

Chapter 10.650 - Noise Control^[11]

Footnotes:

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Cross reference— Public health and safety regulations, div. 8.

ARTICLE 1. - NOISE REGULATIONS GENERALLY

Sec. 10.650.110. - Noise regulations, general.

A. *Declaration of policy.*

1. The council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety and welfare of its residents.
2. In order to control unnecessary, excessive and annoying noises in the city, it is declared to be the policy of the city to prohibit noise which is detrimental to the health and welfare of its residents.
3. It shall be the policy of the city to maintain and preserve the quiet atmosphere of the city, and to implement programs and enact legislation consistent with the objectives and goals set forth in the noise element of the comprehensive plan, and aimed at retaining noise levels throughout the city at acceptable values established in the comprehensive plan.

(Code 1971, § 6260)

Sec. 10.650.120. - Definitions.

The following words, phrases and terms, as used in this article, shall have the meanings as indicated:

Agricultural property means a parcel of real property which is zoned "A" (agricultural) on the city's official zoning map, as it may be amended from time to time.

Ambient noise means the composite of all noise from sources near and far, excluding the alleged intrusive noise source. The ambient noise level (or ambient level) is the normal or existing level of environmental noise at a given location.

A weighted sound level means the sound level as measured on a sound level meter using the "A" weighting network. The level so read is designated in units of dBA.

Commercial property means a parcel of real property which is zoned "C-1" (limited commercial), "C-1A" (intermediate commercial), "C-2" (commercial), "C-P-D" (commercial planned development), "C-T-O" (commercial tourist oriented), "H-C" (harbor commercial), "D-T-R" (downtown redevelopment), or "PO" (professional office) on the city's official zoning map, as it may be amended from time to time.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

Decibel means a unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base of ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

Designated noise zone means a zone consisting of real property corresponding to the city's official zoning map and the noise element of the city's comprehensive plan, as it may be amended from time to time.

Emergency work means work made necessary to protect, provide or restore safe conditions in the community or for the citizenry, or work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities when restoring utility service.

Fixed noise source means a stationary device which creates sounds while in a fixed or stationary position, including but not limited to industrial and commercial machinery and equipment, pumps, fan compressors, generators, air-conditioners and refrigeration equipment.

Impulsive noise means a sound of short duration, and lasting less than one second, with an abrupt onset and rapid delay.

Industrial property means a parcel of real property which is zoned "M-1" (limited industrial), "M-2" (general industrial), or "M-P-D" (manufacturing planned development) on the city's official zoning map, as it may be amended from time to time.

Intrusive noise means that alleged offensive noise which intrudes over and above the ambient noise for the receiving property.

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

Motor vehicles shall include, but not be limited to, mini bikes, ATVs, and other vehicles used for off-road recreational use.

Noise level (sound level) means the "A" weighted sound level.

Noise level limit means the maximum noise level acceptable under this article for the stated time period.

Noise sensitive property shall mean any property, regardless of zone, so designated in the noise element of the city's general plan. Noise sensitive properties include schools, hospitals, convalescent care, boarding, and rest homes.

Person means any individual, firm, association, partnership, joint venture or corporation.

Public right-of-way means that area dedicated or subject to an easement for public use for vehicles and/or pedestrian travel including, but not limited to, streets, alley ways and sidewalks.

Pure tone shall mean any sound which can be judged as audible as a single frequency or set of single frequencies. For the purposes of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands as follows: by five dB for band frequencies between 160 and 400 Hz; or by 15 dB for band frequencies less than or equal to 125 Hz.

Receiving property means the property for which the intrusive noise is alleged to be offensive.

Residential property means a parcel of real property which is zoned "R-1" (one-family), "R-1-B" (one-family beach), "R-2" (two-family), "R-2-B" (two-family beach), "R-3" (multiple-family), "R-P-D" (residential planned development), or "MHP" (mobile home park) on the city's official zoning map, as it may be amended from time to time.

