ORDINANCE NO. ________

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AMENDING ARTICLES I AND II OF CHAPTER 24 OF THE REDWOOD CITY CODE RELATING TO NOISE REGULATION

WHEREAS, Chapter 24 (Noise Regulation) Article II (Excessive and Unreasonable Noises) Division 3 (Construction) of the Redwood City Code regulates excessive noise generated by construction activities; and

WHEREAS, the City Council now desires to amend Chapter 24, Article I to add a definition for construction; and

WHEREAS, the City Council now desires to amend Chapter 24, Article II to expand what is deemed to be excessive and unreasonable noises and to address time limitations for construction related noises; and

WHEREAS, the City Council of Redwood City is the decision-making body for this ordinance.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF REDWOOD CITY DOES ORDAIN AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and constitute the findings in this matter.

Section 2. The City Council hereby finds that the proposed Ordinance is in the public interest.

Section 3. The proposed Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in either a direct or a reasonably foreseeable indirect change in the environment.

Section 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of Redwood City hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. The City Council of the City of Redwood City adopts the following amendment to Section 24.2 of the Redwood City Code by adding the text shown in underline (example), as provided in Exhibit A, which is attached hereto and incorporated herein by reference. (Exhibit A).
Section 6. The City Council of the City of Redwood City adopts the following amendment to Section 24.30 of the Redwood City Code by adding the text shown in underline (example) and deleting the text show in strikeout (example), as provided in Exhibit B, which is attached hereto and incorporated herein by reference. (Exhibit B).

Section 7. The City Council of the City of Redwood City adopts the following amendment to Section 24.32 of the Redwood City Code by adding the text shown in underline (example) and deleting the text show in strikeout (example), as provided in Exhibit C, which is attached hereto and incorporated herein by reference. (Exhibit C)

Section 8. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

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Sec. 24.2 – DEFINITIONS AND TECHNICAL TERMS
A. Specific definitions: For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed thereto:

CONSTRUCTION: Any site preparation, assembly, erection, landscaping, substantial repair, alteration, or similar action involving site work, structures or utilities on private or public property or in the public right-of-way.

DWELLING UNIT: A structure or portion thereof, designed or used exclusively for resident occupancy.

EMERGENCY WORK: Essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

ENFORCEMENT OFFICER: The Chief of Police or the person designated by him/her to carry out the duties of such officer specified in this Chapter.

LOCAL AMBIENT: The lowest sound level repeating itself during a six-minute period as measured with a precision sound-level meter, using slow response and A-level weighting. The minimum sound level shall be determined with the noise source at issue silent and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this Chapter, in no case shall the local ambient be considered or determined to be less than:

1. Thirty (30) dBA for interior noise in Section 24.20B;
2. Forty (40) dBA in all other sections.

If a significant portion of the local ambient is produced by one or more individual identifiable sources which would otherwise be operating continuously during the six-minute measurement period and contributing significantly to the ambient sound level, determination of the local ambient shall be accomplished with these separate identifiable noise sources silent.

NOISE LEVEL: The maximum continuous sound level or repetitive peak sound level produced by a source or group of sources as measured with a precision sound-level meter. In order to measure a noise level, the controls of the precision sound level should be arranged to the setting appropriate to the type of noise being measured.


PROPERTY PLANE: A vertical plane, including the property line, which determines the boundaries of real property in space.
RESIDENTIAL DISTRICT: The RH, R-1, R-2, RG, R-3, R-4, R-5 and MH Zoning Districts as designated and defined in Ordinance No. 1130, as amended, the Redwood City Zoning Ordinance.

SOUND LEVEL (expressed in decibels (dB)): The logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for the characteristics of human hearing, as set forth in the American National Standards Institute Standard S1.1, Acoustic Terminology, paragraph 2.9, as said reference may from time to time be amended, revised or superseded. All references to dB in this Chapter utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this Section.
Exhibit B

Sec. 24.30 – EXCESSIVE AND UNREASONABLE NOISES:

The following are deemed to be excessive and unreasonable noises:

A. Noise levels generated by loud equipment or construction activities, including demolition, alteration, repair, landscaping, or remodeling of or to existing structures and construction of new structures on property within the City, at more than 110 dB measured at any point within a residential district of the City and outside of the plane of said property;

B. Any noise generated by construction activities that persists for ten (10) continuous minutes or more outside of the hours identified in Section 24.32 of this Code.

BC. Noise levels generated by an individual item of machinery, equipment or device used during construction activities, including demolition, alteration, repair or remodeling of or to existing structures and construction of new structures on property within the City, at more than 110 dB measured within a residential district of the City at a distance of twenty-five feet (25’) from said machinery, equipment or device. If said machinery, equipment or device is housed within a structure on the property, then the measurement shall be made at a distance as near to twenty-five feet (25’) from said machinery, equipment or device as possible.
Exhibit C

Sec. 24.32 – TIME LIMITATIONS
Notwithstanding the provisions in this Division to the contrary, it shall be unlawful for any person to engage in construction activities, including demolition, alteration, repair or remodeling of or to existing structures and the construction of new structures on property in a residential district or within five hundred feet (500') of a residential district in the City, between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. the following day, Monday through Friday of any week or at any time on Saturdays, Sundays or holidays if the noise level generated by any such activity exceeds the local ambient measured at any point within the residential district and outside of the plane of said property.

A. General construction noise on private projects shall be limited to weekdays from 7:00 a.m. to 8:00 p.m. Excessive or unreasonable construction noises, as identified under Section 24.30, shall be limited to weekdays from 9:00 a.m. to 4:00 p.m. General and excessive or unreasonable construction noise is prohibited during holiday periods, as indicated on the City website.

B. Preconstruction noise including, but not limited to, loading and unloading, cleaning of mechanical toilets, maintenance of vehicles, deliveries, truck idling, backup beeps, yelling and radios is also limited to the general and excessive or unreasonable construction noise hours.

C. The Building Official or their designee may approve construction work occurring outside the times described in Section A and B above for private projects. A request for work outside the designated periods must be received by the Building Official or their designee prior to construction. A copy of the approved request shall be kept on the site of the work.