

Moreno Valley Municipal Code

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Chapter 11.80 NOISE REGULATION

11.80.010 Legislative findings.

It is found and declared that:

A. Excessive sound within the limits of the city is a condition which has existed for some time, and the amount and intensity of such sound is increasing.

B. Such excessive sound is a detriment to the public health, safety, and welfare and quality of life of the residents of the city.

C. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life of the city and its inhabitants. (Ord. 740 § 1.2, 2007)

11.80.020 Definitions.

For purposes of this chapter, certain words and phrases used herein are defined as follows:

“A-weighted sound level” means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The unit of measurement is the dB(A).

“Commercial” means all uses of land not otherwise classified as residential, as defined in this section.

“Construction” means any site preparation, and/or any assembly, erection, repair, or alteration, excluding demolition, of any structure, or improvements to real property.

“Continuous airborne sound” means sound that is measured by the slow-response setting of a meter manufactured to the specifications of ANSI Section 1.4-1983 (R2006) “Specification for Sound Level Meters,” or its successor.

“Daytime” means eight a.m. to ten p.m. the same day.

“Decibel” (dB) means a unit for measuring the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) microPascals (twenty (20) microNewtons per square meter.)

“Demolition” means any dismantling, intentional destruction or removal of structures or other improvements to real property.

“Disturb” means to interrupt, interfere with, or hinder the enjoyment of peace or quiet or the normal listening activities or the sleep, rest or mental concentration of the hearer.

“Emergency” means any occurrence or set of circumstances involving actual or imminent physical trauma or significant property damage which necessitates immediate action. Economic loss alone shall not constitute an emergency. It shall be the burden of an alleged violator to prove an “emergency.”

“Emergency work” means any work made necessary to restore property to a safe condition following an emergency, or to protect persons or property threatened by an imminent emergency, to the extent such work is, in fact, necessary to protect persons or property from exposure to imminent danger or damage.

“Frequency” means the number of complete oscillation cycles per unit of time.

“Impulsive sound” means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.

“Nighttime” means 10:01 p.m. to 7:59 a.m. the following day.

“Noise disturbance” means any sound which:

1. Disturbs a reasonable person of normal sensitivities;

2. Exceeds the sound level limits set forth in this chapter; or

3. Is plainly audible as defined in this section. Where no specific distance is set forth for the determination of audibility, references to noise disturbance shall be deemed to mean plainly audible at a distance of two hundred (200) feet from the real property line of the source of the sound, if the sound occurs on privately owned property, or from the source of the sound, if the sound occurs on public right of way, public space or other publicly owned property.

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

“Plainly audible” means that the sound or noise produced or reproduced by any particular source, can be clearly distinguished from ambient noise by a person using his/her normal hearing faculties.

“Public right-of-way” means any street, avenue, boulevard, sidewalk, bike path or alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

“Public space” means any park, recreational or community facility, or lot which contains at least one building that is open to the general public during its hours of operation.

“Residential” means all uses of land primarily for dwelling units, as well as hospitals, schools, colleges and universities, and places of religious assembly.

“Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium capable of producing an auditory impression. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

“Sound level” means the weighted sound pressure level as measured in dB(A) by a sound level meter and as specified in American National Standards Institute (ANSI) specifications for sound-level meters (ANSI Section 1.4-1971 (R1976)). If the frequency weighting employed is not indicated, the A-weighting shall apply.

“Sound level meter” means an instrument, demonstrably capable of accurately measuring sound levels as defined above.

All technical definitions not defined above shall be in accordance with applicable publications and standards of the American National Standards Institute (ANSI). (Ord. 740 § 1.2, 2007)

11.80.030 Prohibited acts.

A. General Prohibition. It is unlawful and a violation of this chapter to maintain, make, cause, or allow the making of any sound that causes a noise disturbance, as defined in Section 11.80.020.

