlling them. Recommendations for dealing with these complaints are contained in the report. Aircraft noise is currently under study by the City and the Group endorses the efforts of the ANA in pursuing this particular noise problem.

99% of the residents said yes when asked in the CQE survey if noise pollution has increased in Albuquerque over the last ten years. The trend in most cities has been that the intensity of urban noise approximately doubles every six years. This problem has accelerated with the removal of funds to the Office of Noise Abatement and Control in the EPA. With the loss of those funds there has been no Federal oversight of noise pollution. The burden of controlling noise has fallen on the local communities. It is the hope of the Citizens for a Quiet Environment that the Council and the City of Albuquerque will accept that burden and work toward making Albuquerque a quieter and more pleasant place to live.

RECOMMENDATIONS

1. OFFICE OF NOISE CONTROL

1. A separate Office of Noise Control (ONC) is recommended either within the Environmental Health Department or as a separate office similar in setup and responsibilities to the Noise Control Office detailed in 8.80.040 of the statutes for Long Beach, CA. Such an office should share, with the Police Department and other City agencies, the responsibility of enforcing the various noise laws. Our suggestions for this Office are detailed below

- Staffed by no less the three full time, trained personnel (a Department Manager and an Assistant , both of whom would also be known as Noise Control Inspectors and a clerical person). The Department manager should be a qualified Acoustical Engineer.
- Perform code enforcement for the Noise Control Ordinance and coordinate this with Police enforcement of the Criminal Noise Code and Animal Control's enforcement of barking dog and other animal noise complaints.
- Conduct studies and monitor noise pursuant to 3-3 below.
- Conduct the educational program to encourage public awareness of noise in 4-1 below.
- Disseminate "how to" information on noise control to homeowners and business per 4-3 and 9-5 below.
- Evaluate and coordinate all efforts toward urban noise reduction and control among all City agencies.
- Record and analyze noise complaint data to develop strategies for dealing with noise.

2. The Group feels the City should establish this office as a separate entity with a staff adequate to carry out a much expanded list of duties. The current practice of not providing trained staffing for EHD to enforce ordinances and review plans and policies amounts to an unfunded mandate. Noise should not be subordinate to other duties such as food inspection. Both are important to public health and welfare and should be adequately staffed and funded.

Section 8.80.050 of the Long Beach, CA noise ordinance gives a very good example of how this department should be staffed, what its duties would be and its relationship to other departments in City government. That section of the Long Beach Code is attached as a separate addendum to this report.

3. The Group endorses the recommendations in the *Analysis of Albuquerque New Mexico's Ambient Noise* study similar to those outlined above for a dedicated staff for noise control. We especially endorse the responsibilities outlined for the APD in that report.

2. NOISE HOT LINE

1.A NOISE HOT LINE for the ONC should be established and widely publicized with the public encouraged to direct all noise complaints to this telephone number. There should never be an automated answering machine at the number. It should be staffed 24 hours a day by an individual, logging and forwarding complaints and seeing to it that the appropriate enforcement person is sent to investigate.

2.This line could be staffed by the APD nights, weekends and holidays by a Police Dispatcher with the authority to have Officers sent to the scene of a complaint when appropriate.

3. All complaints should be logged, with the Police keeping a separate log for such calls that they can share with the ONC. This would provide invaluable information as to the most prevalent noise problems, identify high noise areas and provide a record on the effectiveness of the City's noise control program
4. A program should be set up to track and record resolution of noise complaints and to provide data for enforcement and planning use.

3. AMBIENT NOISE LEVELS

1. The Noise section of the City's Comprehensive Plan says, Field surveys and computer modeling have located numerous areas in the City which exceed recommended federal noise levels. The scientific studies have been bolstered by numerous complaints to the City Environmental Health Department. Residential properties near the Albuquerque International Airport, Interstates 25 and 40, arterial roadways and industrial areas are affected by excessive noise levels.

A gradual plan of urban noise reduction should be developed and applied over a period of several years with the objective of bringing the City into compliance first with EPA and then with World Health Organization guidelines.

2. The plan should be first to bring noise levels within compliance with Noise Control Ordinance limits and then to further reduce noise pollution until the City is in compliance with the WHO standards of 50 dB(A) day and 45 dB(A) night in residential areas of the City, at which time the noise code should be revised to reflect the lower limits.

3. Portable environmental noise monitors should periodically be placed in various locations around the city in order to establish a permanent record of information useful in assessing the state of noise pollution and progress in reducing it.

4. The recommendations for noise abatement and control outlined in the current Albuquerque Comprehensive Plan should be followed in all future City planning.

4. EDUCATION PROGRAM

1. A permanent educational campaign on noise, its causes and its effect and solutions should be adopted by the city and implemented by the ONC and the Environmental Health Department. This campaign should involve the media on a regular basis.

2. The City should also encourage both the public and private schools to develop a plan for teaching children about noise and its harmful effects at the grade school level.

3. Noise awareness and education pamphlets should be sent out on a regular basis to the public by such means as inclusion with water bills.

5. NOISE LAW ENFORCEMENT

1. It should be made the express policy of the City that the Police Department must enforce the noise laws contained in section 12-2-4 of the Criminal Code. The APD should, further, be instructed that it is their duty to investigate and enforce violations of other noise laws on nights, week-ends, holidays and when, in the opinion of the ONC, the complaint is such that it would be prudent to have it handled by a Police Officer rather than a Noise Control Inspector. Police should be equipped with, and trained in the use of, suitable noise monitoring equipment as should the staff of the ONC. Our noise survey indicated overwhelming public support for providing Officers with such equipment.

2. Police and those from the EHD charged with noise code enforcement should be given the necessary training on the problem and in the use of the equipment for reading noise levels. The Rutgers Noise Technical Assistance Center conducts such training throughout the country. They were recently contracted to assist in revision of the City Noise Code in Ft. Collins, CO and then conducted classes for the Colorado Association of Code Enforcement Officers with representatives of several different cities in attendance.

6. AIRCRAFT, HELICOPTERS AND TRAINS

1. The FAA position is that local government has the authority in land use zoning and must control the land use in order to control aircraft noise conflicts with other land uses. Therefore The City must adopt land use zoning such as the Sunport's FAR Part 150 Plan recommendations that prohibit building schools and homes within 2 miles of a runway. Studies have shown the negative effect noise has on learning when schools are too near to aircraft noise.

Helipads, for emergency helicopters only, should be kept to SU-1 zones with extensive buffers and access restriction, taking into account the fact that helicopter approaches are not predictable as they are dictated by wind conditions. 500 or 650 feet from noise-sensitive areas (dwelling and schools) is not sufficient to keep single noise events within tolerable limits for residents. Public response to helicopter noise has most often been that commercial, non-emergency helicopters should be based at airports. We agree and recommend this policy.

Variations, conditional uses or zone changes must not be made that put any residential uses near train tracks and the City should investigate what other communities are doing to restrict and contain noise from trains.

7. MOTOR VEHICLES

1. Limits should be set and enforced for noise created by motor vehicle exhausts by size and type of vehicle. All motor vehicles registered within the City limits should be required to meet these standards. An inspection for compliance should be made at the same time as exhaust emission tests are made and vehicles passed or failed in the same manner as with emissions.

- For motorcycles, a non-removable inspection tag or sticker should be applied to the muffler and operation of such a vehicle, without a tag, would be a violation of the Noise Ordinance
- Muffler shops and garages should be required to install new mufflers on motor vehicles only if the new equipment meets OEM (Original Equipment Manufacturer) standards.
- Vehicles found to exceed noise standards due either to faulty mufflers or tailpipes or because of the installation of equipment that does not meet Original Equipment Manufacturer standards should be subject to a fine and/or other penalties.

2. Signs prohibiting the use of "Jake Brakes" should be made clearer and should state that such use is prohibited throughout the city.

3. The City should request that the State set noise emission standards for all motor vehicles to insure that those visiting or moving to the city do not contribute to the already existing noise pollution problem.

8. PENALTIES

1. Under the current code, fines levied in the courts are often not large enough to change behavior. Substantial minimums should be set and should increase with repeated offenses. Citations should be able to be written with court appearance optional as suggested in the recommended code changes of CQE. A similar recommendation is currently being considered by Council in Seattle.

2. Fines for violations of any and all of the City's noise laws should be specifically dedicated to the ONC and earmarked for noise prevention through educational programs, noise monitoring and other research.

9. NOISE FROM STREET AND HIGHWAYS

1. The City should investigate the use of alternative technologies such as rubberized asphalt that might be implemented to help in noise reduction from street traffic. Some studies show that this technology is not only quieter, it is more durable and less expensive than regular asphalt. Representatives from the City should be sent to either Phoenix or Los Angeles County to gain first hand

knowledge of this technology where it has long been in use. The CQE Noise Survey found almost unanimous support for investigating such new technology and, if necessary, paying a reasonable premium for its use.

2. Speed limits should be set with the control of noise as a major criteria and the Police department should be expected to strictly enforce those limits. The New York experience of major crime being reduced by strict enforcement of laws against more minor offenses would be an added benefit to this policy. According to the U. S. Department of Transportation, a 10 mile per hour reduction in average speed (possibly taking speeders down to the posted limit) would result in a 50% reduction in the sound energy the vehicles are producing.

3. Traffic circles and speed humps should be encouraged in new residential neighborhood design and where residents request them to reduce traffic speed and congestion.

4. Heavy trucks should be restricted from most residential streets except where their presence is necessary to make deliveries and such restrictions should be posted with adequate street signage.

5. Among the duties of the ONC should be the provision of information to homeowners on techniques and technologies for improving noise attenuation on their premises through glazing options, ventilation systems and other means by producing or securing pamphlets and listing other sources of information available to the public.

