

THE NOISE ORDINANCE

In April 1999, the City of Menlo Park enacted an ordinance to specifically address the sources of noise and to protect residents from the intrusion of unreasonable noise that may interfere with the comfortable enjoyment of their life or property.

WHAT NOISE IS ILLEGAL UNDER THE LAW?

The law does not make any noise or sound illegal. In fact, even loud noise may not be illegal under the provisions of the law. To be in violation of the law, the noise must either be excessively annoying, loud or unusual or violate the noise levels, times or sources as identified in the ordinance. The ordinance identifies the maximum noise levels permitted within the City of Menlo Park. A violation can be cited under **Municipal Code section [8.06.030](#)**

Based on measurable units of sound called Decibel Levels, or dBA, the law prescribes the maximum noise limits for all sources of sound measured from a residential property as:

**50 dBA for "Nighttime hours" (10 PM - 7 AM),
60 dBA for "Daytime hours" (7 AM - 10 PM)**

The noise limits for all sources of sound emitting from one multi-family unit into another, such as through common (shared) walls or doors in apartments, condominiums, or duplexes, are:

**35 dBA for Nighttime hours (10 PM - 7 AM)
45 dBA for Daytime hours (7 AM - 10 PM)**

EXAMPLES OF NOISE LEVELS

**50 dBA = Noise level of a typical television.
60 dBA = 30 feet away from a car traveling 30 MPH.
85 dBA = A food processor on high or a gas-powered lawn mower idling.**

WHAT NOISES ARE COVERED BY THE ORDINANCE?

The provisions of the law regulate all sources of noise in Menlo Park city limits from residential, business or other activities.

Examples of sound sources regulated by this law include:

Amplified music, loudspeakers, radios, televisions, stereos, musical instruments, powered toys or models, swimming pools or spas, industrial machinery, manufacturing equipment, pile drivers, air compressors, paint sprayers, motors, pumps, blowers, air conditioners, cooling towers, ventilating fans, fork lifts, ladders, large or small tractors, roto-tillers, domestic animals, domestic concerts, mechanical equipment, human voices, electrical appliances, vacuum cleaners, powered equipment, chain saws, beepers, vehicle back-up warnings, motor vehicles, and attached equipment not operated on a street.

Construction activity is regulated by time, dBA sound level and the nature of persons performing the work.

Contractors may not work on weekends, hire others to work on weekends or 'assist' property owners on weekends. Homeowners may not use or permit contractors to work on their properties on weekends. Homeowners may be restricted from using large or heavy equipment on weekends. Contractors are advised of the noise ordinance, permitted work hours and maximum level of 85 dBA when they receive their building permits. Notices about noise ordinance days, times and levels must be posted at the construction job site.

CONSTRUCTION RELATED NOISE HOURS

Construction by contractors --

Weekdays only -

Monday to Friday - 8:00 AM to 6:00 PM

City - wide

Powered equipment may not exceed 85 dBA at any time.

Construction activities personally performed by residents and property owners --

Weekdays -

Monday to Friday - 8:00 AM to 6:00 PM, &

Weekends -

Saturday, Sunday & Holidays - 9:00 AM - 5:00 PM,

City-wide,

Powered equipment may not exceed 85 dBA at any time.

Construction by contractors is **-NOT- permitted on weekends or holidays.**

"Holidays" means the following days:

New Years Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, and Christmas Day.

ACTIVITIES EXEMPTED FROM THE LAW

The law recognizes certain community noise sources to be beyond the practical control of the ordinance. These activities are therefore exempted or issued special permits excluding them from the maximum noise level provisions of the law.

The exempted noise sources and activities occurring 24 hours everyday, or under special permit, include sound from:

- Motor vehicles (except amplified sound), aircraft, trains, buses,
- Railroad construction or repair projects,
- City or State highway construction projects,
- Emergency repairs (to buildings or vehicles),
- Emergency vehicles and equipment,
- Fire and burglar alarms (except continuous vehicle alarms),
- Deliveries to food retailers (all hours, City-wide),
- Special events permitted by City of Menlo Park.

The City of Menlo Park may issue special permits to exempt industrial facilities, neighborhood celebrations, church fairs or use permits for other activities. (Terms, locations and some conditions are specified in the ordinance.)

Also exempted are:

- Any organized athletic events or activities occurring on athletic fields, playgrounds, parks or other public recreation facilities owned and operated by a school district, the City, or the County -- except for use of an amplified music or sound system.
- Hours: **7 AM to 10 PM -- Everyday.**

APPLYING THE NOISE ORDINANCE IN MENLO PARK

EXCEPTIONS IN THE LAW

The following information provides a non-technical summary of Menlo Park's noise ordinance. Any conflicts in the interpretation or application of this information is superseded by the language of the noise ordinance document. You can read and print the noise ordinance from the Municipal Code online edition.