Sound amplifying equipment means any machine or device for the amplification of the human voice, music or other sound regardless of location. "Sound amplifying equipment," as used in this article, shall not include warning devices on authorized emergency vehicle or horns or other warning devices on any vehicles used only for traffic safety purposes.

Sound level meter means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which satisfies the requirements pertinent for sound level meters in American National Standards Institute specifications for sound level meters, section 1.4-

1971, or the most recent revision thereof, for type S-2A sound level meters.

Supplementary definition of technical terms. Definitions of technical terms not defined herein shall be obtained from American Standard Acoustical Terminology section 1-1-1971 or the most recent revision thereof.

(Code 1971, § 6261)

Sec. 10.650.130. - Designated noise zones.

A. *Assignment of noise zones.* Receiving properties are assigned to designated noise zones as follows:

1. Designated noise zone I: Noise sensitive properties.
2. Designated noise zone II: Residential properties.
3. Designated noise zone III: Commercial properties.
4. Designated noise zone IV: Industrial and agricultural properties.

B. *Exterior noise levels.*

1. *Noise zone exterior noise levels.* The following exterior noise levels, unless otherwise specifically indicated, shall apply to all receiving properties within a designated noise zone for the purpose of establishing noise level limits in subsection B.2. below:

	Designated Zone	Time Interval	Exterior Noise Levels
Zone I	Noise sensitive properties	7 a.m.—10 p.m.	50
		10 p.m.—7 a.m.	45
Zone II	Residential properties	7 a.m.—10 p.m.	50
		10 p.m.—7 a.m.	45
Zone III	Commercial properties	7 a.m.—10 p.m.	60
		10 p.m.—7 a.m.	55
Zone IV	Industrial and agricultural	Anytime	70

2. _____

Noise level limits. Unless otherwise provided in this article, no person shall operate or cause to be operated any source of sound at any location within the city, or 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 receiving property to exceed the following noise level limits:

- (a) The exterior noise levels for that land use, as specified in subsection B.1. above, for a total period of more than 30 minutes in any consecutive 60 minutes;
- (b)

The exterior noise levels plus five dB for a total period of more than 15 minutes in any consecutive 60 minutes;

- (c) The exterior noise levels plus ten dB for a total period of more than five minutes in any consecutive 60 minutes; or
- (d) The exterior noise levels plus 15 dB for a total period of more than one minute in any consecutive 60 minutes; or
- (e) The exterior noise levels plus 20 dB for any period of time.

- 3. *Intrusive noise measurement duration.* It shall be sufficient for the noise level limits in sections 2.(a), (b), (c) and (d), above, to be measured for no less than one minute of any portion of the periods stated in subsections 2.(a), (b), (c) and (d), provided that any witness to the intrusive noise can testify to the fact that the intrusive noise continued at the same level or greater level than the level measured by the enforcing officer for a period in excess of the period allowed in subsections 2.(a), (b), (c) and (d).
- 4. *Ambient noise level in excess of noise level limit.* If the ambient noise level exceeds that permissible for any of the noise level limits in subsections (a), (b), (c) and (d) of subsection 2. above, the noise level limit shall be increased in five dB increments as appropriate to encompass or reflect said ambient noise level. In the event the ambient noise level exceeds the noise level limit in subsection 2.(e) above, this limit shall be increased to the maximum ambient noise level.
- 5. *Boundary between different zones.* If the measurement location is on a boundary between two different designated noise zones, the lower noise level limit applicable to the two zones shall apply.
- 6. *Content of intrusive noise.* In the event the intrusive noise is judged by the enforcing officer to contain a steady, audible, pure tone such as a whine, screech or hum, or is an impulsive noise, or is a repetitive noise exceeding one second in duration or contains music or speech, the noise level limits set forth in subsection 2. above shall be reduced by five dB.