6. Though strong opposition from many quarters would develop, serious consideration should be given to the recommended additions to the noise code dealing with current and future traffic noise (9-9-10). Actions taken in other cities and even other countries show that traffic noise can be controlled *if there is a will to do so*.

10. INDUSTRIAL AND CONSTRUCTION NOISE

1. Potential noise pollution from industry should be a major consideration in planning, zoning, and licensing of all commercial and industrial enterprises. More care should be taken (than has been in the past) to provide buffers between residential areas and noisy businesses.

2. The City should set the example by making noise pollution and/or quietness of operation a major criteria in the purchase of any equipment with the potential to cause noise pollution from lawn and garden equipment to shop equipment to heavy earthmoving equipment. A reasonable premium should be allowed in the price paid by the City for equipment if it can be proven to be demonstratively quieter than competing equipment at a lower cost.

3. When purchasing new equipment, the City should seek out quiet models. Any product that has been certified by the EPA pursuant to Section 15 of the Noise Control Act of 1972 as a LOW NOISE EMISSION product and which is determined to be suitable for

use as a substitute should be used in preference to any other products where economically feasible, again allowing a reasonable premium for the quiet performance. Again, our study indicates that the public supports this policy to such a degree (86% in favor) that it could be considered almost a mandate.

4. The City should have only smart backup signals on any new equipment purchased by the City. These are backup beepers that adjust their volume up or down to coincide with the ambient sound.

- Outside contractors with proof of such signals on their equipment should be allowed to exceed the low bid by a pre- set percentage and still be eligible to win City construction contracts.
- Any new equipment purchased for the purpose or rental or lease to the public within the City that requires a backup signal should be required to have such "smart" signals installed on the equipment.

5. All gasoline or diesel powered equipment of any type purchased by the City should be equipped with the hush kits intended for equipment built for export to Europe if such kits are available.

- Any equipment purchased by businesses for the purpose of rental or lease to the public within the city should be required to be equipped with such "hush kits" if available.

11. NEIGHBORHOOD NOISE

1. A major complaint to CQE in our focus group meeting and from individuals is ice cream trucks. The adequacy of the newly enacted legislation on this problem is suspect by most individuals. It is our recommendation that such vehicles be required to use hand rung mechanical bells instead of amplified sound of any sort to reduce the volume of the noise created. Limits that can be enforced should also be set on the period of time such a vehicle can remain in a neighborhood.

2. Among the recommendations in the Albuquerque Goals Forum was the, prevention of pollution by business and residents at its source, and, to enhance the natural environment. Though overlooked in those goals and in most other studies done on behalf of the City, noise is a form of pollution deserving of the same attention as smog or impure water.

3. Traffic noise, barking dogs and loud car stereos are major sources of neighborhood noise and should be dealt with aggressively.

12. NOISE AND CITY GOVERNMENT

1. Noise should be made a major consideration in all areas of governmental planning and activities beginning with the Comprehensive Plan which should be much more specific regarding the need for noise abatement and control. Further, plan review, enforcement etc. should be coordinate among all departments of the City and County by

Identifying a staff person in each department for interdepartmental coordination meetings on a permanent basis. Publication of a handbook for use by all staff and the public containing all noise related ordinances and responsible departments.

2. Noise is completely overlooked in the City's Sustainability Indicators. Representation from those familiar with the issue and from the hard-of-hearing should be included on the Sustainability Committee. The City should develop indicators of successful noise control for the Sustainable Indicators review process. Noise sensitive uses should be identified such as:

- All residential uses/dwelling units
- Schools - especially elementary and middle schools and including UNM and TVI
- Places of worship
- Hospitals, hospice care and nursing home facilities
- Animal care facilities, including farms, zoos, shelters, clinics and breeding facilities

3. Jurisdiction problems should be addressed between City departments and across City-County lines. Among those needing review are Clarification of what jurisdiction EHD has over noise problems on APS, UNM ,TVI and other State owned facilities as delegated by the State Environmental Department. Enforcement responsibilities need clarification - i.e. the Police should answer calls at night, weekends and holidays or where violence or threats might occur.

4. Among the duties assigned to the Office of Noise Control recommended in this report would be site plan review to:

- Prevent the creation of unenforceable noise violations
- Prevent unintended or unforeseen consequences such as noisy equipment or activities too close to noise sensitive areas
- Insure that in mixed use developments that include residential uses, noise insulation and other control and abatement actions are taken to keep excessive noise from being carried to residential areas.

5. Hearing officers and hearing bodies must include the effects of noise, light and air pollution when determining injury to the adjacent property, the neighborhood or the community, and ordinance language needs to reflect this.

6. The City should encourage the State's Congressional delegation to sponsor and support legislation to fund the moribund Office of Noise Abatement and Control in the EPA. The President should also be asked to include such funding in his budget. ONAC is charged with enforcing currently languishing Federal anti-noise laws and also studying noise problems and their resolution. Little has been done on a Federal level in regard to noise laws, standards or studies since the early 80's while European countries, through the European Union, have made great strides in both controlling and reducing

noise. Grants from the ONAC, at one time, provided funding for several staff positions in the Albuquerque noise control program. Those positions were eliminated when the funding stopped and there is now not one full time noise control person on the staff of the EHD.

7. Federal legislation that impacts on noise has been proposed in the past but did not get enacted due to a lack of publicity and disinterest on the part of the media. Examples are *The Quiet Communities Act of 1997* or the *Right to Know Airport Pollution Act*. Such legislation should be monitored by the Noise Control Office so that the Mayor and the Council can lobby the state's Congressional delegation to support the legislation or its intent in a revised form .

Twenty years ago the City took the initiative in dealing with noise, revising the noise code and even posting signs throughout the city promoting the fact that the noise ordinance was enforced in Albuquerque. Over the years, noise control and abatement has become a low priority and often neglected activity on the agenda of City government. Unlike air pollution, the Federal Government is not threatening to withhold funds if action is not taken to control and physiological and psychological damage to the public that is caused by excessive noise, noise that currently surpasses EPA guidelines and far surpasses World Health Organization recommendations.

It's time for the Council to again take action to protect the physical and mental health of the public and the right of the city's residents to peaceful enjoyment of their homes, their yards and their city.

**SUGGESTED CHANGES AND ADDITIONS
to the
ALBUQUERQUE NOISE CONTROL ORDINANCE
and OTHER CITY CODES**

by
The Citizens for a Quiet Environment

NOTE: BOLD FACE TYPE INDICATES ADDITIONS/CHANGES

ALBUQUERQUE CODE
ARTICLE 9 - NOISE CONTROL

Section:

9-9-1 Short title **and Declaration of Intent**

9-9-2 Definitions

9-9-3 Decibel measurement criteria

9-9-4 Sound amplifying equipment

9-9-5 Drums and bells

9-9-6 Schools, hospitals, churches and libraries

9-9-7 Machinery, equipment fans, and air conditioners

9-9-8 Construction **or demolition** of buildings and projects, **excavating and grading**

9-9-9 Vehicle repairs

9-9-10 Motor vehicle **and roadway noise**

9-9-11 Aircraft **related noise**

9-9-12 General noise regulation

9-9-13 Administration

9-9-14 Variances

9-9-15 Temporary permits

9-9-16 High Noise Area sign

9-9-17 Hazardous Noise sign

9-9-18 Noise sign symbol

9-9-96 Violations; additional remedies; injunctions

9-9-99 Penalty

9-9-1 SHORT TITLE AND DECLARATION OF INTENT

(A) This article may be cited as the "Noise Control Ordinance."

('74 Code, § 6-22-1) (Odd. 21-1975)

(B) DECLARATION OF INTENT

A substantial body of scientific research has shown that exposure to excessive sound and vibration is a serious hazard to the public health, welfare, safety and quality of life. It is therefore declared to be the intent of the City (through this ordinance and through other City regulations) to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the City to control the level of noise in a manner which promotes the use, value and enjoyment of property, conduct of business, sleep and repose and an environment free from unnecessary and excessive sound.

(Modeled after codes of Seattle, WA; Palo Alto, CA; San Antonio, TX; Buffalo, NY and others)

9-9-2 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-WEIGHTED SOUND PRESSURE LEVEL. The sound pressure level as measured on an ANSI-S1.4-1971 Type 1 or Type 2 Sound Level Meter using the A-weighting network. Instrument response shall be "fast" for motor vehicle measurements and "slow" for all other measurements.

AMBIENT NOISE LEVEL. The sound pressure level of the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources and excluding the specific noise under investigation; the A-weighted sound pressure level exceeded 90 percent of the time and based on a maximum of a one hour period (L90)

DAYTIME. From 7:00 a.m. (0700) hours to 10:00 p.m. (2200 hours).

EMERGENCY WORK. Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from an imminent exposure to danger.

HELIPADS. Facilities intended for the takeoff and landing of helicopters at a location other than an airport or other general aviation facility.

LAND USE. The use to which property is put that may vary from its zoning due to a special use permit or other variance.

MAYOR. The Mayor or his designated representative.

MOTORCYCLE. Every motor vehicle having a seat or saddle for use by the rider and designed to travel with not more than three wheels in contact with the ground, including every motor scooter, motor driven cycle and mini-bike, but excluding a tractor.

MOTOR VEHICLE. Every vehicle which is self-propelled, but excluding off-highway construction equipment, or unlicensed construction equipment or equipment operated upon rails.

NIGHTTIME. From 10:00 p.m. (2200 hours) to 7:00 a.m. (0700 hours).

PERSON. A person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature.

PLAINLY AUDIBLE SOUND. Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

ORIGINAL PRESSURE. The reference pressure for all sound level measurements shall be 20 micronewtons per square meter (20 uN/m²). This shall be further defined as 0 dB(A).

REVISED PRESSURE REFERENCE. The reference pressure for all sound level measurements shall be 20 micropascals (20 uPa). This shall be further defined as 0 dB(A).

