

## Title 9. Public Peace and Welfare

### Chapter 9.32. NOISE CONTROL

#### § 9.32.010. Declaration of policy.

- A. In order to control unnecessary, excessive and annoying sounds emanating from areas of the city, it is declared to be the policy of the city to prohibit such sounds generated from all sources as specified in the ordinance codified in this chapter.
- B. It is determined that certain sound levels are detrimental to the public health, welfare and safety, and contrary to public interest, therefore, the city council does ordain and declare that creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by or not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such.

(Ord. 880 § 1, 1973; Ord. 923 § 1(A), 1975)

#### § 9.32.020. Definitions.

The following words, phrases and terms, as used in the ordinance codified in this chapter, shall have the meaning as indicated in this section:

“Ambient noise level” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

“Cumulative period” means an additive period of time composed of individual time segments which may be continuous or interrupted.

“Decibel” (dB) means a unit which denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

“Emergency machinery, vehicles or work” means any machinery vehicle or work used, employed or performed in an effort to protect, provide or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

“Fixed noise source” means a stationary device which creates sounds while fixed or motionless, including, but not limited to, industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners and refrigeration equipment.

“Grading” means any excavating or filling of earth material or any combination thereof conducted to prepare a site for construction or other improvements thereon.

“Impact noise” means the noise produced by the collision of one mass in motion with a second mass which may be either in motion or at rest.

“Licensed” means the issuance of a formal license or a permit by the appropriate jurisdictional authority, or where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public records.

“Mobile noise source” means any noise source other than a fixed source.

“Noise level” means the “A” weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micronewtons per square meter. The unit measurement shall be designated as dB(A).

“Noise variance board” means an administrative board of five members appointed by the board of supervisors of the county of Orange, per Title 4, Division 6, Article 1 of the codified ordinances of the county of Orange.

“Person” means a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

“Simple noise tone” means a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

“Sound level meter” means an instrument meeting American National Standard Institutes Standards S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

“Sound pressure level” of a sound, in decibels, means twenty times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

“Residential property” means a parcel of real property which is zoned, developed, and used for residential purposes, other than transient uses such as hotels and motels.  
(Ord. 880 § 2, 1973; Ord. 923 § 1(B), (C), (D), 1975)

### § 9.32.030. Noise level measurement criteria.

Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level meter as defined in subsection N of Section 9.32.020.  
(Ord. 880 § 3, 1973)

### § 9.32.040. Assignment of residential properties to noise zones.

The residential properties described in this section are assigned to the following noise zones:

Noise Zone 1: All residential properties, whether incorporated or unincorporated.  
(Ord. 880 § 4, 1973; Ord. 923 § 1(E), 1975)

### § 9.32.050. Noise standards—Exterior.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone:

Noise Standards		
Noise Zone	Noise Level	Time Period
1	55 dB(A)	7:00 a.m.—10:00 p.m.

Noise Standards		
Noise Zone	Noise Level	Time Period
	50 dB(A)	10:00 p.m.—7:00 a.m.

- B. It is unlawful for any person at any location within the incorporated area of the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other residential property either incorporated or unincorporated, to exceed:
1. The noise standard for a cumulative period of more than thirty minutes in any hour; or
  2. The noise standard plus five dB(A) for a cumulative period of more than fifteen minutes in any hour; or
  3. The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or
  4. The noise standard plus fifteen dB(A) for a cumulative period of more than one minute in any hour; or
  5. The noise standard plus twenty dB(A) for any period of time.
- C. In the event the ambient noise level exceeds any of the five noise limit categories set forth in subsection **B1** through **B5** of this section, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. Furthermore, the maximum permissible noise level shall never exceed the maximum ambient noise level.
- D. Each of the noise limits specified in subsection **A** shall be reduced by five dB(A) for impact or simple tone noises, or for noises consisting of speech or music.  
(Ord. 880 § 5, 1973; Ord. 923 § 1(F), 1975)

## § 9.32.060. Noise standards—Interior.

- A. The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone:

Noise Standards		
Noise Zone	Noise Level	Time Period
1	55 dB(A)	7:00 a.m.—10:00 p.m.
	45 dB(A)	10:00 p.m.—7:00 a.m.

- B. It is unlawful for any person at any location within the incorporated area of the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured within any other dwelling unit on any residential property to exceed:
1. The noise standard for a cumulative period of more than five minutes in any hour; or
  2. The noise standard plus five dB(A) for a cumulative period of more than one minute in any hour; or
  3. The noise standard plus ten dB(A) for any period of time.
- C. In the event the ambient noise level exceeds any of the three noise limit categories set forth in subsection A1 through A3 of this section, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. Furthermore, the maximum permissible noise level shall never exceed the maximum ambient noise level.

- D. Each of the noise limits specified in subsection **A** shall be reduced by five dB(A) for impact or simple tone noises, or for noises consisting of speech or music.  
(Ord. 880 § 6, 1973; Ord. 923 § 1(G), 1975)

## § 9.32.070. Activities exempt from chapter provisions.

The following activities shall be exempted from the provisions of this chapter except as regulated under Sections **12.28.090** and **12.28.100** of this code:

