



To: Honorable Mayor and Members of the City Council  
From: Councilmember Shoshana O'Keefe (Author)  
Subject: Residents Oppose Broadcasting Obnoxious Cacophony Out in Public (ROBOCOP)

### RECOMMENDATION

Refer to the City Manager a request that the City Attorney draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit in certain circumstances the installation and use of motion-activated surveillance devices that emit artificial or pre-recorded sound—including alarms, sirens, or voice recordings—in response to the presence or motion of persons in the public right-of-way or on private property that is open to the public, with additional clarification regarding location parameters and permissible volume levels.

This prohibition shall apply to such devices when installed in the public right-of-way or on private property when triggered by motion in the public right-of-way, and when the sound emitted is audible in public areas. The prohibition shall not apply to conventional burglar alarms that activate only in response to unauthorized entry or tampering.

### POLICY COMMITTEE RECOMMENDATION

On September 18, 2025, the Public Safety Committee adopted the following action: M/S/C (Blackaby/Kesarwani) to send the item with a qualified positive recommendation to Council, requesting that the City Attorney draft ordinance language as outlined in the recommendation, with additional clarification regarding location parameters and permissible volume levels. Vote: All Ayes.

### SUMMARY STATEMENT

This item refers to the City Manager a request to amend Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit the installation and use of fixed security cameras or surveillance devices in the public right-of-way or on private property that emit arterial or pre-recorded sound into the public realm and neighboring residential properties.

In recent months, community members submitted multiple complaints regarding a new class of noise-generating surveillance devices installed on private property and aimed toward the public right-of-way. Specifically, residents living near the CVS at 1451 Shattuck Avenue reported being repeatedly disturbed by automated announcements triggered by motion.

While these systems may be marketed as deterrents to nuisance behavior, they have created a new kind of public nuisance – disturbing the peace, disrupting sleep, and transforming neighborhood sidewalks into sites of relentless audio warnings. Under today’s decibel-and-duration thresholds (e.g. 65 dBA for up to 30 minutes per hour) and the exemptions for interior or bona fide emergency alarms, these short, motion-triggered voice announcements – often under 10 seconds at a time do not meet the threshold of ‘noise disturbance.’ However, these repeated and unpredictable loud noises create a significant disturbance in the surrounding environment and are similarly detrimental to public health, welfare, safety, and quality of life to people in the area.

This item aims to close a gap in the City’s noise regulations by prohibiting the installation of audio-enabled surveillance devices that are either in the public right-of-way or affixed to private property but triggered by movement in the public right-of-way, that emit persistent, automated, and blaring noise into the public realm, and undermine the peaceful nature of Berkeley’s neighborhoods.

#### BACKGROUND

Berkeley has long recognized the importance of protecting residents from excessive and intrusive noise. The City’s Community Noise Ordinance, BMC Chapter 13.40, establishes that noise can be detrimental to public health, safety, welfare, and overall quality of life, and that every person is entitled to an environment free from disturbing and unnecessary sound.

Prompted by multiple complaints from neighbors about such a device recently installed at the CVS at 1451 Shattuck Avenue, this referral aims to address an emerging class of noise disturbances. Residents reported being subjected to loud, repetitive announcements from the automated surveillance system – including warnings that the area is under video monitoring and aggressive pre-recorded messages directed at pedestrians walking by. Of the two types of announcements reported, one, stating “for your safety, this parking lot is being recorded” occurred at regular intervals of around every 30 minutes. The other occurred during all times of the day and night, and was triggered by motion in public areas, specifically on the sidewalk along Shattuck Ave. It reportedly instructed residents to “leave the area immediately or the police will be called.”

These pre-recorded messages could be heard from hundreds of feet away, including inside homes with closed windows. With announcements occurring at all hours, including late at night and early in the morning, many nearby residents reported interrupted sleep or disruption to work and other activities. While the stated intent of such systems is to deter unwanted behavior on private property, their impact on surrounding homes and public spaces has created new concerns about noise, privacy and equity. Residents have likened the experience to living under constant surveillance, with automated messages and flashing lights eroding neighborhood livability and creating a hostile, dystopian atmosphere.

