Chapter 21  Performance Standards

21.010 - Purpose of Performance Standards
This Chapter is intended to permit objective and precise measurement of the impact of nuisances; to establish permissible limits for each nuisance; to ensure that all industries will provide necessary control measures to protect the community from hazards and nuisances; and to protect any industry from arbitrary exclusion.

21.020 – General
No land or building in any district shall be used or occupied in such a manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold dampness, electrical or other substances, conditions or elements which would affect adversely the surrounding area or adjoining premises; the foregoing are hereinafter referred to as “dangerous or objectionable elements”. No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

A. Performance standards procedure. Every use in the City of Petaluma must conform with the performance standards set forth below. Provisions to enforce compliance with performance standards shall be invoked by the Community Development Director or his designee against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

B. Locations where determinations are to be made for enforcement of performance standards. Measurements necessary for enforcement of performance standards set forth in Section 21.040(A-D), shall be taken at the following points:

1. At the lot line of the establishment or use in any district except in I and BP Districts.

2. In the I and BP Districts, five hundred (500) feet from the establishment or use, or at the boundary of the district, if closer to the establishment or use, or at any point within an adjacent non-industrial district.

21.030 – Non-Residential Uses Abutting Residential Uses
In order to address the potential impacts (noise, glare, odors, etc.) non-residential uses may have on abutting residential uses, the following shall apply to any non-residential that abuts a residential use located in a residential zone (RR, R1, R2, R3, R4, R5 or residential Planned Unit District):

A. Hours of operation are limited to Monday through Friday from 7:00 to 10:00 p.m. and Saturday, Sunday, and holidays recognized by the City from 9:00 a.m. to 10:00 pm.

B. The hours of operation may be expanded beyond the hours permitted by Section 21.030(A) with approval of a conditional use permit as prescribed by Section 24.030.

21.040 - Dangerous and Objectionable Elements

A. Noise Regulations

1. Purpose. It is declared to be the policy of the City, in the exercise of its police power, to protect properties and the general health, safety and welfare of persons from unnecessary, excessive and annoying noise disturbances. In accordance with this policy, the City of Petaluma is hereby designated a quiet city. At certain levels, noises are detrimental to the health and welfare of the citizenry and, in the public interest, shall be prohibited. It is the purpose of this chapter to implement the goals of the Health and Safety Element of the General Plan by prescribing standards prohibiting detrimental levels of noise and by providing an effective and readily available remedy for violations. The provisions of this chapter and the remedies contained herein shall be cumulative and are not intended to replace any otherwise
available remedies for public, private or mixed nuisances, nor any other civil or criminal remedies otherwise available. In addition, the regulations contained herein are not intended to substitute for any noise analysis conducted as a part of the City’s environmental review process for discretionary permit approvals, nor is it intended to limit more strict noise control requirements for discretionary permit approvals should more strict measures be found to be necessary in order to maintain noise levels that are not detrimental to the health and welfare of the citizenry.

2. **Definitions.**

   a. **Ambient noise.** The composite of noise from all sources within a given area. Ambient noise constitutes the existing level of environmental noise at a given location.

   b. **Noise disturbance.** Any sound which, because of its loudness (amplitude), duration, or character, disturbs, injures or endangers the public comfort, health, peace or safety within the limits of the City of Petaluma.

   c. **Decibel (dB).** The measurement unit used for loudness of sound/noise.

   d. **A-Weighted Sound Level (dBA).** A decibel scale that approximates the way the human ear responds to frequency levels.

   e. **Equivalent Sound Level (Leq).** A term used to assign a single value A-weighted decibel level to the measured average sound exposure over a period of time.

   f. **Noise Control Officer.** The City of Petaluma Community Development Director and the City of Petaluma Police Chief or his/her designee.

   g. **Quiet City.** A City that strives to minimize the amount of noise to which the community, particularly a residential area, is exposed through the implementation of enforceable noise standards.

3. **Noise Regulations Generally.**

   a. The following specific acts, subject to the exemptions provided in Section 21.040(A)(5), are declared to be public nuisances and are prohibited:

      1) The operation or use of any of the following before 7:00 a.m. or after 10:00 p.m. daily (except Saturday, Sunday and State, Federal or Local Holidays, when the prohibited time shall be before 9:00 a.m. and after 10:00 p.m.):

         a. A hammer or any other device or implement used to repeatedly pound or strike an object.

      2) An impact wrench, or other tool or equipment powered by compressed air.

      4) Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower. Except as specifically included in this Ordinance, motor vehicles, powered by an internal-combustion engine and subject to the State of California vehicle code, are excluded from this prohibition.