- A. School bands, school athletic and school entertainment events;
- B. Outdoor gatherings, public dances, shows and sporting and entertainment events provided the events are conducted pursuant to a permit issued by the city pursuant to Chapter **5.32** relative to the staging of said events;
- C. Activities conducted on public parks, public playgrounds, and public or private school grounds;
- D. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work;
- E. Noise sources associated with construction, repair, remodeling, or grading of any real property, provided the activities do not take place between the hours of eight p.m. and seven a.m. on weekdays, including Saturday, or at any time on Sunday or a federal holiday;
- F. All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions;
- G. Mobile noise sources associated with agricultural operations provided such operations do not take place between the hours of eight p.m. and seven a.m. on weekdays, including Saturday or at any time on Sunday or a federal holiday;
- H. Mobile noise sources associated with agricultural pest control through pesticide application; provided, that the application is made in accordance with restricted material permits issued by or regulations enforced by the agricultural commissioner;
- I. Noise sources associated with the maintenance of real property provided the activities take place between the hours of seven a.m. and eight p.m. on any day except Sunday or federal holiday, or between the hours of nine a.m. and eight p.m. on Sunday or federal holiday;
- J. Any activity to the extent regulation thereof has been preempted by state or federal law.  
(Ord. 923 § 1(H), 1975; Ord. 1367 § 1, 1989)

## § 9.32.080. Noise level—Near schools, hospitals and churches.

It is unlawful for any person to create any noise which causes the noise level at any school, hospital or church while the same is in use, to exceed the noise limits as specified in Section **9.32.050** prescribed for the assigned noise zone in which the school, hospital or church is located, or which noise level unreasonably interferes with the use of such institutions or which unreasonably disturbs or annoys patients in the hospital, provided conspicuous signs are displayed in three separate locations within one-tenth of a mile of the institution indicating the presence of a school, church or hospital.  
(Ord. 880 § 9, 1973; Ord. 923 § 1, 1975)

## § 9.32.090. Noise level—Location of measurement.

The location selected for measuring exterior noise levels shall be at any point on the affected residential property. Interior noise measurement shall be made within the affected residential unit. The

measurement shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source.

(Ord. 880 § 11, 1973; Ord. 923 § 1, 1975)

### § 9.32.100. Enforcement authority—Interference with prohibited.

- A. The county health officer and his/her duly authorized representatives are directed to enforce the provisions of this chapter. The county health officer and his/her duly authorized representatives are authorized, pursuant to **Penal Code** Section 836.5, to arrest any person without a warrant when they have reasonable cause to believe that such person has committed a misdemeanor in their presence.
- B. No person shall interfere with, oppose or resist any authorized person charged with enforcement of this chapter while such person is engaged in the performance of his/her duty.

(Ord. 880 § 12, 1973; Ord. 923 § 1, 1975)

### § 9.32.110. Variance—Application—Fee—Applicants remain subject to prosecution.

- A. The owner or operator of a noise source which violates any of the provisions of this chapter may file an application with the health officer for a variance from the provisions thereof wherein the owner or operator shall set forth all actions taken to comply with the provisions, the reasons why immediate compliance cannot be achieved, a proposed method of achieving compliance, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee as set by resolution of the city council and on file in the office of the city clerk. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application.
- B. Upon receipt of the application and fee, the health officer shall refer it with his/her recommendations thereon within thirty days to the noise variance board for action thereon in accordance with the provisions of this chapter.
- C. An applicant for a variance shall remain subject to prosecution under the terms of this chapter until a variance is granted.

(Ord. 880 § 13, 1973; Ord. 923 § 1, 1975; Ord. 1213 §§ 2, 3, 1983)

### § 9.32.120. Variance—Authority to grant—Terms and conditions—Violation unlawful.

The noise variance board shall evaluate all applications for variance from the requirements of this chapter and may grant the variances with respect to time for compliance, subject to such terms, conditions and requirements as it may deem reasonable to achieve maximum compliance with the provisions of this chapter. The terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours. Each such variance shall set forth in detail the approved method of achieving maximum compliance and a time schedule for its accomplishment. In its determinations the board shall consider the magnitude of nuisance caused by the offensive noise; the uses of property within the area of impingement by the noise; the time factors related to study, design, financing and construction of remedial work; the economic factors related to age and useful life of equipment; and the general public interest and welfare. Any variance granted by the board shall be by resolution and shall be transmitted to the health officer for enforcement. Any violation of the terms of the variance shall be unlawful.

(Ord. 880 § 14, 1973; Ord. 923 § 1, 1975)

## § 9.32.130. Variances—Appeals.

- A. Within fifteen days following the decision of the variance board on an application the applicant, the health officer, or any member of the city council, may appeal the decision to the city council by filing a notice of appeal with the secretary of the variance board. In the case of an appeal by the applicant for a variance, the notice of appeal shall be accompanied by a fee to be computed by the secretary on the basis of the estimated cost of preparing the materials required to be forwarded to the city council as discussed hereafter in this section. If the actual cost of such preparation differs from the estimated cost, appropriate payments shall be made either to or by the secretary.
- B. Within fifteen days following receipt of a notice of appeal and the appeal fee, the secretary of the variance board shall forward to the city council copies of the application for variance; the recommendation of the health officer; the notice of appeal; and all evidence concerning the application received by the variance board and its decision thereon. In addition, any person may file with the city council written arguments supporting or attacking the decision and the city council may in its discretion hear oral arguments thereon. The city clerk shall mail to the applicant a notice of the date set for hearing of the appeal. The notice shall be mailed at least ten days prior to the hearing date.
- C. Within sixty days following its receipt of the notice of the appeal, the city council shall either affirm, modify or reverse the decision of the variance board. Such decision shall be based upon the city council's evaluation of the matters submitted to the city council in light of the powers conferred on the variance board and the factors to be considered, both as enumerated in Sections **9.32.110** and **9.32.120**. As part of its decision the council may direct the variance board to conduct further proceedings on the application. Failure of the city council to affirm, modify or reverse the decision of the variance board within the sixty-day period shall constitute an affirmance of the decision.

(Ord. 923 § 14, 1975)