

## Westminster Municipal Code

[Up](#)      [Previous](#)      [Next](#)      [Main](#)      [Collapse](#)      [Search](#)      [Print](#)      [No Frames](#)

[Title 8 HEALTH AND SAFETY](#)

**Chapter 8.28 NOISE CONTROL**

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**8.28.010 Declaration of policy.**

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A. In order to control unnecessary excessive and annoying noise and vibration in the city, it is declared to be the policy of the city to prohibit such noise and vibration generated from or by all sources, as specified in this chapter. It shall be the policy of the city to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the city where noise levels are above acceptable values.

B. It is determined that certain noise levels and vibrations are detrimental to the public health, welfare and safety, and are contrary to public interest. Therefore, the city council of the city does ordain and declare that creating, maintaining, causing or allowing to be created, caused or maintained, any noise or vibration 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. 1851 § 1, 1978; prior code § 3800)

**8.28.020 Definitions.**

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

A. "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. Reference is made to the city's adopted noise element for acceptable ambient noise-level standards.

B. "Cumulative period" means an additive period of time composed of individual time segments, which may be continuous or interrupted.

C. "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.

D. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

E. "Emergency machinery, vehicle 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.

F. "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.

G. "Grading" means any excavating or filling of earth material, or any combination thereof, conducted at a site to prepare said site for construction or other improvements thereon.

H. "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.

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

J. "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 of measurement shall be designated as dB (A).

K. "Person" means a person, firm, association, copartner ship, joint venture, corporation, or any entity, public or private in nature.

L. "Residential property" means a parcel of real property which is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

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

N. “Sound level meter” means an instrument meeting American National Standards Institute’s Standard 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.

O. “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. (Ord. 1851 § 1, 1978: Prior code § 3800.1)

### **8.28.030 Noise zone designated.**

A. The entire territory of the city is designated as “Noise Zone 1” except for those properties specifically designated as “Noise Zone 2.” (Ord. 2033 § 1, 1985; Ord. 1851 § 1, 1978: Prior Code § 3800.2)

B. All properties designated as being within land use districts R2, R3, R4 and R5 as shown on the sectional district maps adopted pursuant to Title 17 of this code are designated as “Noise Zone 2.” (Ord. 2033 § 1, 1985)

### **8.28.040 Standards—Exterior noise.**

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

#### **EXTERIOR NOISE STANDARDS**

<b>Noise Zone</b>	<b>Noise Level</b>	<b>Time Period</b>
1	55 dB(A)	7:00 a.m.-10:00 p.m.
	55 dB(A)	10:00 p.m.- 7:00 a.m.
2	60 dB(A)	7:00 a.m.-10:00 p.m.
	55 dB(A)	10:00 p.m.- 7:00 a.m.

(Ord. 2033 § 1, 1985; Ord. 1851 § 1, 1978; prior code § 3800.3)

B. In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by 5dB(A).

C. 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, when the foregoing causes the noise level, when measured on any other residential property, to exceed:

1. The noise standard for a cumulative period of more than thirty minutes in any hour; or
2. The noise standard plus 5dB(A) for a cumulative period of more than fifteen minutes in any hour; or
3. The noise standard plus 10dB(A) for a cumulative period of more than five minutes in any hour; or
4. The noise standard plus 15dB(A) for a cumulative period of more than one minute in any hour; or
5. The noise standard plus 20dB(A) for any period of time.

D. In the event the ambient noise level exceeds any of the first four noise limit categories above, the cumulative period applicable to said category shall be increased to reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. (Ord. 1851 § 1, 1978; prior code § 3800.3)

### **8.28.050 Standards—Interior noise.**

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

## INTERIOR 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.
2	60 dB(A)	7:00 a.m.-10:00 a.m.
	50 dB(A)	10:00 p.m.- 7:00 a.m.

(Ord. 2033 § 3, 1985: Prior code § 3800.4)

B. In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by 5dB(A).

C. 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, when the foregoing causes the noise level, when measured within the boundaries of the city, to exceed:

1. The interior noise standard for a cumulative period of more than five minutes in any hour; or
2. The interior noise standard plus 5dB(A) for a cumulative period of more than one minute in any hour; or
3. The interior noise standard plus 10dB(A) for any period of time.

D. In the event the ambient noise level exceeds either of the first two noise limit categories above, the cumulative period applicable to said category shall be increased to reflect the ambient noise level. In the event the ambient noise level exceeds the third noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. (Prior code § 3800.4)

### **8.28.060 Exemptions.**

The following activities shall be exempted from the provisions of this chapter:

- A. Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college;
- B. Outdoor gatherings, public places and shows, provided said events are conducted pursuant to a permit issued by the city pursuant to this code;
- C. Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity;
- D. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicles or work;
- E. Noise sources associated with construction repair, remodeling, or grading of any real property, provided said 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 said activities take place between seven a.m. and eight p.m. on any day except Sunday or a federal holiday;

J. Any activity to the extent regulation thereof has been preempted by state or federal law;

K. Existing air conditioners on residential property shall be exempt from the provisions of this chapter for a period of five years after its adoption. (Prior code § 3800.5)

#### **8.28.070 Noise level measurement.**

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The location selected for measuring exterior noise levels shall be at any point on the affected property. Interior noise measurements shall be made within the affected dwelling unit. The measurement shall be made at a point at least four feet from the wall, ceiling or floor nearest the alleged offensive noise source, and may be made with the windows of the affected unit open. (Prior code § 3800.6)

#### **8.28.080 Noise variance board.**

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A. The noise variance board established by the county shall be the noise variance board for the city, and the procedural rules established by the county shall be followed by applicants for variance within the city.

B. Any variance granted by the board shall be by resolution, and shall be transmitted to the city and the health officer for enforcement. Any violation of the terms of said variance shall be unlawful. Appeal from the decision of the variance board may be made to the city council in accordance with the rules established for zone variances. (Prior code § 3800.7)

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