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OFFICE OF THE CITY CLERK
OAKLAND

2015 NOV 19 PM 12:47

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Sean Whent,
Chief of Police

SUBJECT: Cultural Institution Noise Complaint
Response

DATE: November 5, 2015

**City Administrator
Approval:**

DATE:

11/18/15

RECOMMENDATION

Staff Recommends That The City Council Accept This Report Explaining City Of Oakland And Oakland Police Department (OPD) Protocols For Responding To Noise Or Nuisance Complaints Related To Arts And Cultural Institutions.

EXECUTIVE SUMMARY

This report details the protocols for responding to noise and other nuisance complaints related to arts and cultural institutions in the City of Oakland. The Nuisance Abatement Division within the City Administrator's Office (CAO), Neighborhood Law Corps (NLC) unit in the City Attorney's Office, and OPD – provides services to address resident complaints about noise, including courtesy notices, administrative citations, and fines as necessary. As no particular exemption or status exists under the Oakland Municipal Code (OMC) for noise complaints resulting from art or cultural institutions, the City of Oakland applies general noise ordinances and procedures to noise emanating from art and cultural institutions.

BACKGROUND AND LEGISLATIVE HISTORY

At the October 8, 2015 Rules and Legislation Committee meeting, the Committee approved for scheduling a request for a Council report concerning the OPD response to complaints of cultural institutions. This report is responsive to that request, which is to receive an informational report on OPD Protocols for responding to noise or nuisance complaints related to arts and cultural institutions. This report includes a response from CAO and OPD, as CAO has a significant role in responding to public complaints regarding noise and other types of potential public nuisances.

Section 8.18.010 of the OMC, Excessive and Annoying Noises Prohibited (**Attachment A**), provides definitions of "annoying noise," "excessive noise," and "excessive and annoying noises [constituting] a nuisance." This section of OMC does not define these conditions in terms of time or place, but rather provides general definitions with which the City of Oakland is tasked with enforcement. In contrast to OMC Section 8.18.010, OMC Section 17.120.050, Noise

Item: _____
Life Enrichment Committee
December 1, 2015

(Attachment B), of the Oakland Planning Code provides very specific rules governing maximum noise levels for development projects (defined in decibels) as well as time of day, rules, and location (residential, commercial, and industrial).

ANALYSIS AND POLICY ALTERNATIVES

In every city – including Oakland – there are times when people who live and work in the City become disturbed by the behavior of others. The City of Oakland has different laws and protocols that have been established to codify acceptable levels of noise as well as acceptable times and places where different types of noise and activity can occur. These laws are designed to strike a balance between the rights of people to engage in activities that may be considered loud by some and the rights of residents to enjoy peace and quiet. There are also different ways in which the public can request that the City address noise or other nuisance situations.

CAO, through the Nuisance Abatement Division (NAD), receives complaints from the public regarding noise and other types of potential public nuisances. The goal of NAD is to abate nuisances ideally via informal resolution, which is by far the most common outcome. However the CAO is authorized under the City's public nuisance ordinances, OMC 1.08 and 1.12 to issue administrative fines for excessive noise. The first step upon CAO receiving a nuisance complaint is to send a courtesy letter (**Attachment C**) to a representative of a household or organization when that property or organization is the subject of a nuisance complaint. The purpose of the letter is to explain that CAO has received a complaint regarding a potential nuisance, gather information, and encourage informal compliance. Should the complaint persist after informal efforts have been exhausted, NAD evaluates whether sufficient evidence exists to prevail at an administrative hearing. If NAD concludes the answer is yes, a fine may be issued. Even after the issuance of a fine, NAD often reaches informal settlements with alleged violators, thus only a small fraction of nuisance referrals (and zero noise referrals for 2015) actually result in an administrative hearing and the imposition of fines. As the OMC does not distinguish among complaints against a cultural or faith institution versus any other source of noise, the protocol used by NAD for complaints related to arts or cultural institutions is the same as those for any noise related complaint.

In 2014, CAO issued 52 letters based on noise-specific nuisance complaints. As of October 20, 2015, CAO has issued 50 letters for the year. Of the 102 letters issued from January 1, 2014 through October 20, 2015, seven complaints have involved churches or other faith-based organizations (Oakland has over 400 faith-based organizations). Of the 102 letters, 33 eventually led to fines. Of the 33 fines that were issued, only one of these was for a faith-based organization and the source of the nuisance was late night skateboarding on church property. None of the 102 incidents in which letters were issued (including the 33 cases in which fines were issued) led to any further enforcement by the City of Oakland.

