

# **Richmond, California Noise Related Regulations**

## **CHAPTER 7.52 PUBLIC DANCES AND DANCE HALLS**

### **7.52.020 - Hours of operation.**

It shall be unlawful for any person to open, operate, conduct or carry on any place where dancing by patrons is permitted in conjunction with the serving or selling of food or refreshment or merchandise, any dance hall, cabaret or public dance, between the hours of two a.m. and nine a.m.

## **CHAPTER 7.64 SOUND TRUCKS AND PUBLIC ADDRESS SYSTEMS**

### **7.64.010 - Sound amplifier defined.**

For the purpose of this chapter, a "sound amplifier" is defined as any mechanically operated instrument or device, and all parts or accessories connected thereto, which amplifies or increases the volume of sound by the use of electricity (alternate or direct current), when used separately or in connection with any phonograph, compact disc player, cassette deck player, radio or television or combination thereof, or similar sound-producing instrument or device, and includes, among other things, public-address systems, loudspeakers, sound trucks or vehicles with loudspeakers, but does not include: (a) a compact disc player, cassette deck player, radio or television or combination thereof when the sound is not audible at a distance in excess of thirty feet from the source of the sound amplifier, but in no event, shall the sound be audible at the property line of the residences, churches, hospitals, institutions or schools requesting the zone of quiet, or (b) standard motor vehicle radio when the sound is audible only within the motor vehicle.

### **7.64.020 - Permit required to operate sound amplifiers, etc.**

It is unlawful for any person, firm, association or corporation to use or operate, or permit to be used or operated out of doors, or indoors when used or operated to reach persons out of doors, any sound amplified as defined in Section 7.64.010 in any part of the city without a permit from the Chief of Police granted upon application in writing therefor. Such application shall set forth the name and address of the applicant, the location or locations or route or routes at which or over which applicant proposes to operate such sound amplifier or sound amplifiers, the purpose for which such sound amplifier or sound amplifiers will be used, the proposed hours of operation, and the number of days of proposed operation. Said permit shall be granted unless it shall appear to the Chief of Police that use or operation of such sound amplifier shall be or is objectionable to or shall disturb the public peace; any permit granted hereunder may be revoked by the Chief of Police whenever such sound amplifier shall be or become objectionable to or shall disturb the public peace. The Chief of Police, in issuing such permit, shall specify the hours of operation and the exact days of operation.

### **7.64.025 - Appeal.**

Any person, firm, association or corporation aggrieved by the action of the Chief of Police in granting, denying or revoking a permit hereunder may, within ten days after the action of the

Chief of Police, appeal to the City Council for a hearing thereon, and the decision of the City Council in such matter shall be final.

7.64.030 - Operation prohibited within any zone of quiet.

It shall be unlawful for any person to use or operate, or permit the use or operation of any sound amplifier out of doors, or indoors when used or operated to reach persons out of doors, within any zone of quiet established by resolution of the council of the City of Richmond, provided that signs are erected indicating the existence of such zone of quiet.

7.64.040 - Zones of quiet—Establishment by resolution.

The council of the City of Richmond, for the purpose of preventing disturbance to the occupants of residences, churches, hospitals, institutions, or the students or faculties of said schools or educational institutions, may establish by resolution, zones of quiet adjacent to such residences, churches, hospitals, institutions reserved for the sick, office or offices, schools and educational institutions, when occupants of residences or the superintendent or chief executive officer of such church or institution, or the executive head or manager of such office or offices requests the establishment of such zones.

7.64.050 - Same—Description of extent in resolution.

The resolution establishing a zone of quiet shall describe the extent of said zone of quiet.

7.64.060 - Same—Authorization to install signs—Cost of installation, etc., of signs.

Upon the establishment of such zones of quiet, the chief of police is hereby authorized to install and maintain appropriate signs to indicate the existence of said zones, provided that the expense of such installation and maintenance is to be paid by the institution or person or persons making such request, prior to such installation.

7.64.070 - Application of chapter.

The provisions of this chapter shall not apply to the use or operation of any sound amplifier by any police or fire department or law enforcement officer, nor to the use by any hospital, church, school or educational institution, when used and operated upon property owned or controlled by said hospital, church, school or educational institution.

