

8. HEALTH AND SAFETY

Title 8

HEALTH AND SAFETY

Chapter 8.04

FIREARMS

Chapters:

- 8.04 Firearms
- 8.08 Noise
- 8.12 Nuisances Generally
- 8.13 Separation of Household Garbage
from Garden Green Waste

Sections:

- 8.04.010 Definitions.
- 8.04.020 Discharge unlawful.
- 8.04.030 Violation—Misdemeanor.

8.04.010 Definitions.

As used in this chapter:

“Firearm” means any device from which is expelled a projectile by the force of any explosion or other form of combustion.

“Projectile” means any object, expelled from a firearm, that is designed with the intended capability of causing bodily harm. (Ord. 145 § 1, 2001)

8.04.020 Discharge unlawful.

It is unlawful for a person to discharge a firearm within five hundred (500) feet of any dwelling within the city limits of the city, except when it may be necessary to do so to protect the lives of humans or domestic animals, or in lawful protection of property. (Ord. 145 § 2, 2001)

8.04.030 Violation—Misdemeanor.

Any person or persons convicted of violating the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 145 § 3, 2001)

Chapter 8.08

NOISE

Sections:

- 8.08.010 Declaration of policy.**
- 8.08.020 Definitions.**
- 8.08.030 Sound level measurement criteria.**
- 8.08.040 Presumed ambient noise level.**
- 8.08.050 Radios, television sets, and similar devices.**
- 8.08.060 Schools, hospitals and churches.**
- 8.08.070 Machinery, equipment, fans and air conditioning.**
- 8.08.080 Construction.**
- 8.08.090 Violations— Misdemeanors.**

8.08.010 Declaration of policy.

It is declared to be policy of the city to prohibit unnecessary, excessive, and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed. (Ord. 49 § 1, 1975)

8.08.020 Definitions.

As used in this chapter, unless the context otherwise clearly indicates the words and phrases used in this chapter are defined as follows:

“Ambient noise” is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

“Decibel” (dB) means a unit of level which donates the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

“Emergency work” means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service, or scheduled

off-hour work to prevent customer inconvenience.

“Frequency” of a function periodic in time means the reciprocal of the smallest increment of time for which the function repeats itself. The unit is the cycle per second or hertz.

“Person” means a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.

“Sound level” (noise level) in decibels is sound measured using the A weighting network of a sound level meter. Slow response of the sound level meter needle shall be used except where the sound is impulsive or rapidly varying in nature in which case fast response shall be used.

“Sound level meter” means an instrument including a microphone, an amplifier, an output meter, a frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American National Standards Institute’s Specification S1.4 -1971 or the most recent revision thereof for type S-2A general purpose sound level meters.

“Motor vehicles” shall include, but not be limited to, mini-bikes and go-carts.

“Sound amplifying equipment” means any machine or device for the amplification of the human voice, music, or any other sound. “Sound amplifying equipment” shall not include standard automobile radios when used and heard only by the occupant of the vehicle in which the automobile radio is installed. “Sound amplifying equipment”, as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

“Sound truck” means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

“Commercial purpose” means and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

“Noncommercial purpose” means the use, operation, or maintenance of any sound equipment for other than a

“commercial purpose.” “Noncommercial purpose” means and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

Supplementary Definitions of Technical Terms. Definitions of technical terms not defined herein shall be obtained from the American National Standards Institute’s Acoustical Terminology SI-s-1971 or the most recent revisions thereof. (Ord. 49 § 2, 1975) ‘

8.08.030 Sound level measurement criteria.

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the “A” weighting. (Ord. 49 § 3, 1975)

8.08.040 Presumed ambient noise level.

When “ambient noise level” is referred to in this chapter, it means the higher of the following: (1) actual measured ambient noise level; or (2) presumed ambient noise level as determined from the chart below.

**Ambient Noise Level - Sound Level A, Decibels
Community Environment
Classification—Rural**

Zone	Time	Very Quiet
R1 and R2	10 pm to 7 am	35
R1 and R2	7 pm to 10pm	40
R1 and R2	7 am to 7 pm	45
R3 and R4	10 pm to 7 am	40
R3 and R4	7 am to 10pm	45
Commercial	10 pm to 7 am	50 (55)*
Commercial	7 am to 10pm	55 (60)*

* Sound levels recommended by Pacific Gas and Electric Company.

(Ord. 49 § 4, 1975)

8.08.050 Radios, television sets, and similar devices.

A. Uses Restricted. It is unlawful for any person within the city to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person or normal sensitiveness residing in the city.