OPD policy (General Order M-14, Abatement of Excessive Noise, enacted January 30, 1997, **Attachment D**) provides direction to members of OPD when in response to a concern about excessive noise. The policy states that its purpose is to "define and establish procedures for regulating excessive and annoying noises in the City of Oakland." The policy cites relevant sections of the OMC concerning excessive and annoying noises being prohibited as well as park noise regulation. Even though the OMC has since been renumbered since the publication

Item: _____
Life Enrichment Committee
December 1, 2015

of OPD policy, the content of the OMC appears to be substantially – if not completely – the same. The policy directs OPD personnel to inform citizens to contact the Office of Planning and Building (OPB) during normal business hours and the OPD Communications Division (Communications) during non-business hours. The policy further directs Communications to dispatch field units in accordance with “current protocols” which are undefined and to fax a copy of fixed noise complaints to OPB on a daily basis.

The OPD policy states that field units shall accept (respond to) noise complaints. However, the policy also provides that Communications Division supervisors may file (not dispatch) noise complaints in which no contact was requested, if the call is over two hours old, or if there are no additional calls to the same location. When responding to noise complaints, field units are directed to issue a warning, advise Communications if the noise is no longer present, or take a crime report – which would include an issuance of a citation. The OPD policy further states that field units shall give a warning before issuing a citation or taking a report and provides further guidance as to when someone may be violating the OMC and specific actions to take.

OPD has a non-emergency telephone number (510-777-3333) that allows the public to leave voice messages with details of the nuisance activity. The public can also call 9-1-1 (landline) or 510- 777-3211 (from a wireless phone) for the City’s emergency response. Call takers and dispatchers at OPD understand that noise-related nuisances are not usually emergencies and process such calls according to policy. Patrol officers generally do not have the capacity to respond to noise-related nuisance calls, as the City of Oakland has the highest violent crime to officer ratio of any large American city.¹ If OPD officers do respond to a noise complaint, it is to investigate the complaint and assess per policy.

In 2014, OPD received 4,817 noise complaints. Twelve of these were associated with church addresses. As of October 30, OPD has received 4,806 noise complaints for 2015. Eleven of these were associated with church addresses. Of the 23 calls received during this 22-month period, OPD is aware of one instance in which an officer made contact with someone at a church. In that instance, the caller called OPD twice in the same night, the first time at nearly 11:00 pm and the second time at nearly 11:30 pm. The caller said there was an ongoing problem with a nearby church playing music late into the night. The responding officer met with the caller at 12:30 am and told the caller about the City’s process for making a formal noise complaint. The officer then went to the church, confirmed that music was still being played, and asked that the music be turned down. The person contacted at the church turned the music down and volunteered to close the doors and windows. No further action was taken by OPD.

FISCAL IMPACT

There is no fiscal impact associated with this report.

¹ 2014 FBI Uniform Crime Reports: <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/cius-home>

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures.

COORDINATION

This report was written in collaboration with City Administrator's Office and the Office of the City Attorney. This report was also reviewed by the Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic issues associated with this report.

Environmental: There are no environmental issues associated with this report.

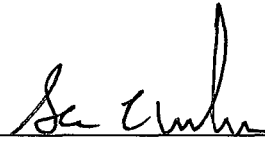
Social Equity: Ensuring appropriate protocols in responding to noise and other nuisance complaints related to arts and cultural institution should provide greater social equity in Oakland.

ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE

Staff Recommends That The City Council Accept This Report Explaining City Of Oakland And Oakland Police Department Protocols For Responding To Noise Or Nuisance Complaints Related To Arts And Cultural Institutions.

For questions regarding this report, please contact Bruce Stoffmacher, Legislation Manager, OPD, at (510) 238-6976.

Respectfully submitted,



Sean Whent
Chief of Police
Oakland Police Department

Reviewed by:
Tim Birch, Police Services Manager
OPD, Research and Planning, Office of the Chief

Greg Minor, Assistant to the City Administrator
CAO, Nuisance Abatement Division

Elias Ferran, Deputy City Attorney
Office of the City Attorney

Prepared by:
Bruce Stoffmacher, Legislation Manager
OPD, Research and Planning, Office of the Chief

Attachments (3):

- A: OMC Section 8.18.010
- B: OMC Section 17.120.050
- C: Sample Courtesy Letter
- D: OPD DGO M-14

Oakland Municipal Code Section 8.18.010 - Excessive and annoying noises prohibited.