## **CHAPTER 6.96 ALARM ORDINANCE**

7.96-010- Purpose.

The immediate preservation of the public safety, health and welfare requires the adoption of the ordinance codified in this chapter. The public has purchased burglar alarm systems which have malfunctioned, causing an increase in false alarm reports. These alarms require an immediate response from the Richmond Police Department, thus resulting in inefficiency, including but not limited to danger to the public by the reduction of police units available for general safety and financial loss to the city.

7.96.020 - Definitions.

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

(a) - (c)

(d) "Audible alarm" means that type of alarm system which, when activated, emits an audible sound.

(e) – (g)

(h) "Silent alarm" means that type of alarm system, which, when activated, sounds a bell or buzzer or turns on a light at a pre-designated place other than the location where the alarm has been installed.

(i) – (n)

7.96.030 - Certain types of sound prohibited.

No alarm system shall be installed or used which emits a sound which is similar to that of an emergency vehicle siren or civil defense warning system. The Chief of Police or his representative shall make final determination in regard to any question about the sound emitted from an audible alarm.

7.96.040 - Audible alarm shutoff.

It is unlawful to operate an audible alarm system which does not shut off within a maximum time of fifteen (15) minutes from the time of activation, or on a U.L. certified system, within a maximum time of thirty (30) minutes from the time of activation. If the alarm system has an automatic cutoff with a re-arming phase, the re-arming phase must be capable of distinguishing between open and closed circuits, and if the circuit is broken, the system shall not re-arm.

7.96.050 - 7.96.210

## **CHAPTER 9.42 PUBLIC NUISANCES**

9.22.090 - Nuisances specified.

It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises or to permit such premises to be maintained in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

(1) Generally.

(A) – (F)

(G) Any condition recognized in law or in equity as constituting a public nuisance.

(2) - (6)

(7) Noise. The emanation of noise of such a loud, unusual penetrating, persistent, raucous or boisterous nature so as to unreasonably disturb, annoy, interfere with or endanger the comfort, repose, health, peace, safety or welfare of neighboring residents of normal sensitivity.

## **CHAPTER 9.52 COMMUNITY NOISE ORDINANCE**

9.52.010 - Title.

This chapter shall be known as the "Community Noise Ordinance," may be cited as such, and will be referred to herein as "this chapter."

#### 9.52.020 - Findings and purpose.

It is the intent of the Council in adopting this chapter to: (1) Provide a comprehensive method for the identification and abatement of noise pollution within the City of Richmond; (2) reduce and mitigate health and other adverse impacts on the community from noise and protect public health, welfare, safety and quality of life through sound and noise regulation and implementation; (3) provide a balance between all existing and future noise generators' impact on sensitive land uses; and (4) comply with the goals and policies of the noise element of the Richmond general plan.

#### 9.52.030 - Definitions.

The definitions set forth in the ordinance codified in this chapter shall be applicable to the provisions contained in this document.

(a) "Ambient noise level" means the composite of noise from all sources near and far. The ambient noise level constitutes the normal or existing level of background environmental noise at a given location. However, for purposes of calculating permissible exterior noise levels pursuant to Section 9.52.100 of this chapter, the ambient noise level shall exclude any nearby individual stationary source of noise which alone or with one or several other nearby stationary sources contributes to a substantial increase in the normal or existing level of environmental noise.

(b) "Audible alarm" means the type of alarm system which, when activated, emits an audible sound.

(c) "Chief of Police" means the Chief of the Police Department of the City of Richmond or duly authorized representative thereof.

(d) "Director of Public Works" means the Director of the Public Works Department of the City of Richmond or duly authorized representative thereof.

(e) "Decibel (dB)" means the standard unit of measurement of the intensity or pressure level of sound, which is measured on a logarithmic scale in decibels (or dB).

(f) "dBA" or "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network.

(g) Equivalent sound level (Leq). "Leq" is the average sound level in an environment where the sound level changes. "Leq" can be measured for any time period, but is typically measured for some increment or fraction of an hour such as 15 minutes, 1 hour or 24 hours.