      5) Any electrically or battery powered tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as but not limited to a saw, drill, lathe or router.
6) Any of the following: the operation and/or loading or unloading of heavy equipment (such as but not limited to bulldozer, road grader, back hoe), ground drilling and boring equipment, hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump and the like.

7) Construction, demolition, excavation, erection, alteration or repair activity.

8) Operating or permitting the operation of powered model vehicles including but not limited to cars, aircraft and boats.

9) Using or operating for any purpose any loudspeaker, loudspeaker system or similar device in such a manner as to create a noise disturbance. Any permit issued pursuant to PMC Section 13.28.050 (amplified sound permit within a public park) is exempt from this section.

10) The use of truck/tractor trailer “Jake Brakes” on any public street under the jurisdiction of the City of Petaluma Police Department.

b. In the case of urgent necessity and in the interest of public health and safety, the Noise Control Officer may issue a permit for exemption from the requirements with subsection 21.040(A)(3). Such period shall not exceed ten (10) working days in length but may be renewed for successive periods of thirty (30) days or less, not to exceed a total of 90 days while the emergency continues. Requests for exemptions beyond 90 days shall require public hearing approval. The Noise Control Officer may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

c. The operation of any licensed motor vehicle in violation of the State Vehicle Code or the operation of stereo, public address or other such amplified equipment on or within a motor vehicle in violation of the State Vehicle Code.

d. Continued or repeated operation of a Public Address System between the hours of 10:00 a.m. and 7:00 p.m. daily shall not exceed a decibel level of 5 dBA above the measured ambient of the area in which this activity is occurring. Unless specifically approved by the City of Petaluma (i.e. Use Permit, Parks Director, Exception or Exemption from this Code Sec.) no Public Address System shall be permitted during the hours of 7:00 p.m. to 10:00 a.m.

4. **Noise Measurement**: Utilizing the “A” weighting scale of a sound level meter and the “slow” meter response (use “fast” response for impulsive type sounds), the ambient noise level shall first be measured at a position or positions at any point on the receiver’s property which can include private and public property. In general, the microphone shall be located four to five feet above the ground; ten feet or more from the nearest reflective surface where possible. If possible, the ambient noise shall be measured with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least 10dB below the ambient in order that only the ambient level be measured.

a. If the measured ambient level is greater than 60dB, the Maximum Noise Exposure standard shall be adjusted in 5dB increments for each time period as appropriate to encompass or reflect the measured ambient noise level. In no case shall the maximum allowed threshold exceed 75dB after adjustments are made.
b. In the event the measured ambient noise level is 70dB or greater, the maximum allowable noise level shall be increased to reflect the maximum ambient noise level. In this case, adjustments for loudness and time as contained in Table I shall not be permitted.

c. No person shall cause or allow to cause, any source of sound at any location within the incorporated City or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which when measured on the property where the noise disturbance is being experienced within public or private open/outdoor spaces, exceeds the noise level of Table 21.1.

**TABLE 21.1:** Maximum Exterior Noise Exposure (Leq, dBA)

<table>
<thead>
<tr>
<th>Time: 10 p.m. to 7 a.m. M-F</th>
<th>Time: 7 a.m. to 10 p.m. M-F</th>
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<tbody>
<tr>
<td>10 p.m. to 8 a.m. S, S and Holidays</td>
<td>8 a.m. to 10 p.m. S, S and Holidays</td>
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<thead>
<tr>
<th>General Plan Ambient</th>
<th>60</th>
<th>60</th>
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<tbody>
<tr>
<td>Cumulative period of 15 minutes or more in one hour</td>
<td>65</td>
<td>70</td>
</tr>
<tr>
<td>Cumulative period of 5 minutes or more in one hour</td>
<td>70</td>
<td>75</td>
</tr>
<tr>
<td>Cumulative period of 1 minute or more in one hour</td>
<td>75</td>
<td>80</td>
</tr>
</tbody>
</table>

5. **Exemptions.**

a. Aerial warning devices which are required by law to protect the health, safety and welfare of the community shall be exempt from the provisions of this chapter.

b. Emergency vehicle responses and all necessary equipment utilized for the purpose of responding to a declared state of emergency are exempt from this chapter.

c. Airport, river operations that significantly contribute to commercial and industrial tonnage figures on the Petaluma River, and railroad operations.

d. The operation of garbage collection and other municipal or utility vehicles.

e. Uses established through the discretionary review process containing specific noise conditions of approval and/or mitigation measures.