A. It is unlawful for any person to create or allow to be created any excessive or annoying noise as defined herein. Any violation of the regulations specified herein shall be punishable as an infraction.

B. Definitions.

"Annoying noise" means noise with a repetitive pattern, shrill frequencies, and/or static-like sounds, including loud music and noise attributable to, but not limited to, leaf blowers, alarms, engines, barking dogs, and other animals.

"Excessive noise" means any unnecessary noise which persists for ten minutes or more; such period of noise need not be witnessed by enforcement personnel if the occupants of two or more separate housing or commercial units certify that they have experienced such period of noise and describe with particularity the source.

C. Excessive and Annoying Noises a Nuisance. The following acts, and the causing or permitting thereof, shall be considered disturbing the peace and shall constitute an infraction.

1. Mechanical or Electronic Devices. Using any mechanical or electronic device for the intensification of any sound or noise into the public streets which produces excessive or annoying noise;

2. Vehicular Attachments. Attaching any accessory or device to any vehicle which results in the creation of unnecessary noise;

3. Advertisement. Using any instrument, whistle, drum, bell, or making any other unnecessary noise for the purpose of advertising, announcing, or otherwise calling attention to any goods, wares, merchandise, or to any show, entertainment, or event. The provisions of this section 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;

4. Animals and Birds. Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other annoying noises continuously and/or incessantly for an unreasonable period of time so as to create a noise disturbance across a real property line. For the purposes of this chapter, the animal or bird noise shall not be deemed a noise disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated, or is using any other means to tease or provoke the animal or bird. This provision shall not apply to public zoos;

5. Emergency Signaling Device. The intentional sounding or permitted sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device not in compliance with subsection (C)(5)(a) or (b), unless occurring for emergency purposes:

a. The testing of a stationary emergency signaling device shall not occur before seven a.m. or after seven p.m. Any such testing shall use only the minimum cycle test time, in no case shall such test time exceed sixty (60) seconds.

b. The testing of the complete emergency signaling system, including the functioning of the signaling device, and personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before seven a.m. or after ten p.m. The time limit specified in subsection (C)(5)(a) of this section shall not apply to such complete system testing;

6. **Stationary Nonemergency Signaling Devices.** Sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than ten seconds in an hourly period. Churches, schools, and bell towers shall be exempt from the operation of this provision;

7. **Burglar or Fire Alarm.** Sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm which is not terminated within fifteen (15) minutes of activation;

8. **Loading and Unloading.** Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, refuse, or similar objects between the hours of nine p.m. and six a.m. in such a manner as to cause a noise disturbance across a residential property line or at any time to violate the applicable noise provisions of the Oakland Planning Code;

9. **Domestic Power Tools, Machinery.** Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between nine p.m. and six a.m. so as to create a noise disturbance across a real property line or at any time to violate the applicable noise provisions of the Oakland Planning Code;

10. **Sensitive Uses.** Creation of any noise within or adjacent to a hospital or medical care facility, nursing home, school, court, day care, church, or similar facility, so as to interfere with the functions of such activity;

11. Noise resulting from construction and demolition activities, the operation of commercial refrigeration units, air conditioning systems, compressors, commercial exhaust systems, ventilation units, and other commercial or industrial noises associated with land use activities, shall be regulated pursuant to standards contained within the noise regulations of the Oakland Planning Code.

D. **Noise Enforcement Procedures.** If it is determined that a noise in violation of this chapter exists, the following procedures shall be followed:

1. A written or verbal warning shall be issued by the investigating official or his or her agent to the person(s) responsible for the event causing the noise disturbance.

2. If the noise disturbance persists for more than fifteen (15) minutes following the issuance of a written or verbal warning, or recurs within a one- week period from the issuance of such warning, then the person responsible for the event causing the noise disturbance shall be guilty of a violation of this chapter.

E. Violations and Penalties—Public Nuisance.

1. Any person who violates or causes or permits another person to violate any provision of this chapter is subject to, but not limited to, fines and penalties specified in Chapter 1.28 of this code and civil penalties and administrative citations authorized pursuant to Chapters 1.08, 1.12 and 1.16 of this code.

2. In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is declared and deemed a public nuisance and shall be punishable as such.

F. Continuing Violation. Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day during any portion of which the violation of this chapter is committed, continued or permitted by the person and shall be punished accordingly as herein provided.

G. Remedies not Exclusive. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

H. Severability. If any part or provision of this chapter or the application thereof, to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end the provisions of this chapter are severable.

(Ord. 11894 § 2, 1996: prior code § 3-1.01)

Oakland Municipal Code Section 17.120.050 - Noise.