RESIDENTIAL, OFFICE or COMMERCIAL ZONE. Any area of the city defined as residential, office or commercial in the Zoning Code of the city.

RESIDENTIAL PREMISES. A property or portion of a property (whether zoned residential, commercial or industrial) that is legally used as a residence.

SOUND AMPLIFYING EQUIPMENT. Any machine or device for the sound amplification of the human voice, music, or any other sound. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicles used only for traffic safety purposes.

SOUND LEVEL METER. An instrument including a microphone, an amplifier, an output meter, and weighting networks that is sensitive to pressure fluctuations. The output meter reads sound pressure level when properly calibrated and the instrument is of Type 2 or better as specified in ANSI S1.4-1971.

('74 Code, § 6-22-2) (Ord. 21-1975; Am. Ord. 30-1981)

9-9-3 DECIBEL MEASUREMENT CRITERIA.

Any decibel measurement made pursuant to the provisions of this article shall be based on the reference sound pressure and measured with a sound-level meter using the A-weighting network.

('74 Code, § 6-22-3) (Ord. 21-1975)

ORIGINAL 9-9-4 SOUND AMPLIFYING EQUIPMENT.

(A) It shall be unlawful for any person within any zone of the city to practice, play, or conduct live band activities using sound amplifying equipment in such a manner that the noise level produced exceeds 50 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, when measured at the property line of any residential property (or if a condominium or apartment house, within any adjoining apartment) or to conduct such activities or operate any such device between 10:00 p.m. (2200 hours) and 7:00 a.m. (0700 hours) so as to be plainly audible within any dwelling unit which is not the source of sound.

(B) Division (A) of this section shall not apply to any person who has applied for and received a temporary permit as described in § 9-9-15.

(C) Radios, televisions, stereos, and other sound amplifying equipment shall be operated in such a manner that the noise level will not exceed 50 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, when measured at the property line of any residential property, or, if a condominium or apartment house, within any adjoining apartment; provided that between the hours of 10:00 p.m.(22:00 hours)and 700 a.m. (07:00 hours) such equipment shall not be operated so as to be plainly audible within any dwelling unit which is not the source of the sound.
(74 Code, § 6-22-6) (Ord. 21-1975;Am. Ord.30-1981)

REVISED 9-9-4 SOUND AMPLIFYING EQUIPMENT.

(A) It shall be unlawful for any person within any zone of the city to practice, play, or conduct live band activities using sound amplifying equipment in such a manner that the noise level produced exceeds **55 dB(A) daytime, 50 dB(A) nighttime** when measured at **or within any receiving residential property line at any location on that receiving property** (or if a condominium or apartment house, within any adjoining apartment) or to conduct such activities or operate any such device **during the nighttime hours** so as to be plainly audible within any dwelling unit which is not the source of sound.

(B) Division (A) of this section shall not apply to any person who has applied for and received a temporary permit as described in § 9-9-15.

(C) Radios, televisions, stereos, and other sound amplifying equipment shall be operated in such a manner that the noise level will not exceed **55 dB(A) daytime or 50 dB(A) nighttime** when measured at **or within any receiving residential property line at any location on that receiving property** or, if a condominium or apartment house, within any adjoining apartment; provided that **during the nighttime hours**, such equipment shall not be operated so as to be plainly audible within any dwelling unit which is not the source of the sound.

(D) It shall be unlawful for any person to play or permit to be played, amplified music at a level exceeding 50 dB(A) (measured at a distance of 25 feet from its source) in any area of any enclosed or open air mall, airport lobby or concourse, hotel lobby, convention area or other public or private facility whose principal purpose is to make possible the passage of the public from one place of business or activity to another.

(Suggested by codes of Victoria, BC, Canada and Rosario, Argentina) The above paragraph endorsed by the Albuquerque Chapter of SHHH (Self help for the Hard of Hearing) as an aid to Americans with disabilities.

(E) It shall be unlawful for any person to make or to permit to be made or caused in any commercial premises, continuous or non-continuous noise or sound of a radio, television, tape player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument, whether recorded or live, whether amplified or not, the level of which during the

daytime exceeds a rating of 70 dB(A) on an approved sound meter or at nighttime exceed a rating of 65 dB(A) on an approved sound meter when measured at or beyond the property line where the sound originates or at any location on any receiving property.

(Modeled after code of Vancouver, BC, Canada) *The above paragraph endorsed by the Albuquerque Chapter of SHHH (Self help for the Hard of Hearing) as an aid to Americans with disabilities.*

(F) It shall be unlawful for any person to make or to permit to be made or caused in commercial premises which shall include but is not limited to dance halls, bars, auditoriums, movie theaters, arenas, continuous or non-continuous noise or sound of music or other sounds, whether recorded or live, whether amplified or not, the sound level of which exceeds a rating of 90 dB(A) on an approved sound meter when measured within the premises at a distance of not less than 25 feet from the source unless a HAZARDOUS NOISE sign in the form prescribed in section 9-9-17 of this code is posted in a prominent location at each entry to the premises .

(Modeled after code of Vancouver, BC, Canada) *The above paragraph endorsed by the Albuquerque Chapter of SHHH (Self help for the Hard of Hearing) as a means of protecting the hearing of those unaware of its dangers.*

(G) With the exception of paragraph (D) above, no person shall play amplified music at an indoor location where the general public is invited at a level over 50 dB(A) (when measured no less than 10 feet from its source) unless a separate "Quiet Area" is provided for the hearing impaired or an approved HIGH NOISE AREA sign in the form prescribed in section 9-9-16 of this code is prominently displayed at all entrances.

(Suggested by the codes of Victoria, BC, Rosario, Argentina and others) *The above paragraph endorsed by the Albuquerque Chapter of SHHH (Self help for the Hard of Hearing) as an aid to Americans with disabilities.*

(H) It shall be unlawful for any person to operate or permit to be operated, any outdoor sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound for the purpose of paging or calling to employees.

(Modeled after suggested addition to code of Sunnyvale, CA)

(I) Existing outdoor amplified paging systems shall have the following replacement periods

(1) Installed and operating systems, of age 10 years or older, shall comply with the provisions of this section, upon determination of a violation condition, within six (6) months of that determination.

(2) Installed and operating systems, of age 5 to 10 years, shall comply with the provisions of this section, upon determination of a violation condition, within one (1) year of that determination.

(3) Installed and operating systems, of age less than 5 years or less, shall comply with the provisions of this section, upon determination of a violation condition, within two (2) years of that violation.

(J) Nothing in division (H) of this section shall be interpreted in such a way as to relieve the person responsible for such an outdoor paging system from the responsibility of taking other reasonable actions, other than replacement, directed at reducing noise levels from these sources at the property line of the source of that noise.

(K) It shall be unlawful for any person to play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player or other device for receiving broadcast sound or for reproducing recorded sound if the device is located in any motor vehicle so that the sound is audible at a distance of fifty feet or more feet from the vehicle. This applies to either a portable system or one permanently installed in the vehicle. Words or phrases need not be discernible and bass reverberations are included. The vehicle may be in any public or private location.

(Modeled after codes of Chicago, IL and St. Paul, MN)

ORIGINAL 9-9-5 DRUMS AND BELLS.

It shall be unlawful for any person to use any drum or other percussion or musical instrument for the purpose of attracting attention by the creation of noise if the noise level produced exceeds 50 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, when measured at any residential property line. 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 authorized to engage in such conduct. ('74 Code, § 6-22-7) (Ord. 21-1975; Am. Ord. 30-1981)

REVISED 9-9-5 DRUMS AND BELLS.

It shall be unlawful for any person to use any drum or other percussion or musical instrument **or amplified sound of any sort to attract attention or to advertise anything for sale** by the creation of noise if the noise level produced exceeds 50 dB(A) when measured at **or within any receiving residential property line, at any location the receiving property.**

(Changes drawn from code of Bernalillo County)

ORIGINAL 9-9-6 SCHOOLS, HOSPITALS, CHURCHES AND LIBRARIES.

It shall be unlawful for any person to create any unnecessary noise on any street, sidewalk, or public place adjacent to any school, library, or other institution of learning, or church, while the same is in use; or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, hospital, church or library. ('74 Code, § 6-22-8) (Ord. 21-1975;Am. Ord. 30-19

REVISED 9-9-6 SCHOOLS, HOSPITALS, CHURCHES AND LIBRARIES.

It shall be unlawful for any person to create any **unreasonable** noise on any street, sidewalk, or public place adjacent to any school, library, or other institution of learning, or church, while the same is in use; or adjacent to any hospital, which noise **exceeds 55 dB(A) daytime or 50 dB(A) nighttime at or within the property line of said institution at any place on that property**, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, hospital, church or library.

9-9-7 MACHINERY, EQUIPMENT FANS AND AIR CONDITIONERS.

ORIGINAL (A) It shall be unlawful for any person to operate, cause to operate or permit to operate any stationary machinery, equipment, fan, air-conditioning apparatus, or similar permanently installed mechanical device in any manner so as to create noise which exceeds 50 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, when measured at a residential property line.

REVISED (A) It shall be unlawful for any person to operate, cause to operate or permit to operate any machinery, equipment, fan, air-conditioning apparatus, or similar mechanical device in any manner so as to create noise which exceeds 55 dB(A) daytime or 50 dB(A) when measured at or within any receiving residential property line, at any location on the receiving property.

DELETE (B) *Stationary machinery, equipment, fans, and air conditioners, as defined by this section, shall have the following replacement periods*

(1) Installed and operating sources, of age ten years or older, shall comply with the provisions of this section within a reasonable time period, upon determination of a violation condition. This time period shall not exceed six months.

(2) Installed and operating sources, of age five to ten years, shall comply with the provisions of this section within a reasonable time period, upon determination of a violation condition. This time period shall not exceed one year.

