

Chapter 8.18 - NUISANCES

Sections:

[8.18.010 - Excessive and annoying noises prohibited.](#)

[8.18.020 - Persistent noises a nuisance.](#)

[8.18.030 - Noises—Exceptions.](#)

[8.18.040 - Smoke and soot.](#)

[8.18.050 - Smoke and soot—Enforcement.](#)

[8.18.060 - Noxious weeds.](#)

[8.18.070 - Fences.](#)

[8.18.080 - Dumping in streams, etc.](#)

[8.18.090 - Smoking in public conveyances.](#)

[8.18.100 - Sound amplification from aircraft prohibited.](#)

8.18.010 - Excessive and annoying noises prohibited.

A. It is unlawful for any person to create or allow to be created any excessive or annoying noise as defined herein. Any violation of the regulations specified herein shall be punishable as an infraction.

B. Definitions.

"Annoying noise" means noise with a repetitive pattern, shrill frequencies, and/or static-like sounds, including loud music and noise attributable to, but not limited to, leaf blowers, alarms, engines, barking dogs, and other animals.

"Excessive noise" means any unnecessary noise which persists for ten minutes or more; such period of noise need not be witnessed by enforcement personnel if the occupants of two or more separate housing or commercial units certify that they have experienced such period of noise and describe with particularity the source.

C. Excessive and Annoying Noises a Nuisance. The following acts, and the causing or permitting thereof, shall be considered disturbing the peace and shall constitute an infraction.

1. Mechanical or Electronic Devices. Using any mechanical or electronic device for the intensification of any sound or noise into the public streets which produces excessive or annoying noise;
2. Vehicular Attachments. Attaching any accessory or device to any vehicle which results in the creation of unnecessary noise;
3. Advertisement. Using any instrument, whistle, drum, bell, or making any other unnecessary noise for the purpose of advertising, announcing, or otherwise calling attention to any goods, wares, merchandise, or to any show, entertainment, or event. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses or other similar licensed public entertainment events;

Title 8 - HEALTH AND SAFETY

Chapter 8.18 - NUISANCES

4. **Animals and Birds.** Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other annoying noises continuously and/or incessantly for an unreasonable period of time so as to create a noise disturbance across a real property line. For the purposes of this chapter, the animal or bird noise shall not be deemed a noise disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated, or is using any other means to tease or provoke the animal or bird. This provision shall not apply to public zoos;
 5. **Emergency Signaling Device.** The intentional sounding or permitted sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device not in compliance with subsection (C)(5)(a) or (b), unless occurring for emergency purposes:
 - a. The testing of a stationary emergency signaling device shall not occur before seven a.m. or after seven p.m. Any such testing shall use only the minimum cycle test time, in no case shall such test time exceed sixty (60) seconds.
 - b. The testing of the complete emergency signaling system, including the functioning of the signaling device, and personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before seven a.m. or after ten p.m. The time limit specified in subsection (C)(5)(a) of this section shall not apply to such complete system testing;
 6. **Stationary Nonemergency Signaling Devices.** Sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than ten seconds in an hourly period. Churches, schools, and bell towers shall be exempt from the operation of this provision;
 7. **Burglar or Fire Alarm.** Sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm which is not terminated within fifteen (15) minutes of activation;
 8. **Loading and Unloading.** Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, refuse, or similar objects between the hours of nine p.m. and six a.m. in such a manner as to cause a noise disturbance across a residential property line or at any time to violate the applicable noise provisions of the Oakland Planning Code;
 9. **Domestic Power Tools, Machinery.** Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between nine p.m. and six a.m. so as to create a noise disturbance across a real property line or at any time to violate the applicable noise provisions of the Oakland Planning Code;
 10. **Sensitive Uses.** Creation of any noise within or adjacent to a hospital or medical care facility, nursing home, school, court, day care, church, or similar facility, so as to interfere with the functions of such activity;
 11. **Noise resulting from construction and demolition activities,** the operation of commercial refrigeration units, air conditioning systems, compressors, commercial exhaust systems, ventilation units, and other commercial or industrial noises associated with land use activities, shall be regulated pursuant to standards contained within the noise regulations of the Oakland Planning Code.
- D. **Noise Enforcement Procedures.** If it is determined that a noise in violation of this chapter exists, the following procedures shall be followed:
1. A written or verbal warning shall be issued by the investigating official or his or her agent to the person(s) responsible for the event causing the noise disturbance.
 2. If the noise disturbance persists for more than fifteen (15) minutes following the issuance of a written or verbal warning, or recurs within a one- week period from the issuance of such

Title 8 - HEALTH AND SAFETY

Chapter 8.18 - NUISANCES

warning, then the person responsible for the event causing the noise disturbance shall be guilty of a violation of this chapter.

E. Violations and Penalties—Public Nuisance.

1. Any person who violates or causes or permits another person to violate any provision of this chapter is subject to, but not limited to, fines and penalties specified in [Chapter 1.28](#) of this code and civil penalties and administrative citations authorized pursuant to Chapters [1.08](#), [1.12](#) and [1.16](#) of this code.
2. In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is declared and deemed a public nuisance and shall be punishable as such.

F. Continuing Violation. Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day during any portion of which the violation of this chapter is committed, continued or permitted by the person and shall be punished accordingly as herein provided.

G. Remedies not Exclusive. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

H. Severability. If any part or provision of this chapter or the application thereof, to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end the provisions of this chapter are severable.

(Ord. 11894 § 2, 1996: prior code § 3-1.01)

8.18.020 - Persistent noises a nuisance.

