

CHAPTER 2. - NOISE

FOOTNOTE(S):

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Editor's note—Prior to amendment by Ord. No. 84-18, adopted Sept. 11, 1984, the provisions of this chapter derived from Ord. No. 136, §§ 2—13, adopted March 25, 1975.

Sec. 6-8-201. - Declaration of policy.

The City Council has adopted the following regulations in order to control unnecessary, excessive and annoying noise in the City of Irvine. The provisions of this chapter are applicable to nontransportation-related stationary noise sources.

(Code 1976, § VI.K-301; Ord. No. 84-18, 9-11-84)

Sec. 6-8-202. - Definitions.

The following definitions are provided to clarify words, phrases and terms used in this chapter.

Ambient noise level: 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: An additive period of time composed of individual time segments which may be continuous or interrupted.

Decibel (dB): A unit of noise measurement indicating the loudness of sound, based on logarithmic (base 10) scale.

Emergency work: Any mechanical device, apparatus or equipment which is 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.

Grading: Any excavating or filling of earth material or any combination thereof conducted to prepare a site for construction or the placement of the improvements thereon.

Impact noises: The noise produced by the collision of one mass in motion with a second mass which may be either in motion or at rest.

Noise level: The "A" weighted sound pressure level in decibels obtained by using a sound level meter. The "A" weighted discriminates against the lower and higher frequencies according to a relationship with the sensitivity of the human ear. The unit of measurement is designated as dB(A).

Predominant tone noise: A noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

Stationary noise source: The source which is often referred to as "fixed source" (non-transportation-related) including but not limited to mechanical electric equipment, various power tools construction, commercial, industrial and agricultural activity and animal noise.

(Code 1976, § VI.K-302; Ord. No. 84-18, 9-11-84)

Sec. 6-8-203. - Noise level measurement criteria.

Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level meter. The location selected for measuring exterior noise levels shall be anywhere on the affected property. The interior noise measurement shall be made at a point in the affected unit at least four feet from the wall, ceiling or floor nearest the noise source.

(Code 1976, § VI.K-303; Ord. No. 84-18, 9-11-84)

Sec. 6-8-204. - General provision.

A. *Designated noise zones.* The properties hereinafter described, whether within or without the City, are hereby assigned to the following noise zones:

1. *Noise zone 1:* All hospitals, libraries, churches, schools and residential properties.
2. *Noise zone 2:* All professional office and public institutional properties.
3. *Noise zone 3:* All commercial properties excluding professional office properties.
4. *Noise zone 4:* All industrial properties.

B. *Exterior and interior noise standards.*

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

NOISE STANDARDS

dB(A)

Noise Levels for a Period Not Exceeding (minutes/hour)

	Noise Zone	Time Period	30	15	5	1	0 (anytime)
1	Exterior	7:00 a.m.— 10:00 p.m.	55	60	65 ¹	70	75
		10:00 p.m.— 7:00 a.m.	50	55	60	65 ¹	70
	Interior	7:00 a.m.— 10:00 p.m.	—	—	55	60	65
		10:00 p.m.— 7:00 a.m.	—	—	45	50	55
2	Exterior	Any	55	60	65	70	75

		time					
	Interior	Any time	—	—	55	60	65
3	Exterior	Any time	60	65	70	75	80
	Interior	Any time	—	—	55	60	65
4	Exterior	Any time	70	75	80	85	90
	Interior	Any time	—	—	55	60	65

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This standard does not apply to multi-family residence private balconies. Multi-family developments with balconies that do not meet the 65 CNEL are required to provide occupancy disclosure notices to all future tenants regarding potential noise impacts.

2. It shall be unlawful for any person at any location within 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 property within designated noise zones either within or without the City to exceed the applicable noise standard.
3. Each of the noise standards specified above shall be reduced by five dB(A) for impact, or predominant tone noise or for noises consisting of speech or music.
4. In the event that the noise source and the affected property are within different noise zones, the noise standards of the affected property shall apply.

(Code 1976, § VI.K-304; Ord. No. 84-18, 9-11-84; Ord. No. 05-06, § 2, 2-22-05)

Sec. 6-8-205. - Special provisions.

- A. Construction activities and agricultural operations may occur between 7:00 a.m. and 7:00 p.m. Mondays through Fridays, and 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities shall be permitted outside of these hours or on Sundays and federal holidays unless a temporary waiver is granted by the Chief Building Official or his or her authorized representative. Trucks, vehicles, and equipment that are making or are involved with material deliveries, loading, or transfer of materials, equipment service, maintenance of any devices or appurtenances for or within any construction project in the City shall not be operated or driven on City streets outside of these hours or on Sundays and federal holidays unless a temporary waiver is granted by the City. Any waiver granted shall take impact upon the community into consideration. No construction activity and agricultural will be permitted outside of these hours except in emergencies including maintenance work on the City rights-of-way that might be required.

Deliveries to or pickups from any commercial property sharing a property line with any residential property may occur between 7:00 a.m. and 10:00 p.m. daily. No deliveries to or pickups from any such properties shall occur outside of these hours.