C. *Interior noise level limits.*

- 1. *Definition, noise zone interior noise levels.* The following interior noise levels, unless otherwise specifically indicated, shall apply within all receiving multifamily residential units within noise zones I and II for the purpose of establishing noise level limits in subsection 2. below:

	Time Interval	Interior Noise
Multifamily residential	10:00 p.m. to 7:00 a.m.	40
	7:00 a.m. to 10:00 p.m.	45

- 2. *Residential unit, interior noise level limits.* No person shall operate or cause to be operated within a multifamily residential unit, any source of sound or allow the creation of any noise which causes the noise level when measured inside a neighboring receiving residential unit whether adjacent or not, to exceed the following noise level limits:
 - (a) The interior noise levels as specified in subsection 1. above for a total period of more than five minutes in any consecutive 60 minutes;
 - (b) The interior noise levels, plus five dB for a total period of more than one minute in any consecutive 60 minutes; or
 - (c) The interior noise levels, plus ten dB for any period of time.

3. *Ambient noise level in excess of noise level limit.* If the ambient noise level exceeds that permissible for noise level limits in subsection 3.(a) or (b) above, the limit shall be increased in five dB increments as appropriate to reflect said ambient noise level. In the event the ambient noise level exceeds the noise level limit in subsection 3.(c) above, this limit shall be increased to the maximum ambient noise level.
4. *Content of intrusive noise.* In the event the intrusive noise is judged by the enforcing officer to contain a steady, audible, pure tone such as a whine, screech or hum, or is an impulsive noise or a repetitive noise exceeding one second in duration, or contains music or human voices, the noise level limits set forth in subsection 2. above shall be reduced by five dB.

(Code 1971, § 6262)

Sec. 10.650.140. - Sound level measurement.

- A. *Use of "A" weighted sound level.* Any sound levels measured pursuant to the provisions of this article shall be "A" weighted sound levels, measured with a sound level meter using the "A" weighting and slow response, except for impulsive noise, for which the fast response shall be used. The microphone shall be located four to five feet above the ground and ten feet or more from the nearest reflective surface.
- B. *Interior noise measurement.* Interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source with windows opened or closed at the discretion of the resident.
- C. *Calibration prior to measurement.* Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed prior to making any noise measurements.
- D. *Ambient noise level measurement.* When ambient noise levels are measured, these levels should be measured whenever possible at a location and time of day comparable to that used for measuring the intrusive noise.
- E. *Method for sound level measurement.* The director of community development may, from time to time, cause preparation of a noise control enforcement manual to assist in implementing the purpose of this article.

(Code 1971, § 6263)

Sec. 10.650.150. - Special noise sources.

- A. *Radios, television sets and similar devices.* No person within any residential zone of the city shall use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such a manner as to create any noise which exceeds the noise level limits of this article.
- B. *Animals and fowl.* No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which by any sound, cry or behavior, creates any noise which exceeds the noise level limits of this article.
- C. *Machinery, equipment, fans and air-conditioning.* No person shall operate any machinery, equipment, pump, fan, air-conditioning apparatus or tool of any nature or similar mechanical device so as to create any noise which exceeds the noise level limits of this article.
- D. *Construction of buildings and structures.*
 1. Between the hours of 8:00 p.m. of one day and 7:00 a.m. of the next, no person adjacent to or within any residential zone in the city shall operate power construction equipment or tools or perform any outside construction or repair work on buildings or structures, or operate any pile driver, steam shovel, pneumatic hammer, steam or electric hoist or other construction device so as to create any noise which exceeds the noise level limits of this article. These specified construction activities are permitted between the hours of 7:00 a.m. and 8:00 p.m. The performance of emergency work is exempt from the provisions of this section.
 2. Home repairs and routine maintenance of personal property such as automobiles or boats is not considered construction.
 - 3.

The planning commission and city council shall retain the right to impose more restrictive hours of construction upon any projects involving construction activity by adding appropriate conditions to the city's approval of subdivisions, planned development permits, conditional use permits, variances and other projects.