(h) Frequency. "Frequency" means the number of sound waves produced per second by an emitting source. One unit of frequency or one cycle per second is called a Hertz (Hz). Frequency gives a sound its pitch. In general, high-pitched sounds are judged to be "louder" (i.e., more perceptible) than low-pitched sounds, even when both types of sound are being emitted at the same decibel level (i.e., sound pressure level). Nonetheless, low frequencies heard continuously can cause stress and impair a person's ability to sleep.

(i) "Noise disturbance" means a noise which affects human activities by its potential to contribute to hearing loss or impairment or to cause speech interference, sleep interference, physiological response, or annoyance in a person of normal sensitivity, including any loud, unnecessary or unusual noise, whether caused or created inadvertently or wilfully, which lingers and/or disrupts the serenity of any neighborhood, or segment thereof, or which causes any discomfort or annoyance to any reasonable person(s) of normal sensitiveness residing or working within the surrounding area, whether the surrounding area consists of residential, commercial or industrial uses, in light of all circumstances, including, but not limited to, time of day, and pitch, pattern, tone, frequency and duration of the noise.

(j) "Noise-sensitive uses" means those land uses in which specific uses are located which have associated indoor and/or outdoor human activities that may be subject to speech, hearing or sleep interference, and/or annoyance from noise produced by community sound sources. Such human activity typically occurs daily for a continuous period of 24 hours or is of such a nature that the noise is significantly disruptive to activities that occur for short periods. Noise-sensitive uses include, but are not limited to, those uses in which the following uses exist:

- (1) Single and multi-family residences;
- (2) Mobile homes;
- (3) Transient lodging such as motels and hotels;
- (4) Dormitories;
- (5) Hospitals;
- (6) Convalescent care and rest/nursing facilities;
- (7) Any other use which contains sleeping quarters;
- (8) Places of worship;
- (9) Libraries;
- (10) Educational facilities.

(k) "Sound amplifier" means a sound amplifier is defined as any mechanically operated instrument or device, and all parts or accessories connected thereto, which amplifies or increases the volume of sound by the use of electricity, when used separately or in connection with any radio, phonograph or similar sound-producing instrument or device, and includes, among other things, public-address systems, loudspeakers, sound trucks or vehicles equipped with loudspeakers, but does not include the standard automobile radio, when used as such.

(l) "Street" means a permanently reserved right-of-way which affords principal means of access to abutting property.

(m) "Vehicle" means any vehicle as defined by the Vehicle Code of the State of California.

#### 9.52.040 - Application.

(a) The provisions of this chapter shall apply generally to all property throughout the City wherein any of the conditions, hereinafter specified, are found to exist, except that the provisions of this chapter shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
- (2) The emission of sound in the performance of emergency work; and
- (3) The emission of sound by warning devices necessary for the protection of public safety, as, for example, police, fire, ambulance, and hazardous materials emergency response sirens, and train bells, sirens, horns, whistles or similar audible warning devices. Train bells, sirens, horns, whistles or similar audible warning devices shall be exempt from the provisions of this chapter only to the extent that Federal or State law permits or requires their use and such use is strictly limited to Federal or State sounding standards, including, but not limited to, the sound level and the pattern or frequency of use.

(b) The provisions of this chapter are to be supplementary and complementary to all of the provisions of this Code, Federal law, State law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Richmond to abate any and all nuisances.

9.52.050 - Authority—Director of Public Works and Chief of Police.

The Chief of Police and the Director of Public Works are authorized and directed to use the provisions of this chapter for the purpose of abating those conditions defined by this chapter as unlawful and a public nuisance.

9.52.060 - Right of entry.

To the extent authorized by law, whenever necessary to enforce any provisions of this chapter or whenever the Building Official has reasonable cause to believe that there exists on any property any condition which is in violation of this chapter, the Chief of Police or the Director of Public Works may enter on such property at reasonable times to make inspections and/or for the purpose of abatement of said violation(s).

9.52.070 - Responsibility for violations.

Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this chapter and, in addition to any other person liable for violations of this chapter, such owner remains liable for violations thereof which emanate from such owner's real property, regardless of any contract or agreement with any third party regarding such property.

9.52.080 - Violations—Enforcement.

