

ORDINANCE NO. CC 2025-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA,
CALIFORNIA, AMENDING CHAPTER 9.32 (NOISE CONTROL) OF TITLE 12
(PUBLIC PEACE AND WELFARE) OF THE LA HABRA MUNICIPAL CODE,
RELATING TO REGULATIONS ON NOISE**

THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, the City Council has authority under Article 11, Section 7 of the California Constitution to enact rules to preserve the public health, safety and welfare; and

WHEREAS, it is in the interest of public health, safety and welfare to amend the City's existing noise control ordinance to increase efficiency in processing noise violations in the City.

THE CITY COUNCIL OF THE CITY OF LA HABRA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. Chapter 9.32 ("Noise Control") of Title 9 ("Public Peace and Welfare") of the La Habra Municipal Code is hereby amended as set forth in Exhibit A, attached hereto.

SECTION 3. Any provision of the La Habra Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of La Habra declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in a manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

PASSED, APPROVED and ADOPTED this _____ day of _____, 2025.

Rose Espinoza
Mayor

ATTEST:

Rhonda Barone
City Clerk

APPROVED AS TO FORM:

Keith F. Collins
City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.
CITY OF LA HABRA }

I, Rhonda J. Barone, CMC, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. ____ introduced at a regular meeting of the City Council of the City of La Habra on the ____ day of _____, 2025 and was thereafter adopted at a regular meeting of the City Council of the City of La Habra held on the ____ day of _____, 2025 by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Witness my hand and the official seal of the City of La Habra this ____ day of _____, 2025.

Rhonda J. Barone, CMC
City Clerk

Exhibit A

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.

§ 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.

"Director" means the Director of Community and Economic Development for the City of La Habra.

"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).

"Person" means a person, firm, association, co-partnership, 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.

§ 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.

§ 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.

§ 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.
	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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 9.32.100. Enforcement authority—Interference with prohibited.

- A. The city's code enforcement inspectors and police officers are authorized to enforce the provisions of this chapter.
- 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.

§ 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 Director 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.
- B. The application shall be made on the same application form and subject to the same fee as an administrative adjustment, per subsection 18.08.120.B (Application). 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.
- C. Upon receipt of the application and fee, the Director shall approve or deny the application in accordance with the provisions of this chapter within 30 days.
- D. An applicant for a variance shall remain subject to prosecution under the terms of this chapter until a variance is granted.

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

The Director 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 his/her determination, the Director 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 violation of the terms of the variance shall be unlawful.

§ 9.32.130. Variances—Appeals.

- A. Within fifteen days following the decision of the Director on an application for a variance from the requirements of this chapter, the applicant may appeal the decision to the Planning Commission by filing a notice of appeal with the city. The notice of appeal shall be accompanied by a fee to be computed on the basis of the estimated cost of preparing the materials required to be forwarded to the Planning Commission as discussed hereafter in this section.
- B. Within fifteen days following receipt of a notice of appeal and the appeal fee, the city shall forward to the Planning Commission copies of the application for variance, the decision of the Director, the notice of appeal, and all evidence concerning the application received by the Director and his/her decision thereon. In addition, any person may file with the Planning Commission written arguments supporting or attacking the decision and the Planning Commission may in its discretion hear oral arguments thereon. The city 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 Planning Commission shall either affirm, modify or reverse the decision of the Director. Such decision shall be based upon the Planning Commission's evaluation of the evidence submitted. As part of its decision, the Planning Commission may direct the Director to conduct further proceedings on the application. Failure of the Planning Commission to affirm, modify or reverse the decision of the Director within the sixty-day period shall constitute an affirmance of the decision.