(3) Installed and operating sources, of age under five years, shall comply with the provisions of this section within a reasonable time period, upon determination of a violation condition. This time period shall not exceed two years.

(C) Nothing in division (B) of this section shall be interpreted in such a way as to relieve the person responsible for such stationary machinery, equipment, fan, air conditioning apparatus, or similar permanently installed mechanical device from the responsibility of taking other reasonable actions, other than replacement, directed at reducing noise levels from these sources at a residential property line. ('74 Code, § 6-22-9) (Ord. 21-1975; Am. Ord. 30-1981)

(B) It shall be unlawful for any person to operate or cause to be operated outdoors, on commercial property, any power equipment including, but not limited to, sweepers, power mowers, leaf blowers, rototillers, power saws or other power equipment used to sweep parking lots or other surfaces or perform gardening, property repair or other functions within 500 feet of any residential premises during the nighttime hours.

(Drafted by COE per Citizen complaints)

(C) Mechanical equipment such as, but not limited to, air conditioning or freezer compressors, evaporative coolers, exhaust fans or other noise producing machines on commercial property shall not be installed on the side of any building which is adjacent to a residential building on the adjoining lot. Roof locations may be used when the mechanical equipment is installed within a sound-rated parapet.

(Drawn from code of Santa Monica, CA)

(D) It shall be unlawful to place garage doors used for entry or exit of vehicles from an automotive repair facility on the side of any building which side is adjacent to a residential building. Any residential building separated from such a facility by an alleyway or other such public property not more than 100 feet in width shall be considered adjacent to such a facility.

(Drafted by COE per Citizen complaints)

(E) It shall be unlawful for any person involved in the collection of refuse to make or cause or permit to be made or caused, any noise emanating from a motor vehicle while the vehicle is being used to collect refuse by means of a mechanical or hydraulic lift from a bulk refuse container on or within 500 feet of a residential property or a multi-use property which includes residential use from 8 P.M. to 7 A.M. except in such areas as may be designated by the Environmental Health Department.

Based on Vancouver, BC by-laws\par

(G) It shall be unlawful to operate, or to cause or permit to be operated, any refuse collecting or compacting vehicle that creates a sound pressure level in excess of 74 dB(A) when measured from a distance of fifty (50) feet from the vehicle.

From Salt Lake City Code

ORIGINAL 9-9-8 CONSTRUCTION OF BUILDINGS AND PROJECTS.

It shall be unlawful for any person within a residential zone, or within a radius of 500 feet there from, to operate or cause to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, with sound control devices less effective than those provided on the original equipment, or in violation of any regulations of the United States Environmental Protection Agency; or to operate or cause to be operated any such equipment during the nighttime, except in emergency situations as defined in this article, in such manner that the sound produced exceeds 50 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, when measured at the residential property line.

('74 Code, § 6-22-10) (Ord. 21-1975; Am. Ord. 30-1981)

REVISED 9-9-8 CONSTRUCTION OR DEMOLITION OF BUILDINGS AND PROJECTS, EXCAVATING AND GRADING.

It shall be unlawful for any person within **any residential premises**, or within a radius of 500 feet there from, to operate or cause to be operated any equipment used in construction, repair, alteration, **excavating, grading** or demolition work on buildings, structures, streets, alleys or appurtenances there to, with sound control devices less effective than those provided on the original equipment, or in violation of any regulations of the United States Environmental Protection Agency; or to operate or cause to be operated any such equipment during the nighttime, except in emergency situations as defined in this article, in such manner that the sound produced exceeds 50 dB(A) when measured at **or within any receiving residential property line at any location on that receiving property.**

ORIGINAL 9-9-9 VEHICLE REPAIRS.

It shall be unlawful for any person within any residential zone of the city to repair, rebuild, or test any motor vehicle in such a manner that the noise produced by such activity exceeds 50 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, when measured at the residential property line. ('74 Code, § 6-22-11) (Ord. 21-1975; Am. Ord. 30-1981)

REVISED 9-9-9 VEHICLE REPAIRS.

It shall be unlawful for any person within any residential zone of the city to repair, rebuild, or test any motor vehicle in such a manner that the noise produced by such activity exceeds **55 dB(A) daytime or 50 dB(A) nighttime** when measured **at or within any receiving residential property line, at any location on that receiving property.**

ORIGINAL 9-9-10 MOTOR VEHICLES.

(A) (1) (a) No person shall operate within the speed limits specified in this section in any roadway within the city either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or

deceleration in such a manner as to exceed the following noise limits when measured 50 feet from the center of the vehicle path.

Noise Limit in Relation to Posted Speed Limit

Type of vehicle	40 mph or less	Over 40 mph
(a) Any motor vehicle with a manufacturer's GVW rating of 8,000 lbs. or more, and any combination of vehicles 86 dB(A) 90 dB(A) towed by such motor vehicle	86 dB(A)	90 dB(A)
(b) Any motorcycle	82 dB(A)	86 dB(A)
(c) Any other motor vehicle or combination of motor vehicles	76 dB(A)	82 dB(A)

(B) This division (1) applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this article relating to motor vehicle mufflers for noise control.

(2) No person shall operate a motor vehicle having a manufacturer's gross vehicle rating of less than 6,000 lb., except a motorcycle, which exceeds 95 dB(A), measured 20 in. (508 mm) from the exhaust outlet. The measured exhaust system sound level of a stationary vehicle shall be the highest reading obtained during the test, disregarding unrelated peaks due to extraneous ambient noise. When there is more than one exhaust outlet, the reported sound level shall be for the loudest outlet. When there is more than one exhaust outlet extending from a single muffler, separated by less than 12 in. (305 mm), measurements shall not be made on the outlet furthest from the side of the vehicle.

(3) No person shall operate a motor vehicle having a manufacturer's gross vehicle weight rating of at least 6,000 lb. which exceeds 93 dB(A), measured 25 ft. (7.6 m) from the side of the vehicle. The sound level meter shall be observed during the full cycle of engine acceleration-deceleration, and the measured sound level reading shall be the highest value obtained during this cycle, excluding unrelated peak due to extraneous ambient noise. When there is more than one outlet, the sound level for each side of the vehicle shall be measured, and the reported sound level shall be the average of the two highest readings within 1 dB of each other on the loudest side.

(C) (1) No person shall sell or offer for sale a recreational or off-highway motor vehicle, go-cart, or motorcycle, that produces a maximum noise exceeding 88 dB (A) at a distance of 50 feet from the center line of travel.

(2) It shall be unlawful for any person to operate a motor vehicle off a public right-of-way at any time or under any condition of load, acceleration, or deceleration, in such a manner that the noise produced by such operation exceeds 82 dB (A) at any point on occupied property zoned for residential, office or commercial use at a distance of not less than 50 feet from the path of travel. This division shall not apply to commercial

enterprises which are lawfully engaged in the repair and maintenance of such motor vehicles ('74 Code, § 6-22-12) (Ord. 21-1975; Am. Ord. 30-1981)

REVISED 9-9-10 MOTOR VEHICLES ROADWAY NOISE

(A) (1) (a) No person shall operate on any roadway within the city either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits when measured **25** feet from the center of the vehicle path

Noise Limit **moving or still.**

Type of vehicle	Time Period	Max dB(A)
(a) Any motor vehicle with a manufacturer's GVW rating of 10,000 lbs. or more, and any combination of vehicles towed by such motor vehicle	Daytime	80 dB(A)
	Nighttime	80 dB(A)
	All	80 dB(A)
on city streets		
on streets or highways designated for heavy vehicle traffic	All	88 dB(A)
(b) Any motor vehicle with a GVW rating under 10,000 pounds including motorcycles	All	80 dB(A)

(B) This division (1) applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this article relating to motor vehicle mufflers for noise control

(C) (1) No person shall sell or offer for sale recreational or off-highway motor vehicle, go-cart, or motorcycle, that produces a maximum noise exceeding 88 dB (A) at a distance of 50 feet from the center line of travel.

(2) It shall be unlawful for any person to operate a motor vehicle off a public right-of-way at any time or under any condition of load, acceleration, or deceleration, in such a manner that the noise produced by such operation exceeds **80** dB (A) at any point on occupied property zoned for residential, office or commercial use at a distance of not less than 50 feet from the path of travel. This division shall not apply to commercial enterprises which are lawfully engaged in the repair and maintenance of such motor vehicles.

(D) It shall be unlawful for any person to allow the sounding of any horn, security alarm or other auditory signaling device in any vehicle owned, leased or otherwise

held by that person for a period of time longer than five (5) minutes except as required by law or to provide a warning signal during use thereof. This provision shall not be construed to prohibit the use and operation of a signal device in an emergency vehicle.

(E) It shall be illegal in the City of Albuquerque for any truck to use an engine or "jake" brake.

(F) It shall be unlawful for any City agency to make or cause to permit to be made or caused, noise from road traffic from any proposed road or residential land use developments without applying the best measures to meet noise level targets at the planning stage according to Table I.

Table 1 sets out the criteria to be applied to particular types of road and land use developments in residential areas.

(The values presented in the tables seek to preserve amenity appropriate to the land use. The confidence for such an outcome occurring for the specified noise levels is based on well documented social surveys defining a dose-response relationship between noise level and annoyance. These values are also supported by the comparison with overseas criteria.

To help interpretation and application of the criteria and to handle situations where existing noise levels exceed the criteria, explanations and technical considerations are given after the following tables. For example, the noise levels only refer to traffic and do not include ambient noise from other sources and all traffic noise at the receiver location and not only noise due to the project under consideration. Leq (15 hr) is the noise level for 7 am to 10 pm, Leq (9 hr) is the noise level for 10pm to 7am. Leq (1 Hr.) is the highest noise level for any one hour during the period of 7 am to 10 pm. Noise level at the residence is 3 feet away from the wall of the building residence that is exposed to the traffic noise and at a height of 5 feet from the floor level.)