B. Sound causing permanent hearing loss.

1. Sound level limits. Based on statistics from the Center for Disease Control and Prevention and the National Institute for Occupational Safety and Health, Table 1 and Table 1-A specify sound level limits which, if exceeded, will have a high probability of producing permanent hearing loss in anyone in the area where the sound levels are being exceeded. No sound shall be permitted within the city which exceeds the parameters set forth in Tables 11.80.030-1 and 11.80.030-1-A of this chapter:

Table 11.80.030-1

MAXIMUM CONTINUOUS SOUND LEVELS*

Duration per Day	
Continuous Hours	Sound level [db(A)]
8	90
6	92
4	95
3	97

2	100
1.5	102
1	105
0.5	110
0.25	115

* When the daily sound exposure is composed of two or more periods of sound exposure at different levels, the combined effect of all such periods shall constitute a violation of this section if the sum of the percent of allowed period of sound exposure at each level exceeds 100 percent

**Table 11.80.030-1A
MAXIMUM IMPULSIVE SOUND
LEVELS**

Number of Repetitions per 24-Hour Period	Sound level [dB(A)]
1	145
10	135
100	125

2. Exemptions. No violation shall exist if the only persons exposed to sound levels in excess of those listed in Tables 11.80.030-1 and 11.80.030-1A are exposed as a result of:

- a. Trespass;
- b. Invitation upon private property by the person causing or permitting the sound; or
- c. Employment by the person or a contractor of the person causing or permitting the sound.

C. Nonimpulsive Sound Decibel Limits. No person shall maintain, create, operate or cause to be operated on private property any source of sound in such a manner as to create any nonimpulsive sound which exceeds the limits set forth for the source land use category (as defined in Section 11.80.020) in Table 11.80.030-2 when measured at a distance of two hundred (200) feet or more from the real property line of the source of the sound, if the sound occurs on privately owned property, or from the source of the sound, if the sound occurs on public right-of-way, public space or other publicly owned property. Any source of sound in violation of this subsection shall be deemed prima facie to be a noise disturbance.

**Table 11.80.030-2
MAXIMUM SOUND LEVELS (IN dB(A)) FOR SOURCE LAND USES**

Residential		Commercial	
Daytime	Nighttime	Daytime	Nighttime
60	55	65	60

D. Specific Prohibitions. In addition to the general prohibitions set out in subsection A of this section, and unless otherwise exempted by this chapter, the following specific acts, or the causing or permitting thereof, are regulated as follows:

1. Motor Vehicles. No person shall operate or cause to be operated a public or private motor vehicle, or combination of vehicles towed by a motor vehicle, that creates a sound exceeding the sound level limits in Table 11.80.030-2 when the vehicle(s) are not otherwise subject to noise regulations provided for by the California Vehicle Code.

2. Radios, Televisions, Electronic Audio Equipment, Musical Instruments or Similar Devices from a Stationary Source. No person shall operate, play or permit the operation or playing of any radio, tape player, television, electronic

audio equipment, musical instrument, sound amplifier or other mechanical or electronic sound making device that produces, reproduces or amplifies sound in such a manner as to create a noise disturbance. However, this subsection shall not apply to any use or activity exempted in subsection E of this section and any use or activity for which a special permit has been issued pursuant to Section 11.80.040.

3. Radios, Electronic Audio Equipment, or Similar Devices from a Mobile Source Such as a Motor Vehicle. Sound amplification or reproduction equipment on or in a motor vehicle is subject to regulation in accordance with the California Vehicle Code when upon the public right-of-way. When upon public space or publicly owned property other than the public right-of-way or upon private property open to the public, sound amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a distance of fifty (50) feet in any direction from the vehicle.

4. Portable, Hand-Held Music or Sound Amplification or Reproduction Equipment. Such equipment shall not be operated on a public right-of-way, public space or other publicly owned property in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator.

5. Loudspeakers and Public Address Systems.

a. Except as permitted by Section 11.80.040, no person shall operate, or permit the operation of, any loudspeaker, public address system or similar device, for any commercial purpose:

1. Which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance; or
2. During nighttime hours on a public right-of-way, public space or other publicly owned property.

b. No person shall operate, or permit the operation of, any loudspeaker, public address system or similar device, for any noncommercial purpose, during nighttime hours in such a manner as to create a noise disturbance.

6. Animals. No person shall own, possess or harbor an animal or bird that howls, barks, meows, squawks, or makes other sounds that:

a. Create a noise disturbance;

b. Are of frequent or continued duration for ten (10) or more consecutive minutes and are plainly audible at a distance of fifty (50) feet from the real property line of the source of the sound; or

c. Are intermittent for a period of thirty (30) or more minutes and are plainly audible at a distance of fifty (50) feet from the real property line of the source of the sound.