(a) In addition to all other remedies and penalties available under this chapter, under other sections of this Code or under other laws, any person, firm, association or corporation who violates the provisions of this chapter shall be guilty of an infraction for each day such violation continues and shall be subject to the penalties set forth in Section 1.04.100 of this Code, except that a violation may alternatively be charged as a misdemeanor, subject to the conditions and requirements of Section 1.04.140 of this Code.

(b) In addition to all other remedies and penalties available under this chapter, under other sections of this Code or under other laws, any violation of this chapter may be enforced by injunction issued by the Superior Court upon a suit brought by the City. In any such action, civil penalties may also be sought by the City, as specified in Section 1.04.150 of this Code, and, with respect to any violation as to which a notice has been sent pursuant to Section 9.52.130 of this Code, the costs of administrative enforcement, including the cost of any noise testing, may also be sought and recovered by the City.

9.52.090 - Prohibited noises.

(a) It is hereby declared unlawful and a public nuisance for any person, firm, association or corporation to cause, create or allow to be caused or created anywhere within the City any noise which is a noise disturbance or any of the following:

(1) Radios, Television Sets, Musical Instruments or Similar Devices. Operating, playing or permitting the operation or playing of any radio, television set, compact disc player, stereo, drum, musical instrument, or similar device which produces or reproduces sound so as to create a noise disturbance or cause any violation of this chapter.

(2) Sound Amplifier. Using or operating for any purpose any sound amplifier so as to create a noise disturbance or cause any violation of this chapter, except the use of a sound amplifier in compliance with and under permit issued pursuant to Chapter 7.64 of this Code.

- (3) Yelling/Shouting. Any loud or raucous yelling, shouting, whistling or singing so as to create a noise disturbance or cause any violation of this chapter.
- (4) Street Sales. The solicitation, sale or advertising of any product or service by shouting or outcry within any residential or commercial area or noise-sensitive areas so as to create a noise disturbance or cause any violation of this chapter. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, beverages at licensed sporting events, parades, fairs, circuses, or other similar events which are authorized by permit issued by the City of Richmond.
- (5) Animals. Keeping or maintaining animals, or permitting animals to be kept or maintained upon any premises owned, occupied or controlled by any person, so as to create a noise disturbance or cause any violation of this chapter.
- (6) Vibration. Operating or permitting the operation of any contraption or device that creates a vibration so as to create a noise disturbance or cause any violation of this chapter.
- (7) Powered Model Vehicles (i.e., Cars, Planes, etc.). Operating or permitting the operation of powered model vehicles at any time between the hours of 7 p.m. and 7 a.m. on weekdays, or 8 p.m. and 8 a.m. on weekends and holidays, or, at any other time so as to create a noise disturbance or cause any violation of this chapter.
- (8) Alarm Systems. Any alarm system which emits a sound which is similar to that of an emergency vehicle siren or civil defense warning system, in violation of Section 7.96.030 of this Code.
- (9) Audible Alarm Shutoff. An audible alarm system which does not shut off within a maximum time of fifteen (15) minutes from the time of activation, or on U.L. certified system, within a maximum time of thirty (30) minutes from the time of activation, or otherwise in violation of Section 7.96.040 of this Code.
- (10) Power Tools, Machinery. Operating or permitting the operation of any mechanically powered saw, drill, grinder, lawn or garden tool, leaf blower, or similar machinery at any time between the hours of 10 p.m. and 7 a.m. on weekdays and 8 p.m. and 8:30 a.m. on weekends and legal holidays, or at any other time so as to create a noise disturbance or cause any violation of this chapter. Any motor, machinery, generator, pump, which, by its nature or necessary function, must be operated on a continuous or regular basis, such as swimming pool equipment, or air conditioning/heating system, shall be enclosed or muffled and maintained so as not to create a noise disturbance or otherwise violate this chapter.
- (11) Places of Public Entertainment. Operating or permitting the operation of playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound in any place of public entertainment that exceeds 85 dBA, as measured at the property line of the property on which the place of public entertainment is located, or so as to create a noise disturbance or cause any violation of this chapter.
- (12) Tampering. The removal or rendering inoperative, other than for purposes of maintenance, repair or replacement, of any noise control device or element thereof; as required under Federal, State or local law, and the use of said product after its noise control device has been removed or rendered inoperative, other than for purpose of maintenance, repair or replacement.
- (13) Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours 10 p.m.

and 7 a.m. in any residential or commercial zoning district or adjacent to any noise-sensitive uses or so as to create a noise disturbance or cause any violation of this chapter.