- B. Maintenance of real property operations may exceed the noise standards between 7:00 a.m. and 7:00 p.m. on any day except Sundays, or between 9:00 a.m. and 6:00 p.m. on Sundays or a federal holiday.
- C. The use of leaf blowers shall be regulated as follows:
1. *Definition of leaf blower.* Leaf blowers are defined as portable power equipment that is powered by fuel or electricity and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees and shrubs or other debris.
 2. *Limitations on use.*
 - a. All leaf blowers shall be equipped with a permanently installed limiter that restricts the individual equipment motor performance to half throttle speed or less, and will produce not more than 70 decibels db(A) measured at the midpoint of a wall area 20 feet long and ten feet high and at a horizontal distance 50 feet away from the midpoint of the wall, or not more than 76 db(A) at a horizontal distance of 25 feet using a sound level meter set at level A.
 - b. Each individual leaf blower shall be tested and certified for use by the City of Irvine or its designated representative. Each individual leaf blower shall bear the label of required approval in a visible location on the equipment prior to use and at all times during use. A fee for the City to recover all costs connected with equipment approvals shall be charged in an amount set by City resolution.
 - c. The use of leaf blowers is prohibited except between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday.
 - d. Leaf blower operations shall not cause dirt, dust, debris, leaves, grass clippings, cuttings or trimmings from trees or shrubs to be blown or deposited on any adjacent or other parcel of land, lot, or public right-of-way/property other than the parcel, land, or lot upon which the leaf blower is being operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner which will prevent dispersment by wind, vandalism or similar means within six hours of deposit by the user or property occupant.
 - e. Leaf blowers shall not be operated within a horizontal distance of ten feet of any operable window, door, or mechanical air intake opening or duct.
 - f. No person using leaf blowers shall exceed noise limitations set by section 6-8-204 of the City Code of Ordinances.
 3. *Education.*
 - a. Each person operating an individual leaf blower is required to complete not less than one training session of content and time approved by the City of Irvine Administrative Authority prior to operation of leaf blower equipment. Training and qualification shall be required for certification at least every two years for each individual equipment user.
 - b. The equipment operator shall carry certification of the training and qualification at all times during equipment use and make it available upon demand. Failure to abide by the use requirements contained in this Code and/or the certification training provided will be cause for the City of Irvine to revoke such certification.
 - c. *Exception:* An individual residential property occupant operating a single leaf blower himself or herself in a manner confined to his or her own property shall be excepted from the education requirements set forth by this subsection.
 4. *Fees.* A fee for the City to recover all costs connected with training, testing, certification and enforcement shall be charged in an amount set by City Council resolution.
- D. The following activities shall be exempted from the provision of this chapter:
1. School bands, school athletic and school entertainment events, provided said events are conducted on school property or authorized by special permit from the City.

2. Activities otherwise lawfully conducted on public parks, public playgrounds and public or private school grounds.
3. Any mechanical device, apparatus or equipment which is utilized for emergency work, pest control, and protection or harvest of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions.
4. Any activity or equipment to the extent that design regulation thereby has been preempted by State or federal law.

The Chief Building Official or his or her duly authorized representative and City police shall enforce where necessary the provisions of this chapter. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter which such person is engaged in the performance of his or her duty.

(Code 1976, § VI.K-305; Ord. No. 84-18, 9-11-84; Ord. No. 88-11, §§ 1, 2, 5-24-88; Ord. No. 90-2, § 1, 2-13-90; Ord. No. 90-7, § 1, 4-10-90; Ord. No. 05-16, § 2, 7-12-05)

Sec. 6-8-206. - Reserved.

Sec. 6-8-207. - Enforcement.

The Chief Building Official or his or her duly authorized representative shall enforce the provisions of this chapter. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter while such person is engaged in the performance of his or her duty.

(Code 1976, § VI.K-306; Ord. No. 84-18, 9-11-84)

Sec. 6-8-208. - Waiver procedure.

- A. The owner or operator of a noise source which violates any of the provisions of this chapter may apply for temporary waiver with the Chief Building Official. Any waiver granted shall take impact upon the community into consideration and state why immediate compliance cannot be achieved, a proposed method of achieving compliance, and a proposed time schedule for its accomplishment. Said application shall be accompanied by a fee as listed in the City Council resolution for variances where deemed appropriate and necessary by the City administrative authority.
- B. A separate application shall be filed for each noise source; provided, however, that several sources under common ownership or several sources on a single property may be combined into one application.
- C. An applicant for a waiver shall remain subject to prosecution under the terms of this chapter until a waiver is granted.
- D. Within 60 days of receipt of an appeal, the City Council shall either affirm, modify or reverse the decision of the Chief Building Official at a duly notified public hearing.

(Code 1976, § VI.K-307; Ord. No. 84-18, 9-11-84; Ord. No. 90-7, § 2, 4-10-90)

Sec. 6-8-209. - Appeals.

- A. The decision of the Chief Building Official on waiver applications may be appealed to the City Council. Appeals shall be filed with the City Clerk and shall be accompanied by a letter stating the reason for the appeal.
- B. An appeal shall be accompanied by a deposit/fee of \$150 to be updated on an annual basis by City Council resolution.
- C. An appeal shall be filed within 15 days of the decision of the Chief Building Official.
- D. Within 60 days of receipt of an appeal, the City Council shall either affirm, modify or reverse the decision of the Chief Building Official at a duly notified public hearing.

(Code 1976, § VI.K-308; Ord. No. 84-18, 9-11-84)