6. **Exceptions.**

a. **Authorities.** The Noise Control Officer is authorized to grant exceptions from any provision of this chapter, subject to limitations of proximity to noise sensitive uses, noise levels, time limits and other terms and conditions as the Noise Control Officer determines are appropriate to protect the public health, safety and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities.

b. **Application.** Any person seeking an exception pursuant to this section shall file an application with the Noise Control Officer consistent with the provisions and requirements of Section 24.030(M) (Minor Conditional Permits). The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee as established by Council Resolution. A separate application shall be filed for each noise source;
provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application. Any individual who claims to be adversely affected by allowance of the exception may file a statement with the Noise Control Officer containing any information to support his/her claim. If at any time the Noise Control Officer finds that a sufficient controversy exists regarding an application, a public hearing before the Planning Commission may be held.

c. **Decision Criteria.** In determining whether to grant or deny the exception application, the Noise Control Officer shall balance denial as a hardship on the applicant against:

1) The adverse impact on the health, safety and welfare of other persons affected;
2) The reasonableness of compliance with this code given the existing conditions and scope of the necessary improvements to comply;
3) The adverse impact on property affected;
4) Any other adverse impacts of granting the exception; and,
5) Consistency with the General Plan.

Applicants for exceptions and persons contesting exceptions shall be required to submit such information as the Noise Control Officer may reasonably require to adequately address the above five areas of consideration.

d. **Approval/Findings.** Exceptions shall be granted by notice to the applicant containing all necessary conditions. The exception shall not become effective until all conditions (if any) are agreed to in writing by the applicant. Noncompliance with any condition of the exception shall terminate the exception and subject the person holding it to those provisions of this chapter for which the exception was granted.

e. **Term of Exception.** The term of the exception shall run continuously with the associated use and shall terminate upon cessation of the use for a period of six (6) months or more. An exception shall only be transferred to a similar use at the same location upon the Noise Control Officer receiving sufficient information to find that: the new use is of the same or lesser intensity; and, the new use will not substantially alter the pattern of noise generation established by the previous use (i.e., increase evening or morning noise over the previous use).

7. **Noise Control Officer.** The Community Development Director and the Chief of Police are hereby appointed the Noise Control Officers of the City. It shall be the responsibility of the Noise Control Officers or his/her designated representative to enforce the provisions of this section and to perform all other functions required of the Noise Control Officer by this section. Such duties shall include, but not be limited to, investigating potential violations of this section and referring evidence of such violations either to the Police Department or City Attorney for initiation of legal action.

8. **Interrelationship Of Provisions.** It is the purpose of this chapter to provide maximum noise level limitations for otherwise lawful activities. Nothing contained in this section shall be deemed to authorize any otherwise prohibited activity nor to supersede existing land use/zoning limitations. In the event of a conflict between the standards contained in this chapter and any other provision of law, the more restrictive shall govern.

B. **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at the points of measurement specified in Section 21.120(B) nor shall any vibration produced
exceed 0.002g peak at up to fifty (50) cps frequency, measured at the point of measurement specified in Section 21.120(B) using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than fifty (50) cps frequency or a periodic vibration shall not induce accelerations exceeding .001g. Single impulse periodic vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding .01g.

C. **Odors.** No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement specified in Section 21.120(B) or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, “Odor Thresholds”, in Chapter 5, “Air Pollution Abatement Manual”, copyright 1959, by Manufacturing Chemists’ Association, Inc., Washington, D.C., and said manual, and/or table as subsequently amended.

D. **Glare**

1. **Direct Glare.** Direct glare is defined for the purpose of this Ordinance as illumination visible at the points of measurement specified in Section 21.120(B) caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, or petroleum or metallurgical refining.

No such direct glare shall be permitted with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be sixty (60) degrees if the luminary is not less than six (6) feet above the ground. Such luminary shall be placed no higher than the principal structure on the site if attached to said structure and, if not attached to the principal structure, no higher than twenty (20) feet unless the Zoning Administrator determines that special operational circumstances of the subject property require higher light standards. The maximum illumination at ground level shall not be in excess of three (3) foot candles.

2. **Indirect Glare.** Indirect glare is defined for the purpose of this ordinance as illumination visible at the points of measurement specified in Section 21.120(B) caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:

   .3 foot candles (maximum)  
   .1 foot candle (average)

Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited without the issuance of a temporary sign permit.

E. **Fire and Explosion Hazards.** All activities involving and all storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and local laws and regulations shall also apply.

F. **Heat.** For the purpose of this ordinance, heat is defined as thermal energy of a radioactive, conductive or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F., whether such change be in the air or on the ground, in a natural stream or lake, or in any structure on such adjacent property.

G. **Radioactivity or Electric Disturbance.** No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of
such disturbance.

H. **Smoke, Fumes, Gases, Dust, Particulate Matter.** No emission shall be permitted at any point which would violate the current regulation for such emission as established by the San Francisco Bay Area Air Pollution Control District.

I. **Liquid or Solid Wastes.** No discharge shall be permitted at any point into any public sewer, private sewage system, or stream or into the ground, except in accord with standards approved by the State and County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.