(14) Construction Activities. Causing or permitting the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work at any time between the hours of 7 p.m. and 7 a.m. on weekdays or 6 p.m. and 8:30 a.m. on weekends and legal holidays in any residential or commercial zoning district or adjacent to any noise-sensitive uses or so as to create a noise disturbance or cause any violation of this chapter. Prior to commencing any construction project, the project sponsor may meet and confer with the City Public Works Department to establish an appropriate construction schedule which is designed to minimize construction noise impacts and which is in conformity with the requirements of this subsection. Where construction activities on a construction project which is adjacent to any noise-sensitive use(s) are anticipated to last for a year or more, temporary noise barriers shall be constructed that break the line of sight between the noise-sensitive use(s) and the construction project, and that minimize noise impacts.

(b) Factors which will be considered in determining whether a violation of subsection (a) of this section has occurred, shall include, but not be limited to, the following:

- (1) The intensity of the ambient noise;
- (2) The proximity of the noise to residential and commercial areas;
- (3) The zoning of the area within which the noise emanates (i.e., residential, commercial, open space, etc.);
- (4) The number of persons affected by the noise source;
- (5) The time of day or night the noise occurs;
- (6) The duration of the noise (i.e., term, continuation, life, etc.);
- (7) The intensity of the noise (i.e., pitch, tone, content, etc.).

(c) It is hereby declared unlawful and a public nuisance for any person, firm, association or corporation to cause, create or allow to be caused or created anywhere within the City any noise which in violation of the noise standards and limitations set forth in the following sections of this chapter: 9.52.100 (Exterior noise limits); and 9.52.110 (Temporary noise-generating activity).

9.52.100 - Exterior noise limits.

(a) No uses or activities shall create levels which exceed the following standards:

Zoning District:	Maximum Noise Level in dBA (levels not to be exceeded more than 30 minutes in any hour)		Maximum Noise Level in dBA (level not to be exceeded more than 5 minutes in any hour)
	Measured at Property Line or District Boundary	Measured at Any Boundary of a Residential Zone	Between 10PM and 7AM***, Measured at Any Boundary of a Residential Zone
Single-Family Residential	60		
Multifamily Residential	65		
Commercial	70	60	50 or ambient noise level
Lt. Industrial and Office Flex*	70	60	50 or ambient noise level
Heavy and Marine Industrial	75	65	50 or ambient noise level
Public Facilities and Community Use	65	60	50 or ambient noise level
Open Space and Recreational Districts	65	60	50 or ambient noise level

\* For M-1 and M-2 the measurement will be at property lines.

\*\* For M-3 and M-4 the measurement will be at boundary of the district.

\*\*\* Restricted hours may be modified through condition of an approved conditional use permit.

(b) In determining whether any noise exceeds the maximum exterior noise limits set forth in this section, measurements shall be taken at the property line of the property from which the noise emanates, except that for noise emanating from property in an M-3 or M-4 zoning districts, measurement shall be taken at boundary of the zoning district in which the property is located.

(c) No person shall operate or cause to be operated within a dwelling unit, any source of sound that causes the sound level when measured inside a neighboring receiving dwelling unit to exceed the allowable noise level, for any period of time.

(d) In the event the noise, as judged by the enforcing authority, contains a steady, pure tone such as a whine, screech or hum, or is an impulsive sound such as hammering or riveting, or contains music or speech, the standard limits set forth above shall be reduced by 5 decibels.

(e) The exterior noise limits for any source of noise within any residential zone shall be reduced by 10 dBA between 10:00 p.m. and 7:00 a.m. The exterior noise limits for any source of noise in any zone other than a residential zone shall be reduced between 10:00 p.m. and 7:00 a.m. so that when measured at the property line of a "noise-sensitive use" the noise does not exceed 50 dBA.