- E. *Domestic power tools, machinery.* Between the hours of 8:00 p.m. of one day and 7:00 a.m. of the next, no person in a residential zone shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawnmower or garden tool or similar tool, so as to create any noise which exceeds the noise level limits of this article. These specified domestic activities are permitted between the hours of 7:00 a.m. and 8:00 p.m.
- F. *Vehicles.*
1. *Vehicles off public right-of-way.* No person shall operate or cause to be operated any motor vehicle, off a right-of-way, in such a manner that the sound levels emitted therefrom exceed the noise level limits of this article.
 2. *Vehicle repair and testing.* No person shall repair, rebuild, modify or test any motor vehicle in such a manner as to create any noise which exceeds the noise level limits of this article.
 3. *Standing motor vehicles.* No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 6,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within 200 feet of a residential area between the hours of 10:00 p.m. and 7:00 a.m.

(Code 1971, § 6264)

Sec. 10.650.160. - General noise regulations.

- A. *Unlawful noise.* Notwithstanding any other provision of this article, and in addition thereto, it shall be unlawful for any person to make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary or normal sensitivity residing in the area.
- B. *Environmental factors.* The environmental factors which may be considered in determining whether a violation of provisions of subsection A. exists includes, but is not limited to, the following:
1. The sound level of the intrusive noise.
 2. The sound level of the ambient noise.
 3. The proximity of the noise to residential sleeping facilities.
 4. The nature and zoning of the area from which the noise emanates.
 5. The number of persons affected by the alleged intrusive noise.
 6. The time of day or night the noise occurs.
 7. The duration of the noise and its tonal content.
 8. Whether the noise is continuous, recurrent, or intermittent.

(Code 1971, § 6265)

Sec. 10.650.170. - Exemptions.

- A. *Emergency exemption.* The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work shall not be subject to the provisions of this chapter.
- B. *Warning devices.* Warning devices necessary for the protection of public safety, as, for example, police and fire and ambulance sirens, including the testing of such devices shall not be subject to the provisions of this chapter.
- C.

Playgrounds and school grounds. Activities conducted on public playgrounds and public or private school grounds including, but not limited to, school athletic and school entertainment events, are exempt from the provisions of this chapter.

- D. *Newly constructed or modified public utility facilities.* Newly constructed or modified public utility facilities constructed in an industrial zone in a mixed industrial/residential area shall be exempt from the requirements of this chapter if the facilities result in a lessening of pre-existing noise levels emanating from the public utility site, and if the total noise level emanating from the site does not exceed 60 dbA as measured at any receiving property. Where a project is installed or constructed in stages, the "pre-existing noise levels emanating from the public utility site," as used herein, shall mean the noise level existing prior to the commencement of the first stage of such project.
- E. *Pilot concert series.* Amplified sound generated by the pilot concert series located in the Ventura City Hall upper parking lot shall be exempt from the provisions of this chapter. The pilot concert series shall be subject to a sound control plan. The sound control plan shall be approved by the community development director and include provisions regarding onsite sound monitoring, curfew, sound and bass noise limits, penalties for exceeding curfew and sound limits, and public complaints.

(Code 1971, § 6266; Ord. No. 2014-011, § 1, 8-4-14)

Sec. 10.650.180. - Violations and other remedies.

- A. *Generally.* Violations of the provisions of this article shall be subject to the penalties specified in section 1.150.010 and sections 1.150.020 through 1.005.070 of this Code.
- B. *Other remedies.* As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance cause discomfort or annoyance to reasonable persons of ordinary or normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction. This specific authorization of injunctive relief is based upon the council's determination that significant public harm will result from intrusive noise disturbances and the council's determination that injunctive relief is an appropriate way to prevent noise nuisances from causing public injury.

(Code 1971, § 6267)

ARTICLE 2. - DISTURBANCES CAUSED BY PARTIES AND OTHER ASSEMBLAGES OF PERSONS

Sec. 10.650.210. - Purpose.

The purpose of this article is to establish standards and controls of large parties, gatherings or assemblages ("the events") on private property when such events are determined to be a threat to the public peace, health, safety or general welfare and require initial police response and return calls to the location of the party, gathering or assemblage in order to disperse uncooperative participants.

The repeated return of police officers to a location constitutes a drain of emergency person power and resources, often leaving other areas of the city without police protection.

