

City of San Diego Neighborhood Code Compliance

Possible Civil Fines for Construction Noise during Restricted Hours

In some locations, noise associated with construction is a serious problem because of the close proximity to residential units and extended hours of construction. This is most prevalent in the Centre City area downtown.

If you are a representative of construction company receiving noise complaints during restricted hours, please try to work with the community surrounding your project. The most effective way to prevent noise problems is to develop proactive communications with your neighbors so that they know what you are doing and why and have a clear understanding of the reasons for any construction noise that may occur beyond the hours of 7:00 AM to 7:00 PM.

Because a number of downtown residents have continued to express frustration of continued excessive noise beyond the normal hours of construction with no tangible consequences for the violators, a new enforcement policy has been established. This policy could result in the issuance on a \$250 civil penalty for excessive construction noise between the hours of 7 PM and 7 AM, Sundays and official City holidays. In general, if such a fine is issued, there will have been a history of noise issues at that location. If the noise issues become severe fines in excess of \$250 could be issued up to \$2,500 per incident.

Projects will be held responsible for the noise generated by their contractors on and off the site; for example delivery trucks that arrive at the site or stage in close proximity to residential properties prior to 7:00 AM that create excessive noise can result in penalties being assessed.

Those who receive a notice of a fine may choose to pay the fine. If the fine is not paid a hearing will be scheduled. At the hearing, an independent hearing officer will consider evidence prepared by the people who have been disturbed by the noise as well as evidence provided by a representative of the construction company. The hearing officer may uphold the fine as set, overturn the fine entirely, lower the fine, or raise the fine to no greater than \$2,500.

It is possible to obtain a noise permit during restricted hours.