The persistent maintenance or emission of any noise or sound produced by human, animal or mechanical means, between the hours of nine p.m. and seven a.m. next ensuing, which, by reason of its raucous or nerve-racking nature, shall disturb the peace or comfort, or be injurious to the health of any person shall constitute a nuisance.

Failure to comply with the following provisions shall constitute a nuisance.

- A. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
- B. Unnecessary idling of internal combustion engines is prohibited.
- C. All stationery noise-generating construction equipment such as tree grinders and air compressors are to be located as far as is practical from existing residences.
- D. Quiet construction equipment, particularly air compressors, are to be selected whenever possible.
- E. Use of pile drivers and jack hammers shall be prohibited on Sundays and holidays, except for emergencies and as approved in advance by the Building Official.

Whenever the existence of any such nuisance shall come to the attention of the Health Officer, it shall be his or her duty to notify in writing the occupant of the premises upon which such nuisance exists, specifying the measures necessary to abate such nuisance, and unless the same is abated within forty-eight (48) hours thereafter, the occupant so notified shall be guilty of an infraction, and the Health Officer shall summarily abate such nuisance.

(Prior code § 3-1.02)

Title 8 - HEALTH AND SAFETY

Chapter 8.18 - NUISANCES

8.18.030 - Noises—Exceptions.

Nothing in Sections [8.18.010](#) and [8.18.020](#) shall apply to the playing of music by a band or the blowing of a bugle, or the announcing of any show, entertainment, or event upon the public streets for which band music, bugle blowing or privilege or announcing, the Chief of Police of the city has granted a special permit specifying the time and place when and where such music may be played or such bugle blown, or shall apply to the blowing of any whistle or horn or the ringing of any bell or other noise necessary as a vehicular or pedestrian traffic warning or signal; or to any regularly licensed peddler calling his or her wares in an ordinary tone of voice, or ringing a bell or blowing a horn of moderate size in front of the residence of any customer of such peddler for the purpose of announcing the presence of such peddler; or to any public celebration or public function on a public holiday or other public occasion generally celebrated.

(Ord. 12239 § 1, 2000: prior code § 3-1.03)

8.18.040 - Smoke and soot.

Every person who shall cause, suffer or allow dense smoke to be discharged from any building, place, premises, stationary or locomotive engine or motor vehicle within the city, or shall cause, suffer or allow soot, ashes, or cinders to be discharged from any building, place, premises, stationary or locomotive engine or motor vehicle to such an extent that such soot, ashes, or cinders are blown upon or fall upon adjacent property, is guilty of an infraction.

(Prior code § 3-1.04)

8.18.050 - Smoke and soot—Enforcement.

The Building Official or his or her designee shall have the authority to enter, during reasonable hours, upon any premises upon which is located any flue, chimney, smokestack, or any other structure or appliance from which any smoke, soot, ashes or cinders shall be discharged, for the purpose of making an investigation as to the cause of the discharge and for the purpose of ascertaining the kind or character of fuel used, and the manner of using the same, and any other fact or facts showing compliance with or violation of [Section 8.18.040](#).

(Ord. 11920, 1996: prior code § 3-1.06)

8.18.060 - Noxious weeds.

Every person who shall permit to mature on any land owned, possessed, managed or controlled by him or her, or who shall knowingly sow, or disseminate or cause or permit to be sown or disseminated, or shall sell or in any manner dispose of or cause to permit to be sold or disposed of, or shall transport or convey or cause to permit to be transported or conveyed into the city, any seed of the Scotch or Canada Thistle, the Russian Thistle, the Mexican Cocklebur, or any noxious weed, whether such sowing, selling, transporting or conveying be alone or in hay, grass, grain or in any manner whatsoever, is guilty of an infraction.

(Prior code § 3-1.07)

8.18.070 - Fences.

Every person who shall maliciously erect or maintain in the city, for the purpose of annoying the owners or occupants of adjoining property, any fence, or other structure in the nature of a fence,

Title 8 - HEALTH AND SAFETY

Chapter 8.18 - NUISANCES

unnecessarily exceeding six feet in height, is guilty of an infraction, punishable as provided in this code and such fence or structure shall be deemed a private nuisance.

(Prior code § 3-1.08)

8.18.080 - Dumping in streams, etc.

It is unlawful for any person to dump any junk, refuse, garbage, dirt or any other material in any stream, creek, watercourse or stream bed, or within the banks of the same, in the city, without written permission so to do issued by the Superintendent of Streets.

(Prior code § 3-1.09)

8.18.090 - Smoking in public conveyances.

It is unlawful for any person to smoke any cigar, pipe or cigarette, or to carry any lighted cigar, pipe or cigarette within any street car, motorbus, transbay train unit, or other public utility passenger vehicle being operated within the city. Nothing in this section shall be deemed to render unlawful smoking within the units of a transbay train nor the portions of the equipment of commercial railroads designed for or set aside for smoking by the utility operating such trains or equipment.

(Prior code § 3-1.10)

8.18.100 - Sound amplification from aircraft prohibited.

No person shall operate, or cause to be operated, any aircraft for any purpose in or over the city with sound-amplifying equipment in operation.

"Aircraft" as used in this section means any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

"Sound-amplifying equipment" as used in this section means any machine or device for the amplification of music, the human voice, or any other noise or sound. "Sound-amplifying equipment" shall not be construed as including warning devices on authorized emergency aircraft or any horns, or other warning device used only for traffic safety purposes.

(Prior code § 3-1.11)