TABLE 1 ROAD TRAFFIC NOISE CRITERIA FOR PROPOSED ROAD OR RESIDENTIAL LAND USE DEVELOPMENTS

For an explanation of terms used here, see the section Guide to Terms used in the Tables and Technical Notes to the Tables immediately following the tables.

TYPE OF DEVELOPMENT

CRITERIA

1. New freeway or arterial road corridor	Target dB(A)Leq(15 hr)55 Day, Leq(9 hr)50 Night.
-------------------------------------------------	---------------------------------------------------------

The new road shall be designed so as not to increase existing noise levels by more than 0.5 dB.

Where feasible, noise levels from existing roads shall be reduced to meet the noise criteria. In some instances this may only be achievable through long-term strategies such as improved planning, design and construction of adjoining land use developments, reduced vehicle emission levels through new vehicle standards and regulation of in-service vehicles, greater use of public transport and alternative methods of freight haulage.

2. New residential developments affected by freeway/arterial traffic noise. Target dB(A) Leq(15 hr)55 Day, Leq(9 hr)50 Night

Where feasible, existing noise levels shall be reduced to meet the noise criteria via judicious design and construction of the development. The choice of locations, internal layouts, building materials and construction shall be made so as to minimize noise impacts.

3. Upgraded existing freeway/arterial road Target dB(A)Leq(15 hr)60 Day, Leq(9 hr)55 Night

Where feasible, noise levels from existing roads shall be reduced to meet the noise criteria. In many instances, this may be achievable only through long-term strategies, such as improved planning, design and construction for adjoining land use developments, reduced vehicle emission levels through new vehicle standards, and regulation of in-service vehicles, greater use of public transport, alternative transport, and alternative methods of freight haulage.

4. Redevelopment of existing freeway/arterial road Target dB(A) Leq(15 hr)60 Day, Leq(9 hr)55 Night

In all cases, the redevelopment shall be designed so as not to increase existing noise levels by more than 2 dB. Where feasible, noise levels from existing roads shall be reduced to meet the noise criteria. In many instances this may be achievable only through long-term strategies such as improved planning, design and construction of adjoining land use developments, reduced vehicle emission levels through new vehicle standards and regulation of in-service vehicles, greater use of public transport, alternative transport, and alternative methods of freight haulage.

5. New land use developments with potential to create additional traffic on existing freeway arterials Target dB(A) Leq(15 hr)60 Day, Leq(9 hr)55 Night

Where feasible, existing noise levels shall be mitigated to meet the noise criteria. Examples of applicable strategies include appropriate location of private access roads, times of use, use of clustering, use of quiet vehicles, and use of barriers and acoustic treatments. In all cases, traffic arising from the development should not lead to an increase in existing noise levels of more than 2 dB.

6. New local road corridor in a metropolitan area. Target dB(A) Leq(1 1 hr)55 Day, Leq(1 hr)50 Night

The new road shall be designed so as not to increase existing noise levels by more than 0.5 dB. Where feasible, noise levels from existing roads should be reduced to meet the noise criteria. In many instances this may be achievable only through medium term and long term strategies, such as regulation of exhaust noise from in-service vehicles, limitations on exhaust brake usage, restricted access for sensitive areas or during sensitive times to low noise vehicles, improved planning, design and construction of adjoining land use developments, reduced new vehicle emission standards and alternative methods of freight haulage.

7. New local road corridor in a rural area. Target dB(A) Leq(1 hr)50 Day, Leq(1 hr)45 Night
The new road shall be designed so as not to increase existing noise levels by more than 0.5dB. Where feasible, noise levels from existing roads shall be reduced to meet the noise criteria. In many instances this may be achievable Only through medium-term and long-term strategies, such as regulation of exhaust noise from in-service vehicles, limitations on exhaust brake usage, restricted access for sensitive areas or during sensitive times to low noise vehicles, improved planning, design and construction of adjoining land use developments, reduced new vehicle emission standards and alternative methods of freight haulage.

8. New residential developments affected by traffic noise from local roads. Target dB(A) Leq(1 hr)55 Day, Leq(1 hr)50 Night
Where feasible, existing noise levels shall be mitigated to meet the noise criteria for occupants via judicious design and construction of the development. Relevant strategies will include building locations on site, internal layouts, building materials and construction techniques.

9. Upgraded local road. Target dB(A) Leq(1 hr)55 Day, Leq(1 hr)50 Night
It is highly desirable that no increase in existing noise levels occurs. In some instances this may be achievable only through medium-term and long-term strategies, such as regulation of exhaust noise from in-service vehicles, limitations on exhaust brake usage, restricted access for sensitive areas or during sensitive times to low noise vehicles, improved planning, design and construction of adjoining land use developments, reduced new vehicle emission standards and alternative methods of freight haulage.

10. Redevelopment of existing local roads. Target dB(A) Leq(1 hr)55 Day, Leq(1 hr)50 Night
In all cases, the redevelopment shall be designed so as not to increase existing noise levels by more than 2 dB. Where feasible, noise levels from existing roads shall be reduced to meet the noise criteria. In many instances this may be achievable only through medium-term and long-term strategies, such as regulation of exhaust noise from in-service vehicles, limitations on exhaust brake usage, restricted access for sensitive areas or during sensitive times to low noise vehicles, improved planning, design and construction of adjoining land use developments, reduced new vehicle emission standards and alternative methods of freight haulage.

11. New land use developments with potential to create additional traffic on local roads

Target dB(A) Leq(1 hr)55 Day,
Leq(1 hr)50 Night

Where feasible, existing noise levels shall be mitigated to meet the noise criteria. Examples of applicable strategies include appropriate location of private access roads, times of use, use of clustering, use of quiet vehicles, and use of barriers and acoustic treatments. In all cases, traffic arising from the development shall not lead to an increase in existing noise levels of more than 2 dB

Guide to Terms Used in the Table

FREEWAY/ARTERIAL. These terms refer to roads handling through traffic, with characteristically heavy and continuous traffic flows during peak periods. Through traffic is traffic passing through a locality bound for another locality.

NEW FREEWAY/ARTERIAL. These terms refer to a freeway or arterial road that is proposed on a corridor which has not previously been a freeway or arterial road, or an existing freeway or arterial that is being substantially realigned.

UPGRADED FREEWAY/ARTERIAL. These terms refer to proposals where changes are not designed to increase traffic carrying capacity; these are generally changes related to safety or amenity objectives (for example, straightening curves, installing traffic control devices, or making minor adjustments to road alignments).

REDEVELOP EXISTING FREEWAY/ARTERIAL. These terms refer to an existing freeway corridor where it is proposed to increase traffic carrying capacity or make changes in the traffic mix through design or engineering changes.

LOCAL ROAD-METROPOLITAN. This refers to roads situated in built-up areas, handling local traffic with characteristically intermittent traffic flows.

LOCAL ROADS-RURAL. This refers to roads situated in rural areas, handling local traffic with characteristically intermittent traffic flows.

UPGRADED LOCAL ROAD. This refers to safety or amenity related improvements (for example, speed humps, traffic calming devices, curve straightening) that are not designed to increase traffic carrying capacity or change the traffic mix.

REDEVELOP LOCAL ROADS. This refers to changes to a local corridor designed to increase traffic carrying capacity or change the traffic mix.

NEW DEVELOPMENT WITH POTENTIAL TO CREATE ADDITIONAL TRAFFIC ON EXISTING ROADS. This implies increases to the magnitude of the traffic flow and/or changes to the traffic mix to the road.

9-9-11 AIRCRAFT ENGINE NOISE.

(A) It shall be unlawful for any person to operate, run up or test or cause to be operated, run up or tested an aircraft engine which creates a noise level of 50 dB(A), or 10 dB(A)

above the ambient noise level, whichever is higher, measured at any place within an inhabited residential zone of the city during the nighttime hours.

(B) Any aircraft engine operating within an aircraft during a landing, take off or while moving upon the ground surface of an airport shall be exempt from the provisions of this section.

(C) The intent of this section is to regulate the noise levels produced in the testing, maintenance and repairing of aircraft engines and aircraft in the nighttime hours to the extent such levels exceed 50 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher, measured within any inhabited residential zone of the city.

('74 Code, § 6-22-13) (Ord. 21-1975; Am. Ord.30-1981)

REVISED 9-9-11 AIRCRAFT RELATED NOISE.

(A) It shall be unlawful for any person to operate, run up or test or cause to be operated, run up or tested an aircraft engine which creates a noise level exceeding 55 dB(A) daytime or 50 dB(A) nighttime at any place within an inhabited residential zone of the city.

(B) It shall be unlawful to conduct activities at helipads that exceed 55 dB(A) daytime or 50 dB(A) nighttime when measured at the property line of any residential dwelling unit. All commercial helicopters shall follow the "Fly Neighborly" program of the Helicopter Association International which requires that helicopter flight paths avoid residences. Police, Emergency or Medical helicopters shall follow "Fly Neighborly" guidelines whenever possible.

(C) Any aircraft engine operating within an aircraft during a landing, take off or while moving upon the ground surface of an airport shall be exempt from the provisions of this section.

(D) The intent of this section is to regulate the noise levels produced at helipads or in the testing, maintenance and repairing of aircraft engines and aircraft to the extent such levels exceed 55 dB(A) daytime or 50 dB(A) nighttime, measured within any inhabited residential zone of the city.

9-9-12 GENERAL NOISE REGULATION.