B. Prima Facie Violation. Any noise level exceeding the ambient noise level at the property line of any property (or, if a condominium or apartment house, within any adjoining

apartment) by more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section. (Ord. dated 9-25-75; Ord. 49 § 7, 1975)

8.08.060 Schools, hospitals and churches.

It is unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital. (Ord. 49 § 8, 1975)

8.08.070 Machinery, equipment, fans and air conditioning.

It is unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five decibels. For the purposes of this section, “noise level” means measured sound level with the following values added as corrections for time duration and character of the noise.

A. Add one and only one of the following corrections for time duration

1. Noise persists for more than five minutes out of any one hour.	0
2. Noise persists for more than one minute but not more than five minutes out of any one hour.	-5
3. Noise persists for one minute or less out of any one hour.	-10

B. Add one and only one of the following corrections for unusual character:

1. Noise has no unusual character.	0
2. Noise contains a piercing pure tone.	+5
3. Noise is impulsive or rattling in nature	+5
4. Noise carries speech, music, or other information content.	+5

(Ord. 49 § 9, 1975)

8.08.080 Construction.

It is unlawful for any person within a residential zone or within a radius of five hundred (500) feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device (between the hours often p.m. of one day and seven a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefor has been duly obtained from (the officer or body of the city having the function to issue permits of this kind). No permit shall be required to perform emergency work as defined in Section 8.08.020. (Ord. 49 Art. 3, 1975)

8.08.090 Violations—Misdemeanors.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 49 § 5, 1975)

Chapter 8.12

NUISANCES GENERALLY

Sections:

8.12.010 Definitions.

8.12.020 Abatement and removal.

8.12.030 Enforcement.

8.12.040 Chapter not exclusive regulation.

8.12.010 Definitions.

As used in this chapter:

“Nuisance” includes anything which is injurious to human health, is indecent, or is offensive to the senses. A nuisance interferes with the comfortable enjoyment of life or property. A nuisance affects at the same time an entire community, neighborhood, or a considerable number of persons although the extent of annoyance or damage inflicted upon the individual may be unequal. A nuisance includes all conditions of property including but not limited to, that condition which occurs as a result of the storage, removal, transport, processing or disposal of solid waste. A nuisance includes dry grasses, weeds, dead shrubs, dead trees, rubbish and waste matter that constitute a fire hazard in the R-1, R-2, R-3, R-4, C-1 and C-2 zones.

“Solid waste” includes all solid or semi-solid wastes such as refuse, garbage, rubbish, paper, ashes, industrial waste, demolition and construction waste, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal matter, and other discarded solid and semi-solid wastes. Solid waste also includes any liquid wastes generated by solid or semi-solid wastes, or liquid wastes disposed of in conjunction with solid waste disposal sites, but excludes any waste collected, treated or generated by a municipal or regional sewage system. (Ord. 128 (part), 1997: Ord. 108 (part), 1993: Ord. 81 § 1.00.010, 1988)

8.12.020 Abatement and removal.

A. Whenever any nuisance exists on property within Amador City, the owner of the property and the residents of the property shall be notified of the existence of the nuisance.

B. Notice shall be personally served on at least one resident if possible after due diligence. If a resident cannot be served, personal service on an owner may be substituted. A copy of the notice shall also be posted in plain view on

the property. A copy of the notice shall also be mailed to the owner of the property by first class mail.

C. Posting of the notice and mailing to the owner shall be deemed adequate service if the property is vacant. If the property is vacant and an owner cannot, with due diligence, be found, posting of the notice on the property shall be deemed adequate service.

D. The required notice shall clearly state:

1. The street address of the property;
2. The nature and extent of the nuisance;
3. The date the notice is given;
4. That the nuisance must be removed within thirty (30) days of the date of the notice;

5. That failure to remove the nuisance shall constitute a misdemeanor violation of the law punishable by not more than one year in jail and a fine not to exceed five hundred dollars (\$500.00);

6. And that the resident and owner shall be jointly liable to the city for the cost of removal of the nuisance.

E. Service of the notice shall be deemed complete on the earliest of the date of personal service or thirty (30) days after the notice is posted, whichever is earlier.