9.52.110 - Temporary noise-generating activity.

Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in Tables 1 and 2, below:

**TABLE 1. Mobile Equipment**

Maximum sound levels for nonscheduled, intermittent, short-term operation (period less than 15 days) of mobile equipment:

	SFR-1, SFR-2, SFR-3 Zoning Districts (Single-Family Residential)	MR-1, MR-2, MR-3 Zoning Districts (Multifamily Residential)	Commercial and Industrial Zoning Districts
Weekdays, 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Weekends, including legal holidays 9:00 a.m. to 8:00 p.m.	60 dBA	65 dBA	70 dBA

**TABLE 2. Stationary Equipment**

	SFR-1, SFR-2, SFR-3 Zoning Districts (Single-Family Residential)	MR-1, MR-2, MR-3 Zoning Districts (Multifamily Residential)	Commercial and Industrial Zoning Districts
Weekdays, 7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA
Weekends, including legal holidays 9:00 a.m. to 8:00 p.m.	55 dBA	60 dBA	65 dBA

9.52.120 - Enforcement procedures—Intermittent violations.

Where the Chief of Police or Director of Public Works determines that any person is causing, creating or permitting to be caused or created a noise which is intermittent or temporary in nature and which is in violation of this chapter, the Chief of Police or Director of Public Works shall provide oral notice to the person causing or creating such noise or permitting such noise to be caused or created, that such noise is in violation of this chapter. If, at any time within 48 hours after such oral notification is given, the violation of this chapter recurs, the Chief of Police or Director of Public Works may institute enforcement of this chapter by any method set forth in Section 9.52.080 of this chapter.

9.52.130 - Enforcement procedures—Recurrent violations.

(a) Where the Chief of Police or Director of Public Works determines that any person is causing, creating or permitting to be caused or created a noise which is regularly occurring and long-term in nature and which is in violation of this chapter, the Chief of Police or Director of Public Works shall provide written notice to the person causing or creating such noise or permitting such noise to be caused or created, if known, and to the owner of the property from which the noise is emanating.

- (b) The notice required by this section shall contain:
- (1) The street address and such other description as is required to identify the property from which the noise is emanating;
  - (2) A statement which specifies the conditions which constitute the violation;
  - (3) An order that the owner of the property or the person causing or creating the violation shall abate the violation within a specified time period, not to exceed thirty days;
  - (4) A statement that, if the conditions which constitute the violation are not abated by within the time specified, the Chief of Police or Director of Public Works may institute enforcement of this chapter in any manner set forth in Section 9.52.080 of this chapter;
  - (5) A statement that the property owner or person creating or causing the violation has the right to request a hearing before the Board of Appeals, and that such request must be made in writing and must be made within the time period within which the owner or person causing or creating the violation has been ordered to abate the violation.
- (c) The written notice shall be served at least five days before the abatement deadline date specified in said notice. The written notice shall be served either by personal delivery upon the owner of the property or the person causing or creating the violation or by mailing a copy by first class mail. If served by mail, service shall be made on the owner of the property at the owner's last known address as it appears on the latest equalized assessment roll of Contra Costa County and service shall be made to the person causing or creating the violation at the address of the property from which the noise is emanating or, if known, any other alternate mailing address.
- (d) After the written notice has been served, it shall be the duty of the owner of the property and the person causing or creating the violation to abate such violation within the time specified by the notice.

#### 9.52.140 - Appeal procedure—Recurrent violations.

- (a) Any person to whom a written notice required by this chapter is directed or any person affected by such notice may request an appeal of any notice of violation. Such request must be made in writing, must be served on the Board of Appeals by delivering the request to the City Public Works Department, and must set forth the basis for the appeal.
- (b) On receipt of a timely written request for hearing, the Board of Appeals shall set a date for and on that date shall conduct a hearing on the notice of violation. Written notice of the hearing shall be provided by mailing said notice by regular mail at least 7 days before the hearing. Following the hearing, the Board of Appeals shall issue a written decision informing the appellants of its finding and, as appropriate, specifying the time within which the violation must be abated. The decision of the Board of Appeals shall be the final and conclusive administrative decision by the City.
- (c) The hearing decision shall be served on the record owner in the same manner as set forth in Section 9.52.130(c) of this chapter.