ORIGINAL Except as otherwise provided in this article, it shall be unlawful for any person to make or continue, cause to be made or continued, or allow to be made or continued, any noise in excess of 50 dB(A), or 10 dB(A) above the ambient noise level, whichever is higher at any residential property line. ('74 Code, § 6-22-14) (Ord. 21-1975; Am. Ord. 30-1981)

REVISED Except as otherwise provided in the article, it shall be unlawful for any person to make or continue, cause to be made or continued, or allow to be made or continued, any noise in excess of the following limits when measured at or within any receiving property line, at any location on that property

(A) SOUND LEVEL LIMITS

Land Use of Premises	Time	Maximum
Residential	Daytime	55 dB(A)
	Nighttime	50 dB(A)
Commercial	Daytime	60 dB(A)
	Nighttime	55 dB(A)
Industrial	Daytime	75 dB(A)
	Nighttime	70 dB(A)

(B) Adjacent Properties. When a noise source can be measured from more than one land use location, the permissible sound level of the more restrictive location shall govern.

(Modeled after code(s) of Denver, CO and Colorado Springs, CO and Buffalo, NY)

9-9-13 ADMINISTRATION.

The Mayor shall be responsible for the administration of this article. Rules, regulations, and test and compliance procedures to carry out the intent and purpose of this article shall be promulgated by the Mayor after a public hearing.
(74 Code, § 6-22-1 S) (Ord. 21-1975; Am. Ord.30-1981)

9-9-14 VARIANCES.

(A) The Mayor may grant an individual variance from the limitations prescribed in this article whenever it is found, upon presentation of adequate proof, that compliance with any part of this article will result in an arbitrary and unreasonable taking of property, or will impose an undue economic burden upon any lawful business, occupation or activity, and that the granting of the variance will not result in a condition injurious to health or safety.

(B) Any variance, or renewal thereof, shall be granted within the requirements of division (A) of this section and for time periods and under conditions consistent with the reasons therefore, and within the following limitations

(1) If the variance is granted on the grounds that compliance with the particular requirement or requirements will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the Mayor, is requisite for taking of the necessary measures. A variance granted on the ground specified in this division shall contain a timetable for taking of action in an expeditious manner and shall be conditioned on adherence to the timetable; or

(2) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in division (1) of this division (B), it shall be for not more than one year.

ORIGINAL (C) Any person seeking a variance shall file a petition for variance with the Mayor. The Mayor shall investigate the petition and make a determination as to the disposition thereof within ten working days following receipt of the request by the Mayor.

REVISED (C) Any person seeking a variance shall file a petition for variance with the Mayor. The Mayor shall investigate the petition and make a determination as to the disposition thereof **at the end of** ten working days following receipt of the request by the Mayor.

ADDED (D) A petition for variance cannot be approved without notification of property owners and/or any active Neighborhood Association with member's property situated within 200 feet of the property for which the variance is requested.

(E) Any person aggrieved by the disposition of a petition for a variance may appeal such disposition by filing a written petition with the Mayor within 30 days of such disposition. The procedures governing such appeals shall be those procedures that have been promulgated by the Mayor as provided herein. ('74 Code, § 6-22A) (Ord. 21-1975; Am. Ord. 30-1981)

9-9-15 TEMPORARY PERMITS.

(A) The Mayor may grant a temporary permit which allows noncompliance with the limitations prescribed in this article for the purpose of amplified sound activities of short duration. The issuance of such permits will be only for a time period between 700 a.m. (0700 hours) and 1200 a.m. (2400 hours).

(B) Permits shall be granted upon application, at no cost to applicant, provided an initial investigation assures that the permit will not result in a condition injurious to health or safety.

(C) The following factors shall be considered, in the initial investigation, in order to determine whether granting the permit will result in a condition injurious to health or safety.

- Distance of proposed activities from a residential zone.
- Number of amplification devices to be used in the proposed activities.
- Anticipated direction of amplification devices.
- Anticipated length of proposed activities.
- Whether the activity will be held within or without a structure.

(D) Upon a determination that the granting of a permit will not result in a condition injurious to health or safety, the permit shall be issued specifying place, duration, and any restrictions appropriate to the proposed site of the activities.

ADDED (E) A maximum allowable sound level to be produced at the proposed activities shall be placed on the permit.

ORIGINAL (E) Issued permits will be surrendered to any city police officer upon request when it is determined that the restriction of the permit specifying duration has been violated.

REVISED (F) Issued permits will be surrendered to any city police officer upon request when it is determined that **any restriction contained in** the permit has been violated.

ORIGINAL (F) Reapplication for a permit may be denied upon evidence of a complaint(s) by a resident(s) in the locality of the permitted activity or if an applicant has in the past been required to surrender a permit as described in division (E).

REVISED (G) Reapplication for a permit may be denied upon evidence of a previous complaint(s) by resident(s) in the locality of the permitted activity or if an applicant has in the past been required to surrender a permit as described in division (E). Prior to a decision to grant such a permit, any and all residents still residing in the area who have filed previous complaints against the applicant shall be contacted by that representative of the Mayor authorized to issue such a permit, and given the opportunity to submit a written statement in opposition to the granting of such a permit. Statements by three or more residents may be grounds for denial of the permit.

(H) This section shall not apply to any person who has been granted a variance as prescribed by § 9-9-14.

(I) Any person aggrieved by the disposition of an application for a temporary permit may appeal such disposition by filing a written petition with the Mayor within 30 days of the disposition. The procedures governing such appeals are those procedures promulgated by the Mayor as provided herein. ('74 Code, § 6-22-5) (Ord. 30-1981)

9-9-16 HIGH NOISE AREA SIGN

Where a HIGH NOISE AREA sign is called for in 9-9-4 (G) of this code, said sign shall comply with the following:

- It shall be rectangular in shape
- It shall be no less than 18 inches wide and 24 inches high
- It shall contain the lettering for the words "HIGH NOISE AREA" at least 5 inches high in red letters on a white background
- The symbol below shall appear in red on the sign and be no less than 12 inches high.

Modeled after Vancouver, BC code

9-9-17 HAZARDOUS NOISE SIGN

The HAZARDOUS NOISE SIGN called for in 9-9-4 (F) of this code shall comply with the following:

- It shall be rectangular in shape

- It shall be no less than 24 inches wide and 36 inches high
- It shall contain the following words"CAUTION - THE SOUND LEVEL WITHIN THESE PREMISES MAY BE HAZARDOUS TO YOUR HEARING" in capital letters in red on a white background. The letters shall all be at least 8 inches high. The symbol in 9-9-18 shall appear in red and be no less than 18 inches high.

(Modeled after Vancouver, BC code)

9-9-18 NOISE SIGN SYMBOL

Where called for in this ordinance, the following symbol shall appear on noise related signs

9-9-96 VIOLATIONS; ADDITIONAL REMEDIES; INJUNCTIONS.

As an additional remedy [to the penalty set forth in § 9-9-99], the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this article, which operation or maintenance exceeds the limitations of this article may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

('74 Code, § ~22-1 7) (Ord. 21-1975; Am. Ord. -1 981)

9-9-99 PENALTY.

Any person who violates any of the provisions of this article shall be subject to the general penalty provisions of this code set forth in § 1-1-99. ('74 Code, § ~22-1 6) (Ord. 21-1975)

SUGGESTED REVISIONS TO 1-9-99 GENERAL PENALTY

ORIGINAL

1-1-99 GENERAL PENALTY

Any person who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or by imprisonment not exceeding 90 days or both unless a different specific penalty is provided. Each separate violation shall constitute a separate offense and, upon conviction, each day of violation shall constitute a separate offense.

REVISED

1-1-99 GENERAL PENALTY

(NOTE: If the General Penalty provision 1-1-99 is applicable to offenses committed under sections of the City Code other than those dealing with the Noise Control

Ordinance, then the following should be incorporated into the code as a new penalty provision specifically applying to noise.)

(A) Any person who violates any of the provisions of this Noise Code shall be subject to

- 1.A fine of \$100 for the first violation;**
- 2.A fine of \$200 for the second violation;**
- 3.A fine of \$300 for the third and subsequent violations.**

(B) Upon a third conviction for the same offense, should that violation involve any sort of amplified sound equipment or system, the system or equipment shall, at the time of conviction, be forfeited to and destroyed by the Court.

(C) Law enforcement officers may enforce this Noise Ordinance by issuance of citations in the same manner as provided in the Traffic Code, on forms established by the Environmental Health Department.

(D) It shall be the responsibility of the Environmental Health Department to establish a system, in cooperation with the Albuquerque Police Department, for tracking and recording violations of the noise code for the purpose of enforcing the provisions of this section.

ALTERNATIVE PROPOSAL

(A) A first or second violation of any of the provisions of this Chapter set forth herein is designated as a Class 1 civil infraction under pertinent law and subject to the minimum fine listed if a court appearance is waived and an admission of guilt is made. Any person who violates any provision of this code for which another penalty is not specifically provided, shall be subject to the following penalties

1. For a first offense, a fine of not less than seventy-five (\$75.00), nor more than five hundred dollars (\$500.00) or imprisonment for not less than five (5) days nor more than fifteen (15) days. The minimum fine imposed by this subsection shall be mandatory and the Court shall not suspend or waive any portion of such minimum fine.

2. For a second offense, a fine of not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars \$500.00 or imprisonment for not less than fifteen (15) days nor more than thirty (30) days. The minimum fine imposed by this subsection shall be mandatory and the Court shall not suspend or waive any portion of such minimum fine.

3. Upon conviction for a third or subsequent offense, the Court shall impose a fine of not less than three hundred dollars (\$300.00), nor more than five hundred dollars (\$500.00) or mandatory imprisonment for not less than thirty (30) days nor more than ninety (90) days.

4. Upon a third conviction, should the violation involve any sort of amplified sound equipment or system, the system or equipment shall, upon conviction, be forfeited to and destroyed by the Court.

5. If the violation involves a sound amplification system, it shall be confiscated by an enforcement officer when, on service of a citation for a violation, the officer has knowledge or information that the person suspected of violating this section has two previous convictions for such a violation.