Certain daily community activities generate noise, but are necessary for the continuation and enhancement of Menlo Park's economic, social and community life.

The ordinance permits these activities to exceed the maximum noise levels during specific daytime and some nighttime hours or locations as follows:

<u>NOISE ORDINANCE EXCEPTIONS</u>	
Construction activities by contractors:	Mon. - Fri., 8 am - 6 pm, City-wide Powered equipment may not exceed 85 dBA.
Construction activities <u>personally performed</u> by residents, owners.	Sat., Sun. & Holidays, 9 AM - 5 PM, City-wide Powered equipment may not exceed 85 dBA
Deliveries to food retailers:	No limitations on hours or days, City-wide.
Deliveries to commercial or industrial businesses:	Mon. - Fri., 7 AM - 6 PM, City-wide Sat., Sun. & Holidays, 9 AM - 5 PM, City-wide
Occasional Social Gatherings: (Private parties)	Any day, 11 AM - 11:30 PM, City-wide Cannot exceed 65 dBA to adjacent property.
Street / Parking lot sweeping:	Mon. - Fri., 7 AM - 6 PM, City-wide Mon. - Fri., 4:30 am - 6 pm, Downtown area, includes El Camino Real and other major streets**
Garbage collection:	Mon. - Fri., 6 AM - 6 PM, - City-wide Mon. - Fri., 2AM - 6 PM, & Sat., 6 AM - 6 PM, - Properties on or abutting downtown or commercial area streets**
Animals:	Noise from wild birds and animals is not regulated. Noise from domestic animals: To be a violation, noise must be: Continuous for 5 minutes , or intermittently for 30 minutes .
Leaf Blowers (Internal Combustion ***)	Mon. - Fri., 8 AM - 5 PM, - All users City-wide Sat., 11 AM - 3 PM, - Only residents or owners, City-wide Prohibited: Sun., Federal Holidays, or official ****
Leaf Blowers (electric):	Mon. - Fri., 8 AM - 6 PM, - All users, City-wide Sat., Sun. & Holidays 9 AM - 5 PM, - Only residents or owners, City-wide Noise cannot exceed 85 dBA at 50 feet
*** Only newer leaf blowers manufacturer certified to not exceed 65 dBA at 50 feet are permitted. Must use full extension tubes and nozzle diffusers.	
**** Check with Bay Area Air Quality Management District, 415-771-6000	



ENFORCEMENT OF THE ORDINANCE

What will officers do?

A noise source exceeding the levels or hours prescribed in the ordinance is subject to citation. As necessary, alleged violations of the ordinance will be measured by Menlo Park Police officers using a Sound Level Meter (SLM), set to A-weighting.

Noise sources or violations reported to police will be checked to see if they apply under the ordinance. Only violations not exempted by the ordinance are subject to enforcement or citations. Occasionally, officers will check some noise sources exempted under the ordinance as a courtesy and contact people creating the noise to see if an accommodation or reduction of the noise can be made.

If any noise source is specifically exempt under the ordinance, or an activity is permitted during listed days and times, officers cannot stop the activity or source of the noise.

To establish a noise violation, police officers must be able to hear the noise at its source **as it is happening** from the specified distances. We may need to contact people reporting the violation to get more information or to actually hear the noise from the complainant's location and get a better perspective on the alleged violation. If the noise has stopped before officers arrive, no direct action can be taken at that time. Officers will not have time to remain at a location or wait for a noise to recur.

First time violators will be contacted by a police officer and receive a verbal warning. Warnings, locations, contacts and names of people warned about violations are logged and tracked by M.P.P.D. in a dispatch computer database. Information about any previous warnings is used to establish a basis for any future enforcement action or citations.

Penalties

All violators are warned first. Subsequent noise ordinance violations, within one year after a first **warning**, may be cited as an infraction. First, second and third offense noise violations are listed as "Infractions", which means an officer must hear and/or see the violation committed to take any action. A citation will be issued and a fine will be assessed and processed through the San Mateo County Court.

A fourth citation for a noise ordinance violation issued within one year of the first violation can be charged through the District Attorney's office as a misdemeanor.

See [Municipal Code Section 1.12.010\(b\)](#) for details on fines and penalties.

Any alleged violations of the noise law should be reported to the Menlo Park Police Department.

Please call 650-330-6317 -- 24 hours, every day.

Please -- DO NOT USE 9-1-1 to report noise ordinance violations.

Only use 9-1-1 to report all potentially life-threatening emergencies.