

13.40.070 Prohibited acts.

Only the warning in Section [13.40.030.C](#) (the warning procedure) must be given and disobeyed for a violation of subsection A of this section, or subsection [B.3](#) of this section (raucous yelling), subsection [B.4](#) of this section (street sales), subsection B.5 of this section (animal noise), or subsection [B.8](#) of this section (vibration) to arise.

Both the warning procedure and the measurement procedure in Section [13.40.040](#) (the measurement procedure) must be conducted for a violation of subsection [B.1](#) of this section (sound devices), subsection [B.2](#) of this section (amplified sound), subsection [B.6](#) of this section (loading/unloading), subsection [B.7](#) of this section (construction/demolition), subsection [B.9](#) of this section (model vehicles), or subsection [B.11](#) of this section (power tools) to arise.

Neither the warning procedure nor the measurement procedure must be conducted for a violation of subsection [B.10](#) of this section (emergency tests), subsection [B.13](#) of this section (tampering), or subsection [B.14](#) of this section (gas leaf blowers) to arise.

Only the measurement procedure must be conducted for a violation of subsection [B.12](#) of this section (loud clubs without signs) to arise.

A. *Noise Disturbances Prohibited.* No person shall unnecessarily make, continue, or cause to be made or continued, any noise disturbance prohibited by Section [13.40.030.A](#) that is not otherwise specifically listed in subsection [B](#) of this section.

B. *Specific Prohibitions.* The following acts, and the causing or permitting thereof, are declared to be in violation of this chapter:

1. *Radios, Television Sets, Musical Instruments and Similar Devices.* Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to violate the provisions of Section [13.40.050](#) or [13.40.060](#), except for sound levels for which a variance or permit has been issued by the EHD.
2. *Loudspeakers (Amplified Sound) Not Associated With an Event.* Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device, such that the sound therefrom violates the provisions of Section [13.40.050](#) or [13.40.060](#), except for sound levels for which a variance or permit has been issued by the EHD.
3. *Yelling, Shouting.* Loud or raucous yelling, shouting, whistling, or singing so as to cause a noise disturbance is hereby prohibited.
4. *Street Sales.* The solicitation, sale, or advertising of any product or service by shouting or outcry within any residential or commercial area or noise sensitive zone of the City except by variance issued by the EHD. The provisions of this subsection 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 for which a permit has been issued.

5. *Animals.* Keeping or maintaining, or permitting to be kept or maintained, upon any premises owned, occupied, or controlled by any person of any animal or animals, which by any frequent or long continued noise shall cause annoyance or discomfort to two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums). However, a NCO or their agent may proceed on the basis of a complaint of only one person, if circumstances are determined to exist whereby a noise disturbance caused by an animal affects only one individual. Any noise which is audible continuously for 10 minutes or intermittently for 30 minutes shall be prima facie evidence of such annoyance or discomfort. Factors which can be used to evaluate excessive animal noise include but are not limited to (a) pitch, (b) pattern, and (c) frequency of occurrence. This subsection may be enforced by an Animal Control Officer.

6. *Loading and Unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of ten p.m. and seven a.m. such that the sound therefrom across a residential real property line violates the provisions of Section [13.40.050](#) or [13.40.060](#).

7. *Construction/Demolition.*

(a) Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates Section [13.40.050](#) or [13.40.060](#), except for emergency work of public service utilities or by variance issued by the EHD. (This section shall not apply to the use of domestic power tools as specified in subsection B.11 of this section.)

(b) *Noise Restrictions at Affected Properties.* Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

AT RESIDENTIAL PROPERTIES: Mobile Equipment. Maximum sound levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment:

Table 13.40-3.

	R-1, R-2 Residential	R-3 and above Multi-Family Residential	Commercial/Industrial
Weekdays 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Weekends 9:00 a.m. to 8:00 p.m. and legal holidays	60	65	70

Stationary Equipment. Maximum sound levels for repetitively scheduled and relatively long term operation (period of 10 days or more) of stationary equipment:

Table 13.40-4.

	R-1, R-2 Residential	R-3 and above Multi-Family Residential	Commercial/Industrial
Weekdays 7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA
Weekends 9:00 a.m. to 8:00 p.m. and legal holidays	50	55	60

8. *Vibration.* Operating or permitting the operation of any device that creates a vibration, which annoys or disturbs at least two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums) at or beyond the property boundary of the source, if on private property, or at least 150 feet (46 meters) from the source, if on a public space or public right-of-way.

9. *Powered Model Vehicles.* Operating or permitting the operation of powered model vehicles such that the sound therefrom across a residential or commercial real property line violates the provisions of Sections [13.40.050](#) or [13.40.060](#).

10. *Emergency Signaling Devices.*

(a) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection B.10.b of this section.

(b) i. Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.

ii. Testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in subsection [B.10.b.i](#) of this section shall not apply to such complete system testing.

(c) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is terminated within 15 minutes of any single security violation or false alarm.

11. *Domestic Power Tools, Machinery.*

(a) Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates Section [13.40.050](#) or [13.40.060](#).

(b) Any motor, machinery, pump, such as swimming pool equipment, etc., shall be sufficiently enclosed or muffled and maintained so as not to create a Noise Disturbance in accordance with Section [13.40.050](#) or [13.40.060](#).

12. *Places of Public Entertainment.* Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound in any place of public entertainment that exceeds 95 dBA as read on the scale of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating: "WARNING SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT."

13. *Tampering.* The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement, of any noise control device or element thereof, of any product required to meet specified noise emission limits under federal, state, or local law, and the use of said product after its noise control device has been removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement.

14. Notwithstanding subsection B.11 of this section, it shall be unlawful for any person, including any City employee, to operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces within the City limits.

(a) Notice of this prohibition shall be posted in all stores selling such gasoline powered machines within the City limits. (Ord. 7122-NS § 7, 2009; Ord. 6026-NS § 1, 1990; Ord. 5500-NS § 1 (part), 1982)

The Berkeley Municipal Code is current through Ordinance 7995-NS, passed December 2, 2025.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Hosted by General Code.](#)