6. Upon a determination by the arresting office that the sound amplification system will be removed at the scene, the arresting officer's designee shall conduct the removal of the sound amplification system. If the sound amplification system is installed in an automotive vehicle and the arresting officer determines, at the officer's discretion, that it is impractical to remove the sound amplification system at the scene of the violation, then the vehicle shall be impounded by the police for the limited purpose of the expedient removal of the sound amplification system.

7. The sound amplification system shall remain impounded until ordered released or destroyed by the Court.

8. All fines levied pursuant to this section of the General Provisions shall accrue to the Department of Environmental Health and shall be expended only for the purpose of noise abatement and control which may include, but is not limited to, public noise awareness campaigns, noise studies and the purchase of noise monitoring equipment.

(B) Unless provided otherwise by this chapter, the "enforcement officers" authorized to enforce the provisions of this Chapter are commissioned officers of the Albuquerque Police Department or their authorized representatives, assistants or designees.

(C) An action for civil infraction shall be processed in the same manner as a moving traffic violation on forms established by the Environmental Health Department in consultation with the Albuquerque Police Department.

(D) It shall be the responsibility of the Environmental Health Department to establish a system, in cooperation with the Albuquerque Police Department, for tracking and recording violations of the noise code for the purpose of enforcing the provisions of this section.

Patterned after code of Colorado Springs and recommended code for Seattle

SUGGESTED REVISIONS TO CHAPTER 9 HEALTH, SAFETY AND SANITATION

9-2-3-7 ANIMALS DISTURBING THE PEACE

ORIGINAL No person shall allow an animal in his possession or control to persistently or continuously bark, howl or make noise common to its species, or otherwise to disturb the peace and quiet of the inhabitants of the city or keep or maintain an animal in a manner which produces noxious or offensive odors or otherwise endangers the health and welfare of the inhabitants of the city.

REVISED No person shall allow an animal in his **or her** possession or control to bark, howl or make noise common to its species **for more than a total of five (5) minutes in any one (1) hour period**, or otherwise to disturb the peace and quiet of the inhabitants of the city or keep or maintain an animal in a manner which produces noxious or offensive odors or otherwise endangers the health and welfare of the inhabitants of the city. **This provision shall not apply to public zoos.**

Revisions taken from code of Santa Monica, CA

Long Beach, CA Noise Code Excerpts

36. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

37. "Residential area" means any area wherein the dominant land use is devoted to maintenance, preservation, or propagation of residential dwelling units.

38. "RMS sound pressure" means the square root of the time averaged square of the sound pressure, denoted P_{rms} .

39. "Sound" means an oscillation in pressure, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity frequency.

40. "Sound amplifying equipment" means any machine or device for the amplification of the human voice, or music, or any other sound, excluding standard automobiles when used and heard only by the occupants of the vehicle in which the device is installed and, as used in this chapter, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used obly for traffic safety purposes.

41. "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

42. "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurements of sound levels,

which satisfies the requirements pertinent for type S2A meters in American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

43. "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

44. "Sound pressure level" means twenty times the logarithm to the base ten of the ration of the RMS sound pressure to the reference pressure of twenty micropascals ($20 \times 10^6 \text{ N/M}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

45. "Sound truck" means any motor vehicle or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

46. "Vibration" means mechanical motion of the earth or ground, building, or other type of structure, induced by the operation of any mechanical device or equipment located upon or affixed thereto. For purposes of this chapter, as the acceleration in "g" units (1 g is equal to 32.2 ft/sec^2 , $9.31 \text{ meters/sec}^2$).

47. "Weekday" means any day, Monday through Friday, which is not a federal holiday. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.1).

8.80.030 Administration and enforcement.

The noise control program established by this chapter shall be administered by the noise control office as designated by the city manager. An official within the noise control office shall be appointed as the noise control officer and shall be a person with sufficient knowledge of environmental acoustics to enforce noise regulations. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.2 (a)).

8.8.040 Noise control office - Powers.

In order to implement and enforce this chapter and for the general pupose of noise abatement and control, the noise control office shall have, in addition to any other authority vested in it, the power to:

A. Studies, Conduct, or cause to be conducted, studies, research, and monitoring related to noise, including joint cooperative investigation with public or private agencies, and make application for and accept grants;

B. Education.

1. Conduct programs of public education regarding:

a. The cause and effect of noise and general methods of abatement and control of noise and

b. The actions prohibited by this chapter and the procedures for reporting violations, and

2. Encourage the participation of public interest groups in related public information efforts,

3. Provide for training of field inspectors and other technical personnel concerned with noise abatement (in conformance with standards for technical qualifications as established by the state Office of Noise Control);

C. Coordination and Cooperation.

1. Coordinate the noise control activities of all municipal departments,

2. Cooperate where practicable with all appropriate state and federal agencies,

3. Cooperate or combine where practicable with appropriate county and municipal agencies,

4. Advise on the availability of low noise emission products for replacement or retrofit of existing or planned city owned or operated equipment,

5. Enter into contract with the approval of the city manager for the provision of technical and enforcement services;

D. Actions of Other Departments. Request any other department or agency responsible for a proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that the action is not consistent with this chapter;

E. Public and Private Projects. On all public and private projects which are likely to cause sound in violation of this chapter and which are subject to mandatory review or approval by other departments or agencies, or which under the environmental review process are judged to be likely to violate these regulations:

1. Review to determine compliance with the intent and provisions of this chapter,

2. Recommend sound analysis which identify existing and projected noise sources and associated levels,

3. Recommend usage of adequate measures to avoid violation of any provision of this chapter;

F. Inspections. Upon presentation of proper credentials, place, report, or records at any time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search or inspection warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this chapter may exist. Such inspection may include administration of any necessary tests;

G. Product Performance Standard Recommendations. Develop and recommend (to the city council or other city agency) provisions regulating the use and operation of any product, including the description of maximum sound emission levels of such product, but not in such a manner as to conflict with federal or state new product regulations;

H. Noise Sensitive Zone Recommendations and Enforcement. Prepare

recommendations, to be approved by the city council, for the designation of noise sensitive zones which contain noise sensitive activities and to enforce the provisions of Sections 8.80.150 through 8.80.180 on city council designated noise sensitive zones;

I. Noise Zone Definition. Prepare recommendations, based upon noise survey data and

analytical studies, to be approved by the city council, for the designation of zones of similar ambient environmental noise within regions of generally consistent land use. These zones shall be identified in terms of their day and nighttime ambient noise levels by the classifications given in Section 8.80.160, Table A;

J. Zoning Changes. Prior to the approval of any zoning change:

1. Review the noise impact of the zoning change by identifying existing and projected noise sources and the associated sound levels,
2. Require usage of adequate measures on noise sources identified in subdivision 1 of this subsection which will be in violation of any provision of this chapter. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.2 (b)).

8.80.050 Noise control officer - Duties.

In order to effectively implement and enforce this chapter, the noise control officer shall, within a reasonable time:

A. Investigate and Pursue Violations. Investigate and pursue possible violations of this chapter;

B. Delegation of Authority. Delegate functions, where appropriate under this chapter, to personnel within the noise control office and to other departments, subject to the approval of the city manager;

C. Community Noise Element.

1. Assist in the preparation or revision thereof of the city noise element of the general plan as required by Government Code Section 65302 (g), following guidelines set forth by the state Office of Noise Control,
2. Assist in or review the total transportation planning of the city, including planning for new roads and highways, bus routes, airports, and other systems for public transportation, to insure that proper consideration is taken with regard to the impact of sound levels and that the policies set forth in the noise element are adhered to,
3. Provide ongoing assistance to local agencies in determining possible mitigating measures for current or future noise problems;

D. Airport Noise Exposure. Assist the department of aeronautics in developing a plan for noise compatible land use in the vicinity of the Long Beach Airport and maintain consistency with the provisions and policies of the noise element of the general plan;

E. State and Federal Laws and Regulations.

1. Prepare and publish with the approval of the city council a list of those products manufactured to meet specified noise emission limits under federal, state or community law for which tampering enforcement will be conducted, and
2. Make recommendations for modification or amendments to this chapter to insure consistency with all state and federal laws and regulations;

F. Administer Grants, Funds and Gifts. Administer noise program grants, funds and gifts from public and private sources, including the state and federal governments;

G. Monitoring Responsibilities. Notwithstanding the preemption by federal and state agencies of the enforcement powers over certain activities, such as those at the Long

Beach Marine Stadium, the noise control officer shall monitor noise generated by such preempted activities and report any violations of state or federal regulations to the appropriate enforcement agencies and to the city council. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.2 (c)).

8.80.060 City departments - Policy conformance

All departments shall, to the fullest extent consistent with their authorities under other ordinances administered by them, carry out their programs in such a manner as to further the policies stated in Section 8.80.010. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (a)).

8.80.070 City departments - Cooperation.

All departments shall cooperate with the noise control office to the fullest extent in enforcing the noise regulations of this chapter. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (b)).

8.80.080 City departments - Legal compliance.

All departments engaged in any activities which result or may result in the emission of noise, shall comply with federal and state laws and regulations, as well as the provisions of this chapter, respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (c)).

8.80.090 City departments - 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 consult with the noise control office prior to any such approval. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (d)).

8.80.100 City departments - Review of actions.

If at any time the noise control officer has reason to believe that a standard, regulation, or action or proposed standard, regulation or action of any department respecting noise does not conform to the intent of Section 8.80.010, he may request such department or review and report to him on the advisability of revising such standard or regulation to conform. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (e)).

8.80.110 City departments - Contract compliance.

Any written agreement, purchase order, or instrument whereby the city is committed to the expenditure of funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, shall not be entered into unless such agreement, purchase order, or instrument contains provisions requiring that any equipment or activities which are subject to the provisions of this chapter will be

operated, constructed, conducted, or manufactured without causing violation of this chapter. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (f)).