At present, these devices are not clearly regulated under existing provisions of the City’s noise ordinance. Neither the City, nor the Berkeley Police Department approved the installation of this

device. However, Berkeley's residents are not the first to be impacted by these types of devices – residents in cities like Seattle and Washington DC have also reported feeling threatened by these "intrusive" and advanced security systems.<sup>12</sup>

This referral seeks to initiate a review and amendment of BMC Chapter 13.40 to ensure that Berkeley's policies address these emerging trends in surveillance technology and uphold the City's values of peace, dignity and fairness.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Berkeley's Community Noise Ordinance (BMC Chapter 13.40) outlines the City's framework for regulating sound levels and identifies noise pollutants as a public health and welfare issue. Specifically, Section 13.40.010, Purpose and Intent, establishes the City's position:

*"Certain sound levels and vibrations are detrimental to the public health, welfare, safety, and quality of life, and are contrary to the public interest; Every person is entitled to an environment in which the noise is not detrimental to their life, quality of life, health, or enjoyment of property."*

The ordinance goes on to state that:

*"The public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the City and its inhabitants will be promoted by maintaining quiet in those areas which exhibit low sound levels and by reducing noise in those areas within the City where sound levels are above acceptable values." (BMC Section 13.40.010, Ord. 7122-NS § 1, 2009; Ord. 5500-NS)*

Although the ordinance provides broad authority to regulate offensive and excessive sound, it does not currently address the growing use of motion-activated security devices that emit loud, repetitive, artificial sound from private property into public space. Under current law, the sporadic nature of these types of announcements may not cumulatively meet the required noise threshold. Neighbors reported that the device emitted several notifications within an hour, but likely did not exceed the 30-minute exterior noise requirement, as described in the ordinance.

This referral proposes amending the ordinance to explicitly prohibit the types of devices that project sound into the public right-of-way and/or adjacent properties, and are triggered by routine, lawful activity.

#### CONSULTATION/OUTREACH OVERVIEW AND RESULTS

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<sup>1</sup> Dowling, J. (2022, May 27). *Neighbor calls new talking security camera outside Queen Anne CVS "intrusive."* FOX 13 Seattle. <https://www.fox13seattle.com/news/uptown-resident-calls-new-talking-security-camera-outside-cvs-intrusive>

<sup>2</sup> Crabtree, E. (2024, July 13). *CVS shopper shocked at new "police robot" anti-theft measure.* The US Sun. <https://www.the-sun.com/news/11911844/cvs-shopper-shocked-new-anti-theft-measure/>

Councilmember Shoshana O’Keefe discussed the ordinance with City Attorney, Farimah Brown, and the City Manager, Paul Buddenhagen. The City Attorney expressed interest in amending the Berkeley Municipal Code Chapter 13.40 to expressly forbid the installation and use of automated amplified sound equipment when it is triggered by movement in the public right-of-way and emits repeated, blaring noise that can be disruptive to those in the public realm.

#### RATIONALE FOR RECOMMENDATION

This ordinance would protect the health and welfare of residents by preventing disturbing and excessive noise from artificial surveillance devices in the public realm and private dwellings. The existing Berkeley Municipal Code (13.40.010) already establishes that:

- Certain sound levels are detrimental to the quality of life;
- Individual are entitled to an environment free of disruptive noise;
- Offensive and excessive noise negatively affect the peace and comfort of the community.

This item aligns with Berkeley’s goals of maintaining vibrant, safe, and peaceful neighborhoods, and ensures technology used for private surveillance does not come at the expense of the broader public welfare.

#### IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

This referral requests the City Manager to instruct the City Attorney to draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to address the use of automated, amplified and motion-activated security systems installed in the public right-of-way or on private property that can be triggered by people on public property, and impact public space.

Specifically, this item asks the City Manager and City Attorney to:

- Add a new prohibition on motion-activated and audio-enabled surveillance devices that are triggered by movement in public areas, while being mindful of any potential First Amendment issues.
- Create a tailored exemption for private intrusion/burglar alarms monitored exterior sensors that activate only in response to unauthorized entry or tampering.

Once draft language is adopted by the Council, implementation and enforcement would be carried out through existing procedures outlined in the City’s noise ordinance. Administration would likely be managed by the Health, Housing, and Community Services (HHCS) Department, with possible support from the Berkeley Police Department, particularly for after-hours or repeated violations.

#### ENVIRONMENTAL SUSTAINABILITY

This item has no direct environmental impact.

#### FISCAL IMPACTS

No significant fiscal impact expected. Staff time may be required for enforcement given the potential updates to noise enforcement protocols.

CONTACT

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