## **CHAPTER 11.24 FIREARMS DISCHARGE**

### 11.24.010 - Discharge of firearms prohibited.

- (a) It shall be unlawful for any person to discharge any firearm, air gun, air rifle, or other gun or device discharging by the use of powder, air, or springs, any bullet or shot of any kind, or any sling or sling-shot, in the city of Richmond except:

(1) On any pistol or rifle range the location of which has been approved by the chief of police; or

(2) In certain designated areas which have been approved by the chief of police for hunting; provided, that this chapter shall not apply to law enforcement officers acting within the scope of their official duties.

(b) Any person aggrieved by the decision of the chief of police in approving or disapproving certain areas for pistol or rifle ranges or for hunting may appeal to the city council for a hearing within fifteen days from the date of such decision. Such appeal must be made in writing, delivered to the city clerk, and the appellant shall set forth all the facts upon which it is claimed that the action of the chief of police is improper. After receipt of the written appeal, the city clerk shall set the matter for hearing before the city council and he shall give the appellant at least seven days' notice of the time and place of such hearing. The council may affirm, modify or reverse the action of the chief of police and its decision shall be final and conclusive.

11.24.020 - Permit required to use Richmond municipal rifle range.

It shall be unlawful for any person to use the Richmond Municipal Rifle Range unless he has received a permit therefor from the Richmond police department. The permit may contain any conditions deemed necessary for the proper and safe operation of the rifle range, as determined by the chief of police.

## **CHAPTER 14.70 NOISE FROM RADIOS,ETC, IN VEHICLES**

14.70.010 - Title.

This chapter shall be known as the "Vehicular Radio and Noise Control Ordinance," may be referred to as such and shall be referred to in this chapter as "this chapter."

14.70.020 - Purpose.

(a) It is the intent of the City Council in adopting this chapter to provide a method for controlling and limiting excessive noise caused by radio and other devices in vehicles on the streets of the City of Richmond.

(b) Provisions of this chapter are to be supplementary and complementary to all of the provisions of this Code, the laws of the State of California and any other applicable law, and nothing in this chapter shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Richmond to control or limit excessive noise caused by radios or other devices in vehicles.

14.70.030 - Definitions.

The following words and phrases, whenever used in this chapter, shall have the following specified meanings:

(a) "Street" means any "highway," "road," "roadway" or "street" as defined by the Vehicle Code of the State of California, or any other public right-of-way which is used or may be used for purposes of vehicular traffic. The term "street," however, shall be limited to any street, or portion thereof, which is located within the boundaries of the City of Richmond.

(b) "Vehicle" means any "vehicle" as defined by the Vehicle Code of the State of California.

14.70.040 - Unlawful noise level.

(a) It shall be unlawful for any person to use or operate a radio, tape player, tape recorder, record player, television or similar device in a vehicle on a street, which is audible to a person of normal hearing sensitivity more than twenty-five (25) feet from said vehicle.

(b) As used in subsection (a), "person of normal hearing sensitivity" means a person who has a hearing threshold level between zero (0) decibels and twenty-five (25) decibels HL averaged over the frequencies of 500, 1000 and 2000 Hertz.

14.70.050 - Enforcement.

The provisions of this chapter shall be enforced by the Richmond Police Department and any officer thereof.

14.70.060 - Penalty.

(a) In addition to all other remedies and penalties available under other sections of this Code or under other laws, any person who violates the provisions of this chapter shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1.04.100 of this Code.

(b) In addition to, or in lieu of, the penalties set forth in Section 1.04.100, any person who violates the provisions of this chapter shall be subject to the administrative citation fines established by Section 2.62.040 and Chapter 2.34 of this Code.

(c) In addition to, or in lieu of, the penalties set forth herein, any person who violates the provisions of this chapter more than three times within one year shall be subject to having his or her vehicle impounded and stored for a period not to exceed thirty days.

(d) Any penalties that may be imposed under this chapter may be subject to being offset by the performance of community service work as determined by a court commissioner, judge or administrative hearing officer.