(Code 1971, § 6600)

Sec. 10.650.220. - Definitions.

For the purposes of this article, the following definitions shall apply:

Event shall refer to a party, gathering or assemblage.

Host shall refer to any person conducting and/or permitting an event including, but not limited to:

1. Owner(s) and/or lessee(s) of the property where an event is being given;

2. Person(s) hosting an event;
3. Person(s) receiving money or other consideration for granting access to an event;
4. Person(s) serving, furnishing, or making available alcoholic beverages at an event;
5. Parent(s) or legal guardian(s) of a minor who is also a host.

(Code 1971, § 6610)

Sec. 10.650.230. - Notice of disturbance; host signature.

When police department personnel ("city police") respond to a complaint involving a disturbance caused by or resulting from an event, the responding officer(s) may issue a written notice to the host of the event, if such person is available on the premises, if the responding officer(s) determine(s) that there is a threat to the public peace, health, safety, or general welfare. The notice shall state that (a) if city police return to the same premises within the following 12-hour period in response to a complaint involving a disturbance caused by or resulting from an event; or (b) if city police return to the same premises a total of three times or more within a six-month period, in response to a complaint involving a disturbance caused by or resulting from an event and involving the same host; and (c) if the responding officer(s) determine(s) that there is a threat to the public peace, health, safety, or general welfare; then each such further response after the initial response shall constitute special police services. The notice shall state that the host will be assessed for the cost of providing such special police services. The notice shall be signed by the available host, acknowledging receipt of the warning, and a signed copy of the notice shall be left with the available host. If a second or subsequent response is required, city police shall have the available host sign a "second response" voucher, acknowledging the occurrence of the second response and one additional voucher for each response thereafter.

(Code 1971, § 6611)

Sec. 10.650.240. - Notice of disturbance; signature unavailable.

If no host is available on the premises when the police are present, or the host refuses to sign receipt of the notice, a copy of the notice shall be posted in a conspicuous place on the premises on each occasion the police respond.

(Code 1971, § 6612)

Sec. 10.650.250. - Second response; cost of special police assignment.

Utilization of police personnel during any response after the first warning to any event where the responding officers determine there is a threat to the public peace, health, safety or general welfare shall be deemed to be a special police service over and above the services normally provided. The cost of this special police service may include, but not be limited to, damages to city property and/or injuries to city personnel.

(Code 1971, § 6613)

Sec. 10.650.260. - Collection of fees.

All fees and charges levied per city services described in section 10.650.250 shall be due and payable upon presentation.

All fees and charges for such special police services shall constitute a valid and subsiding debt in favor of the city and against the owner of the premises, the person in charge of the premises and the person responsible for the assemblage or, if any of the foregoing persons are a minor, the parents and guardians of such person. If any amount remains unpaid after reasonable and practical attempts have been made by the city to obtain payment, a civil action may be filed with the court for the amount due and payable, together with any penalties, any related charges and fees accrued due to nonpayment and all fees and charges required to file and pursue such civil action.

Fees and charges to be levied for recovering city costs for notification and collection of delinquent accounts shall be established by resolution of the city council. Such fees and charges are part of fees and charges established for the services rendered and shall be collected as such.

(Code 1971, § 6614)

ARTICLE 3. - COMMERCIAL ADVERTISING

Sec. 10.650.310. - Loud or unusual noises.

- A. *Prohibited.* No person shall make any loud or unusual noises which exceed the standards set forth in this chapter, upon any street or sidewalk or in any doorway or entrance of any building opening into any such street or sidewalk for the purpose of advertising, announcing or calling attention to any goods, wares, merchandise, place of business, show, entertainment or event to attract attention to such objects.
- B. *Exception, parades and similar events.* This section does not apply to the playing of music by a band or orchestra in a parade or other celebration for which a permit has been issued by the city or the playing of music by a school band or orchestra at school events, or to licensed "hawkers" for operation along city-approved parade routes during a parade.

(Code 1971, § 6235)