7. Construction and Demolition. No person shall operate or cause the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of eight p.m. and seven a.m. the following day such that the sound there from creates a noise disturbance, except for emergency work by public service utilities or for other work approved by the city manager or designee. This section shall not apply to the use of power tools as provided in subsection (D)(9) of this section.

8. Emergency Signaling Devices. No person shall intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm, siren or whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as follows:

a. Testing of a stationary emergency signaling device shall not occur between seven p.m. and seven a.m. the following day;

b. Testing of a stationary emergency signaling device shall use only the minimum cycle test time, in no case to exceed sixty (60) seconds;

c. Testing of a complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall only occur only on weekdays between seven a.m. and seven p.m. and shall be exempt from the time limit specified in subsection (D)(8)(2) of this section.

9. Power Tools. No person shall operate or permit the operation of any mechanically, electrically or gasoline motor-driven tool during nighttime hours so as to cause a noise disturbance across a residential real property boundary.

10. Pumps, Air Conditioners, Air-Handling Equipment and Other Continuously Operating Equipment. Notwithstanding the general prohibitions of subsection a of this section, no person shall operate or permit the operation of any pump, air conditioning, air-handling or other continuously operating motorized equipment in a state of disrepair or in a manner which otherwise creates a noise disturbance distinguishable from normal operating sounds.

E. Exemptions. The following uses and activities shall be exempt from the sound level regulations except the maximum sound levels provided in Tables 11.80.030-1 and 11.80.030-1A:

1. Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency.
2. Sounds resulting from emergency work as defined in Section 11.80.020
3. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
4. All sounds coming from the normal operations of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations
5. Sounds from the operation of motor vehicles, to the extent they are regulated by the California Vehicle Code.
6. Any constitutionally protected noncommercial speech or expression conducted within or upon a any public right-of-way, public space or other publicly owned property constituting an open or a designated public forum in compliance with any applicable reasonable time, place and manner restrictions on such speech or expression or otherwise pursuant to legal authority.
7. Sounds produced at otherwise lawful and permitted city-sponsored events, organized sporting events, school assemblies, school playground activities, by permitted fireworks, and by permitted parades on public right-of-way, public space or other publicly owned property.
8. An event for which a temporary use permit or special event permit has been issued under other provisions of this code, where the provisions of Section 11.80.040 are met, the permit granted expressly grants an exemption from specific standards contained in this chapter, and the permittee and all persons under the permittee's reasonable control actually comply with all conditions of such permit. Violation of any condition of such a permit related to sound or sound equipment shall be a violation of this chapter and punishable as such.

F. Nothing in this chapter shall be construed to limit, modify or repeal any other regulation elsewhere in this code relating to the regulation of noise sources, nor shall any such other regulation be read to permit the emission of noise in violation of any provision of this chapter. (Ord. 740 § 1.2, 2007)

11.80.040 Special provisions for temporary use and special event permits.

The exemption by permit set forth in Section 11.80.030(E)(8) shall be subject to the following requirements and conditions:

- A. The permit application shall include the name, address and telephone number of the permit applicant; the date, hours and location for which the permit is requested; and the nature of the event or activity. It shall also specify the types of sounds and/or sound equipment to be permitted, the proposed duration of such sound, the specific standards from which the sound is to be exempted, and the reasons for each requested exemption.
- B. The permit shall be issued provided the proposed activity meets the requirements of this section and the issuing official determines that the sound to be emitted at the event as proposed would not be detrimental to the public health, safety or welfare, that the event cannot reasonably achieve its legitimate aims and purposes without the exemption and that the sound levels proposed will not unreasonably damage the peace and quiet enjoyment of the lawful users of surrounding properties, nor constitute a public nuisance.
- C. The official issuing the permit may prescribe any reasonable conditions or requirements he/she deems necessary to minimize noise disturbances upon the community or the surrounding neighborhood, and/or to protect the health, safety or welfare of the public, including participants in the permitted event, including use of mufflers, screens or other sound-attenuating devices.
- D. Any permit granted must be in writing and shall contain all conditions upon which the permit shall be effective.
- E. No more than six events requiring a sound limit exemption may be held at any particular location upon privately owned or controlled property per calendar year, provided further that the number of events shall not exceed the number permitted under the regulations for the type of permit issued. For purposes of this subsection, "location" means a legal

parcel of real property or a complete shopping or commercial center or mall sharing common parking and access even if comprised of multiple legal parcels.