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in subsection A, B, or C as modified where applicable by the adjustments indicated in subsection D or E. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

A. Residential Zone Noise Level Standards. The maximum allowable noise levels received by any residential zone are described in Table 17.120.01.

Table 17.120.01 establishes the maximum allowable receiving noise levels:

TABLE 17.120.01 MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC

Cumulative Number of Minutes in Either the Daytime or Night time One Hour Time Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

B. Commercial Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Commercial Zone (including the Housing and Business Mix (HBX) Zones and the Central Estuary District D-CE-3 and D-CE-4 Zones) are described in Table 17.120.02.

Table 17.120.02 establishes the maximum allowable receiving noise levels:

TABLE 17.120.02 MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS

Cumulative Number of Minutes in Either the Daytime or Nighttime One Hour Time Period	Anytime
20	65
10	70
5	75
1	80
0	85

C. Industrial, Agricultural and Extractive Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Industrial Zone are described in Table 17.120.03.

Table 17.120.03 establishes the maximum allowable receiving noise levels:

TABLE 17.120.03 MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

Cumulative Number of Minutes in Any One Hour Time Period	Anytime
20	70
10	75
5	80
1	85
0	90

D. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.

E. Each of the noise level standards specified above in subsections A, B, and C shall be reduced by five dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.

F. Noise Measurement Procedures. Utilizing the "A" weighing scale of the sound level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property. In general, the microphone shall be located four (4) to five (5) feet above the ground; ten (10) feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four (4) feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration.

G. Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.

1. The daytime noise level received by any Residential, Commercial, or Industrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten (10) days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten (10) days or more) shall not exceed the maximum allowable receiving noise levels described in Table 17.120.04.

Table 17.120.04 establishes the maximum allowable receiving noise levels:

TABLE 17.120.04 MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

	Daily 7 a.m. to 7 p.m.	Weekends 9 a.m. to 8 p.m.
Short-Term Operation		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation		
Residential	65	55
Commercial, Industrial	70	60

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven (7) p.m. and seven (7) a.m. or between eight (8) p.m. and nine (9) a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this section.

H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA, with the exception that systems installed prior to the effective date of this section shall not exceed fifty-five (55) dBA.

I. Commercial Refrigeration Units. Stationary and mobile commercial refrigeration units shall not produce a noise level greater than the noise level standards set forth in this section. Between the hours of ten (10) p.m. and seven (7) a.m., a mobile refrigeration unit shall not be located within two hundred (200) feet of any residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

J. Commercial Exhaust Systems. Unnecessary noise caused by exhaust from ventilation units, or other air control device shall not produce a noise level greater than the noise level standards set forth in this section between the hours of ten p.m. and seven a.m. and shall not be located within two hundred (200) feet of any residential zone boundary unless such unit is

Attachment B

within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

(Ord. No. 13251, § 5(Exh. A), 7-29-2014; Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. 12875 § 2(part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 11895 § 7, 1996: prior planning code § 7710)



CITY of OAKLAND

CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

City Administrator's Office

Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
FAX (510) 238-7084
Voicemail ((510) 238-8370

COURTESY NOTICE

October 30, 2015



RE: 1632 – 79th Ave., Oakland, CA

Dear Property Owner,

Our office has received complaints about excessive dog barking occurring at 1632 – 79th Avenue. If true, this may qualify as a public nuisance. Accordingly, this letter is intended to inform you of these complaints and afford you an opportunity to advise our office whether the complaints are inaccurate and/or what additional information our office should consider.

Enclosed is a Courtesy Notice Response form. Please complete, sign and return to our office via email (svasquez@oaklandnet.com) or fax at (510) 238-7084 or mail to City of Oakland, Nuisance Abatement Division, 1 Frank H. Ogawa Plaza, 11th Floor, Oakland, CA.
Attn: Greg Minor.

Thank you in advance for your attention to this matter.

Sincerely,

Greg Minor
Assistant to the City Administrator

Enclosure: Courtesy Notice Response Form

cc: Sgt. R. Muniz, OAS/OPD (via email)
S. Landreth, City Administrator (via email)
Chron

COURTESY NOTICE RESPONSE FORM

NAME: _____

LOCATION OF COMPLAINT: _____

STATEMENT: _____

CONTACT INFORMATION:

PRINT NAME: _____

PHONE: _____

EMAIL: _____

SIGNATURE: _____

DATE: _____



DEPARTMENTAL
GENERAL
ORDER

30 Jan 97

M-14

Index as:

Abatement of Excessive Noise
Annoying Noises
Park Noise
Noise Complaints
Noise Enforcement, Violations

ABATEMENT OF EXCESSIVE NOISE

The purpose of this order is define and establish procedures for regulating excessive and annoying noises in the City of Oakland.