8.80.120 City departments - Low noise emission product use.

Any product which has been certified by the Administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972 as a low noise emission product and which is determined to be suitable for use as a substitute shall be used in preference to any other product where economically feasible. (Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (g)).

8.80.130 Disturbing noises prohibited.

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

B. The standards which shall be considered in determining whether a violation of the provisions of this section exist shall include, but not be limited to the following:

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, informational or musical content;

Results from EHD Noise Studies

Noise Complaints Ranked by Severity of the Problem to Respondants in *Albuquerque Environmental Noise Study - 1998*:

1. Booming bass
2. Dogs barking
3. Traffic noise
4. Aircraft noise
5. Ice cream trucks
6. Motorcycles
7. City services
8. Voices of children
9. Power lawn equipment
10. Public works
11. Commercial sources
12. Air conditioners

Responses when asked who to contact with noise complaints in Albuquerque Environmental Noise Study - 1998:

- | | |
|--------------------|-----|
| 1. Don't know | 52% |
| 2. Call police | 18% |
| 3. Call EHD | 10% |
| 4. Call Mayor | 6% |
| 5. Assorted others | 14% |

Complaints phoned to CQE in response to Abq. Journal newspaper story on group:

- | | |
|-----------------------------------|----------|
| 1. Commercial or industrial noise | 14 calls |
| 2. Noise in general | 6 |
| 3. Barking dogs | 6 |
| 4. Loud car stereos | 6 |
| 5. Traffic noise | 5 |
| 6. Loud background music | 3 |
| 7. Helicopters | 1 |
| 8. Loud movies | 1 |
| 9. Neighbors | 1 |

(#1 includes noisy street/parking lot sweepers, garbage pickup, county club weddings, loud music at the Plaza, auto repair shop, outdoor paging etc..)

Common Sounds - Decibel Ratings

Sound	Noise Level (dB)	Effect
Boom Cars	145	
Jet Engines (Near)	140	
Shotgun Firing	130	
Jet Takeoff (200 ft)	130	
Rock Concert	110-140	Pain threshold - 125 dB
Oxygen Torch	121	
Discotheque	120	Threshold of sensation - 120 dB
Boom Box	120	
Thunderclap	120	
Stereo (over 100 watts)	110-125	
Symphony Orchestra	110	
Chain Saw	110	
Pneumatic Drill	110	
Jackhammer	110	

Snowmobile	105	
Jet Flyover (1000 ft)	103	Regular exposure for more than 1 minute
Electrical Furnace Area	100	Risks permanent hearing loss - over 100 dB
Garbage Truck	100	
Cement Mix Truck	100	
Farm Tractor	98	No more than 15 min. unprotected exposure recommended (90-110 dB)
Newspaper Press	97	
Subway	88	
Motorcycle	88	Very annoying
Lawnmower	85-90	Level at which hearing damage begins (85 dB - 8 hrs or longer)
Blender	85-90	
Recreational Vehicle	70-90	
Diesel Truck (40 mph - 50 ft)	84	
Average City Traffic	80	Annoying - interferes with normal conversation.
Garbage Disposal	80	May cause damage
Washing Machine	78	
Dishwasher	75	
Vacuum Cleaner	70	Intrusive - interferes with telephone conversation
Hair Dryer	70	
Normal Conversation	50-65	
Quiet Office	50-65	

Albuquerque Tribune, Friday, July 2, 1982

New signs tell noisemakers: Hush up!

By Leslie Linthicum
Tribune Staff Writer

Loud stereos and rock musicians who practice in garages are the worst offenders. Squeaky air conditioners and faulty car-exhaust systems are also high on the list of Albuquerque's noise-ordinance offenders.

In case such noisome noisemakers who burn the eardrums of peace-and-quiet-loving Albuquerqueans haven't noticed, signs warning that the city's 7-year-old noise ordinance is being enforced have sprung up around town.

New signs proclaiming, "Noise Ordinance Being Enforced" have been put at 24 locations, many near hospitals.

The signs aren't meant to single out quiet zones or hint that there are noise detectors lurking in the bushes, says Noise Control Division manager Miles Ortin. They are merely reminders to "shh."

"I wanted to have something out there advertising that the city does have a noise ordinance, and: to remind people that the things they do do make noise," Ortin said.

The signs, which cost a total \$700, are concentrated near hospitals and by the airport and interstates to warn newcomers to keep their decibels down.

The ordinance was passed in 1975 by the newly formed City Council and puts a lid on noise louder than 10 decibels above the prevailing noise level or 50 decibels, whichever is lowest.

The law also covers automobiles, imposing a 95-decibel ceiling.

Ortin says his staff of five enforcers responded to 300 complaints last year.

Enforcement of the ordinance is simple. For example, if your neighbor's air conditioner squeaks and keeps you awake at night Ortin will measure the noise level at your property line and, if it is greater than 10 decibels, will order the neighbor to fix the cooler or somehow reduce the noise.

If within a certain number of days you're still plagued by the noise, the city can issue a misdemeanor citation with an immediate \$25 fine and penalties ranging up to a \$300 fine and 90 days in jail.

According to Ortin, there are only a few repeat offenders. "I'd say that about 95 percent of the individuals we contact about any kind of noise take measures to sop it," Ortin said. "The other 5 percent feel it's their right to make any kind of noise they want and they're the people we're constantly on."

Ortin is also responsible for testing cars cited by police for noise. In seven years, he says, he has only had to take four drivers to court for failing to repair or replace noisy muffler systems.

Noise Ordinances Reviewed

Albuquerque, NM

Annapolis, MD

Bernalillo, County, NM

Bethlehem, PA

Buffalo, NY

Colorado Springs, CO

Capetown, South Africa

Chicago, IL

Denver, CO

El Paso, TX

Kansas City, MO

Las Cruces, NM

Long Beach, CA
Menlo Park, CA
New Jersey, State
Oakland CA
Palo Alto, CA
Pasadena, CA
Pittsburgh, PA
Portland, OR
Rosario, Argentina
Rutgers University Model
St. Paul, MN
St. Louis, MO
Salt Lake City, UT
San Antonio, TX
Santa Monica, CA
Sea Isle City, NJ
Seattle, WA
Sunnyvale, CA
Toledo, OH
Toronto, CN
Tucson, AZ
Tulsa, OK
Vancouver, BC
Victoria, BC
TOTAL 36

COMMENTS FROM THE PUBLIC MEETING INAD - APRIL 21, 1999

1. Neighborhood affected by amplified music, speakers
2. State Fair - three weeks - activity, traffic causing loss of hearing, cracks in homes (83 dBA) Noise Wall proposed.
3. Barking dogs all year long - Animal Control not helpful. (What can ordinance do to change problem?) Intermittent barks are very irritating - sets teeth on edge.
4. School dances so loud it sends contradictory message re: noise harm. Schools need to be involved - how they conduct activities. Difficult to teach children with damaged hearing (and brain damaged?). Albuquerque has 20% higher rate of special Ed. kids - is noise some of the reason?
5. Boom cars - don't hear music, just hear bass/vibration. Atlanta tickets if sound is heard outside car. Also mentioned - program where kids were forced to listen to music they hate for 2 hours.
6. What about "right to quiet enjoyment" in lease? ***

7. Helicopters of TV stations in residential areas pose noise, danger and fuel storage smell problems. TV copters should be at airport. Want passage of helicopter ordinance. Central Heliport? City can zone or rezone for helicopter pad locations. Medical/emergency helicopters get special exceptions. Fly Friendly program should be used by all, including emergency craft.
8. Noise on Westside - boom cars are a problem, speakers are pointed away from vehicles. Neighbors afraid to confront them or complain; even stare could result in being shot at. Loud music blaring in stores, even into parking lots.
9. Music in stores may not be inducement to sales as commonly believed. (England and Germany studies)
10. Boom car felt like a bomb! Police want loud car speakers to be in traffic ordinance and able to be ticketed like traffic violation.
11. Police helicopters bothersome in summer. And circle around for hours. Also hear helicopters at night up Rio Grande.
12. PNM transmission station heard 1000 ft. away in home. Noise is 120 Hz. - a low hum and difficult to insulate against. Blocking or noise cancellation technology could help. Older noisy facility will be around for another 30 - 35 years. Impossible to sleep for a number of neighbors. PNM not cooperating. Need acoustical engineer involved. Permitting residential zoning near such a (preexisting) facility should not have happened - or people coming in should be made aware.
13. Sound from new freeway lanes at Lomas and I-40 and boom cars, other noise has increased in older neighborhood. Nothing done if complaint not made (even if there is a violation). Rude treatment by police non-emergency number operators when folks complain.
14. Like program of forcing boom car noisemakers to listen to music they hate.
15. Also hear amplified speakers of car dealerships on Lomas.
16. Long Beach, CA logs called in complaints so permits can be denied. Need to keep logs on noise incidents. Barking dog case dismissed because Animal Control officer didn't appear in court.
17. Car alarms so sensitive that passersby set them off.
18. Ice cream trucks (is new ordinance enforceable?) Sound of music is obnoxious.
19. Window tinting - is it legal? Cops will enforce if it is their safety at risk.
20. Poorly maintained equipment. (rooftop turbine)
21. "The more noise the more secure they feel." (barking dog owners) Barking all the time - are they lonely? Equivalent to a security system but if you had one that gave a false alarm 150 times a day you would get rid of it. Complaints must be made in person. Enforcement system seems to work.
22. Tailor laws that are enforceable and good enforcement will prevent other crime (zero tolerance in N.Y. City). Needed because of deliberate scofflaws, threat of violent reaction and retribution. Don't blame the victim.

23. Leaf blowers irritating. Public oblivious to their noise impact on others. Need education with a stress on respect. (character counts)

Too bad aircraft noise not addressed in ordinance

