

Excerpt of Fairfax Municipal Code of Ordinances (REDLINE)

CHAPTER 8.20: NOISE CONTROL

§ 8.20.070 EXEMPTIONS.

~~(A)~~—The provisions of this chapter do not apply to:

~~—(A)1)~~ The emission of sound for the purpose of alerting persons to the existence of an emergency; or

~~—(2) The emission of sound~~ in the performance of emergency work.

—(B) Warning devices necessary for the protection of public safety, as, for example, burglar alarms, police, fire and ambulance sirens and the fire horn, are exempted from the provisions of this chapter.

—(C) ~~QThe provisions of this chapter do not apply to~~ occasional outdoor gatherings, public dances, shows and sporting and entertainment events, provided the events are conducted pursuant to a permit or license issued by the town relative to the staging of the events.

—(D) Operating or permitting the operation of any mechanically powered tools or equipment for construction, demolition or property maintenance work between 8:00 a.m. and 6:00 p.m. Monday through Friday, and 9:00 a.m. to 4:00 p.m. on weekends and holidays are exempt.

~~(—)~~(E) Anyone operating mechanically powered tools during permitted hours shall use best practices to minimize flying dust and debris and to protect neighbors, pedestrians and others nearby from disturbed particulate matter.

(F) The use of backup, emergency permanent or portable generators during a prolonged power outage or emergency, as declared by the Town of Fairfax, state or local government agency, or power utility. For the purpose of this section a “prolonged power outage” means a power outage that is no less than 4 hours in duration.

Permanent generator installations require a building permit from the Town’s Building Division and must meet Planning code. Portable generators do not require building permits. Portable generator means any UL listed diesel or gas fired generator not connected to a building’s electrical system and only intended to provide power during emergencies or utility power outages.

During a prolonged power outage period, generators for commercial uses may be operational 24 hours per day but should be shut off when not critically needed, to minimize the disturbance of neighbors. Generators for residential uses shall not be operated during the hours of 11:45 p.m. to 5:00 a.m., except as required for a bonafide health or medical need.

Testing of emergency generators shall be limited to the hours between 9:00 a.m. and 8:00 p.m. on any day and shall be limited in duration to that specified by the manufacturer’s specifications. Portable generators must not exceed 69dBa when

measured at the property line during full speed diagnostics and normal operations with no load.

Portable generators must be a minimum of 10 feet from the property line, or, if not feasible, be placed in an area that is reasonably practical for the homeowner that is least disruptive to neighbors. Fuel storage must meet requirements provided in the California Fire Code and applicable Town Code.