F. Upon the expiration of the notice period, the city may, without further notice, enter the property and remove the nuisance. (Ord. 128 (part), 1997: Ord. 108 (part), 1993: Ord. 81 § 1.00.030, 1988)

8.12.030 Enforcement.

A. The city council shall, with at least five days notice to the resident or if none found, the owner, shall meet to determine the existence and extent of a specific nuisance. All interested parties shall be given an opportunity to be heard before the city council determines the existence of a nuisance.

B. At the direction of the city council, the mayor, city clerk, or city attorney, shall enforce this chapter including but not limited to giving notice, removing the nuisance, and is suing a citation for the violation of this chapter.

C. Violation of this chapter is a misdemeanor. (Ord. 128 (part), 1997: Ord. 108 (part), 1993: Ord. 81 § 1.00.030, 1988)

8.12.040 Chapter not exclusive regulation.

This chapter does not excuse the residents or owners of property from prosecution for maintaining a nuisance according to any other statute, ordinance or law. (Ord. 128 (part), 1997: Ord. 108 (part), 1993: Ord. 81 § 1.00.040, 1988)

Chapter 8.13

SEPARATION OF HOUSEHOLD GARBAGE FROM GARDEN GREEN WASTE

Sections:

8.13.010 Established.

8.13.020 Franchise.

8.13.030 Separation of waste.

8.13.040 Placement and removal of containers.

8.13.010 Established.

The city of Amador City shall designate standardized collection and recycling services. Within its incorporated limits, the franchisee shall provide to each customer after the date of adoption of these rules and regulations (a) one or more approved mechanically loaded metal or plastic containers or bins for accumulation of garbage and rubbish, according to the quantity of waste generated and the collection interval, and (b) a designated container or bag(s) for the collection of the following recyclable materials: newspaper, cardboard, beverage glass, aluminum and plastic containers, bi-metal containers and other items which may vary as markets and economic conditions dictate. Each such refuse container shall be clearly marked to identify ownership of the container. Upon request of the customer, franchisee shall provide a wheeled container or twenty (20) gallon "mini-can". Further, the franchisee shall provide at the customer's request an approved mechanically loaded metal or plastic container approved by the city for accumulation and storage of organic green/garden wastes. Franchisee shall not impose rental for said containers. (Ord. 156 § 1, 2003)

8.13.020 Franchise.

The franchisee shall be responsible for maintaining each container in good working order, and shall repair or replace any damaged containers. If franchisee determines that such repair or replacement is not due to normal wear and tear or from the franchisee's actions, and such determination is concurred to by a representative of the city, then the franchisee may charge the cost of repair or replacement to the customer. In the event the franchisee finds that a customer does not segregate green waste from the household waste, the franchisee is to notify the customer by placing an approved tag on the customer's container notifying the customer of the violation and or requirement. In such cases where the customer continues to

disregard the requirements, the franchisee shall not service the customer, shall tag the container and notify the city of Amador City. (Ord. 156 § 2, 2003)

8.13.030 Separation of waste.

Each customer shall be responsible for segregating its residential organic green/garden from general household waste. In the cases where the customer wishes separate collection for the separated organic green/garden waste, the customer shall contact the franchisee for said service and place only clean garden and green waste within the designated container(s) provided by the franchisee. The customer shall be responsible for the container(s) and maintaining supervision over container(s) at their dwelling or premises, and shall maintain such container(s) in a sanitary and safe condition. (Ord. 156 § 3, 2003)

8.13.040 Placement and removal of containers.

Each customer after the date of adoption of these rules and regulations shall place the container(s) in the parkway portion of the road or street nearest to the customer's premises, if available, otherwise on the curb or in the public right of way along the road or street nearest to the customer's premises that may be traveled by the franchisee's vehicles. The customer shall remove the container(s) from the road or street no later than twenty-four (24) hours following collection.

Any head of household residential customer who provides both (i) a letter from his or her medical doctor attesting to that customer's physical inability to bring containers to the place of collection specified above, and (ii) a certification that there is no other occupant in the household physically capable of so placing the containers, may request the franchisee collect the containers from the customer's private property or back yard. In such case, the franchisee shall manually retrieve that customer's container(s) from their storage location, bring the containers to the collection vehicle, and return the containers to their original storage location without additional charge to the customer, so long as the distance does not exceed one hundred fifty (150) feet in either direction. In such cases where the franchisee provides "back yard" collection services, the franchisee may apply a service fee as approved by the city of Amador City.

Where collection is currently being conducted from private property or back yard service, such collection procedures shall continue until such time as the city of Amador City imposes mandatory curbside collection. (Ord. 156 §4, 2003)