


Memorandum

Date: December 19, 2006
To: Mayor and City Council
From: Suja Lowenthal 
Subject: Noise Pollution & Abatement

REQUESTED ACTION:

Receive and file the attached notes and supporting materials from the Second District "Let's Talk About Noise" town hall held at the Aquarium of the Pacific on Thursday, September 28th.

Refer the following recommendations to the Environmental Committee and request the City Manager and City Attorney to work with the committee to evaluate the recommendations and where appropriate, implement administrative changes or draft language for City Council consideration:

1. Modify hours when construction may start during weekdays from 7:00 am to 8:00 am in the City's Noise Ordinance. (Health and Safety, Chapter 8.80.202)
2. Modify Entertainment Permit requirements so that a permit would not be based on the number of band members or amplifiers, but rather on the noise limits set by the city's Noise Ordinance.
3. Modify hours when power tools such as saws, sanders, lawn mowers or other garden tools may begin operating on weekends from 7:00 am to 9:00 am on Saturdays and 11:00 am on Sundays, similar to current language regarding leaf blowers. (Health and Safety, Chapter 8.80.200)
4. Review efficacy of enforcement efforts in the marinas and harbor to control excessively loud noise impacting "live-aboard" residents and waterfront businesses. Specifically, noise from stationary sources such as Events Park or the Queen Mary and mobile sources such as "cigarette" boats (engine and stereo noise). If necessary, legislative recommendations should be made to modify current State Code regarding enforcement of noise on our waterways.
5. Request assistance from Long Beach Transit in identifying locations where idling buses may be impacting residents and consider alternatives.

BACKGROUND INFORMATION

Noise is among the most pervasive pollutants today. Noise from road traffic, motorcycles, jet planes,

garbage trucks, construction, lawn mowers, and radios, to name a few, are among the worst sources of pollution impacting our quality of life on a daily basis. In fact, for some it is hard to imagine life without some form of noise filling every minute of their day.

Noise negatively affects human health and well-being. Problems related to noise include hearing loss, stress, high blood pressure, sleep loss, distraction and lost productivity, and a general reduction in the quality of life.

We experience noise in a number of ways. On some occasions, we can be both the cause and the victim of noise, such as when we are operating noisy appliances or equipment. There are also instances when we experience noise generated by others just as people experience second-hand smoke. The air into which second-hand noise is emitted and on which it travels is a “commons” or public good. It belongs to no one person or group, but to everyone. People, businesses, and organizations, therefore, do not have unlimited rights to broadcast noise as they please, as if the effects of noise were limited only to their private property. On the contrary, they have an obligation to use the commons in ways that are compatible with or do not detract from other uses.

Noise pollution is enforced through our City Ordinance, Chapter 8.80, and can be separated into two categories – “fixed” and “mobile” noise sources. Examples of fixed noise sources are appliances, equipment, home stereos, power tools, noisy parties and construction. Examples of mobile noise sources are vehicles, motorcycles, boats and airplanes; however, our local laws are preempted by state and federal laws. Enforcement of our local and state laws concerning noise is entrusted in our Environmental Health Bureau (fixed), Long Beach Police Department (mobile & fixed) and Animal Control Bureau (animal) depending on the source of noise.

Adjustments in our noise ordinance are not unusual. For example, the noise ordinance was changed most recently to address the use of leaf blowers in yard maintenance during early morning hours because they had become a nuisance to residents. As a result, leaf blowers may not be operated before 9:00 am on Saturdays (rather than 7:00 am) and 11:00 am on Sundays (rather than 7:00 am).

As our great city evolves and more people live, work and play in our urban environment, careful review of our ordinances is necessary. We need to make adjustments in order to maintain a balance between progress and preservation. The recommendations stemming from the noise town hall are offered for city council consideration and discussion and I believe the Environmental Committee is best suited to review the issue.