F. The exemption from sound limits under such permit shall not exceed maximum period of four hours in one twenty-four (24) hour day.

G. The permit will only be granted for hours between nine a.m. and ten p.m. on all days other than Friday and Saturday; and, on Friday and Saturday, between the hours of nine a.m. and one a.m. of the following day, except in the following circumstances:

1. A permit may be granted for hours between nine a.m. on New Year's Eve and one a.m. the following day (New Year's Day).

2. A permit may be granted for hours between nine a.m. and two a.m. the following day if there are no residences, hospitals, or nursing homes within a 0.5 mile radius of the property where the function is taking place.

H. Functions for which the permits are issued shall be limited to a continuous airborne sound level not to exceed seventy (70) dB(A), as measured two hundred (200) feet from the real property boundary of the source property if on private property, or from the source if on public right of way, public space or other publicly owned property. (Ord. 740 § 1.2, 2007)

11.80.050 Measurement or assessment of sound.

A. Measurement With Sound Meter.

1. The measurement of sound shall be made with a sound level meter meeting the standards prescribed by ANSI Section 1.4-1983 (R2006). The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any sound level measurement. Measurements recorded shall be taken so as to provide a proper representation of the source of the sound. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used at all times. However, a violation of this chapter may occur without the occasion of the measurements being made as otherwise provided.

2. The slow meter response of the sound level meter shall be used in order to best determine the average amplitude.

3. The measurement shall be made at any point on the property into which the sound is being transmitted and shall be made at least three feet away from any ground, wall, floor, ceiling, roof and other plane surface.

4. In case of multiple occupancy of a property, the measurement may be made at any point inside the premises to which any complainant has right of legal private occupancy; provided that the measurement shall not be made within three feet of any ground, wall, floor, ceiling, roof or other plane surface.

5. All measurements of sound provided for in this chapter will be made by qualified officials of the city who are designated by the city manager or designee to operate the apparatus used to make the measurements.

B. Assessment Without Sound Level Meter. Any police officer, code enforcement officer, or other official designated by the city manager or designee who hears a noise or sound that is plainly audible, as defined in Section 11.80.020, in violation of this chapter, may enforce this chapter and shall assess the noise or sound according to the following standards:

1. The primary means of detection shall be by means of the official's normal hearing faculties, not artificially enhanced.

2. The official shall first attempt to have a direct line of sight and hearing to the vehicle or real property from which the sound or noise emanates so that the official can readily identify the offending source of the sound or noise and the distance involved. If the official is unable to have a direct line of sight and hearing to the vehicle or real property from which the sound or noise emanates, then the official shall confirm the source of the sound or noise by approaching the suspected vehicle or real property until the official is able to obtain a direct line of sight and hearing, and confirm the source of the sound or noise that was heard at the place of the original assessment of the sound or noise.

3. The official need not be required to identify song titles, artists, or lyrics in order to establish a violation. (Ord. 740 § 1.2, 2007)

11.80.060 Violation.

A. Violation of Sound Level Limits. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) and/or six months in the county jail, or both. Notwithstanding the foregoing, any violation of the provisions of this chapter may, in the discretion of the citing officer or the city attorney, be cited and/or prosecuted as an infraction or be subject to civil citation pursuant to Chapter 1.10.

B. Joint and Several Responsibility. In addition to the person causing the offending sound, the owner, tenant or lessee of property, or a manager, overseer or agent, or any other person lawfully entitled to possess the property from which the offending sound is emitted at the time the offending sound is emitted, shall be responsible for compliance with this chapter if the additionally responsible party knows or should have known of the offending noise disturbance. It shall not be a lawful defense to assert that some other person caused the sound. The lawful possessor or operator of the premises shall be responsible for operating or maintaining the premises in compliance with this chapter and may be cited regardless of whether or not the person actually causing the sound is also cited.

C. Violation May be Declared a Public Nuisance. The operation or maintenance of any device, equipment, instrument, vehicle or machinery in violation of any provisions of this chapter which endangers the public health, safety and quality of life of residents in the area is declared to be a public nuisance, and may be subject to abatement summarily or by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 824 § 1.2, 2011; Ord. 740 § 1.2, 2007)

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