I. LEGAL AUTHORITY

The regulation of excessive noises is contained in the following amended Oakland Municipal Code Sections. Copies are attached to this order.

Section 3-1.01 EXCESSIVE AND ANNOYING NOISES
 PROHIBITED

Section 6-3.32 PARK NOISE REGULATION

II. DEFINITIONS

A. Excessive Noise - Any unnecessary noise which persists for 10 minutes or more. Such period of noise need not be witnessed by enforcement personnel if the occupants of two or more separate housing or commercial units certify that they have experienced such a period of noise and describe the source with particularity.

B. Annoying Noise - Any noise with a repetitive pattern, shrill frequencies, and/or static-like sounds, including loud music and noise attributable to, but not limited to, leaf blowers, alarms, engines, barking dogs, and other animals.

III. NOISE ENFORCEMENT PROCEDURES

A. General Procedures

1. Citizen complaints regarding excessive or annoying noises during normal business hours (0830 to 1600 hours on work days) shall be directed to the Office of Planning and Building (OPB). The complaint hotline number is 238-6777.
2. All noise complaint calls received by OPB/via hotline number will be automatically transferred to the Communications Division's non-emergency complaint line (238-3481) after normal business hours.
3. The Communications Division shall:
 - a) Receive noise complaints and dispatch field units in accordance with current protocols.
 - b) FAX a copy of fixed noise complaints to OPB on a daily basis. (OPB fax number is 238-7287)
4. Field Units shall:
 - a) Accept noise complaints assigned by the Communications Division. (Note: Communications Division supervisors may file noise complaints if no contact was requested, the call is over two hours old and no additional calls regarding the same location are received.)
 - b) Provide the Communications Division with **one** of the following dispositions:
 - (1) Warning Issued - If an Assignment Card (236-253) was completed. See also Part III, B, 3, c).
 - (2) "GOA" - if the person responsible for the noise and/or source of noise is no longer detectable when the officer arrives at the scene.

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

M-14

30 Jan 97

(3) "950" - a Crime Report (TF-3040) and/or citation was completed/issued.

c) Deposit citations issued and reports taken in accordance with current procedures.

B. Enforcement Procedures

1. A violation of OMC 3-1.01 or 6-3.32 shall constitute an infraction.
2. Generally, the responding officer shall give a written or verbal warning to the person responsible for making the noise before taking formal action, i.e., issuing a citation or writing a report. The person shall be guilty of a violation if:
 - a) The noise disturbance persists for more than 15 minutes following the issuance of a written or verbal warning.
 - b) The noise disturbance recurs within a one week period from the issuance of a written or verbal warning. In such cases, the complainant should have a copy of the warning notice (TF-3075). If he/she does not have a notice, the officer may issue a citation and note the allegation of a prior complaint on the report.
 - c) There is no limit to the number of violations within any 24-hour period if the officer is required to repeatedly respond to the same noise disturbance for which a written or verbal warning was given.

3. Warnings

If the responding officer issues a warning, he/she shall complete a Noise Complaint Notice (TF-3075, 2-part form) and distribute it as follows:

- a) The top white copy of the notice, where practical, shall be given to the person responsible for making the noise.

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENT

M-14

30 Jan 97

- b) The bottom yellow copy shall be given to the complainant. The officer shall advise the complainant that if the noise persists as indicated in Part III, B, 2, a) - c), the complainant should give the yellow notice to the next responding officer for enforcement purposes.
- c) If the only action taken by the responding officer is to issue a warning, he/she shall document that action on an Assignment Card.

4. Formal Action

If, after giving a warning, the noise continues to persist as indicated in Part III, B, 2, a) - c), the officer may issue a citation. Issuing a citation will also require the completion of a Crime Report documenting the nature of the noise and any warning(s) that may have been issued prior to the issuance of the citation.

IV. RECORDS SECTION PROCEDURES

The Records Section shall detail a copy of all offense reports for OMC 6-3.32 and 3-1.10 violations to the General Investigation Section, Inspections Unit.

V. AREA COMMANDER PROCEDURES

Area Commanders or their designated representatives shall review OPB Code Compliance Section's statistical reports to identify persistent patterns of noise complaints and assign follow-up work as needed.

By order of

Joseph Samuels, Jr.
Chief of Police

GO13 M-14