

Chapter 8.36 - NOISE CONTROL

Sections:

8.36.010 - Declaration of policy.

It is declared to be the policy of the city to prohibit unnecessary, excessive, and annoying noises from all sources subject to its police power. It is recognized that at certain levels noises are detrimental to the health and welfare of the citizenry and in the public interest shall be controlled or eliminated.

(Prior code § 5910)

8.36.020 - Definitions.

Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

"A-weighted sound pressure level" means the sound pressure level as measured with a sound meter using the A-weighting network. The standard notation is dBA.

"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.

"Decibel" means a unit of level for measuring the volume of a sound, equal to the logarithm of the ratio of the sound pressure of a standard sound (.0002 microbars). The standard notation is dB.

"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.

"Hertz" means the complete sequence of values of a periodic quantity which occurs during a period.

"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.

"Impulsive noise" means and includes any noise which is composed of momentary noises that are repeated at sufficiently slow rates, such that a sound level meter set at "slow" meter characteristics will show changes in sound pressure level greater than ten (10) dBA.

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

"Noise disturbance" means any sound or noise which endangers or injures the safety or health of human beings or animals or which annoys or disturbs reasonable persons of normal sensitivities or which is of such a noise level or volume as would annoy or disturb reasonable persons of normal sensitivities or which endangers or injures personal or real property, or which violates the ambient noise standards set forth in Section of this chapter.

"Sound level meter" means a measurement instrument containing a microphone or amplifier, an output meter and "A" frequency weighting networks for the measurement of sound levels, which satisfies the pertinent requirements, in American Specifications for Type 2 Sound Level Meters S1.4-1971, or the most recent revision thereof.

"Steady noise" means noise for which the sound pressure level remains essentially constant during the period of observation. It does not vary more than six (6) dBA when measured with the "slow" meter response of a sound level meter.

(Prior code §§ 5920—5920.11)

8.36.030 - Sound level measurements.

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the "A" weighting network and slow response as defined in Section 8.36.020.

(Prior code § 5930)

8.36.040 - Ambient noise standards.

A. The following ambient noise standards, unless otherwise specifically indicated, shall apply to all property within their assigned zoning districts and said standards shall constitute the permissible noise level:

Zone	Day 7:00 a.m. to 10:00 p.m.	Night 10:00 p.m. to 7:00 a.m.
Single-family	50 dBA	45 dBA
Multifamily	55 dBA	50 dBA
Commercial	65 dBA	60 dBA
Industrial	70 dBA	70 dBA

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B. It is unlawful for any person to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels for a cumulation period of fifteen (15) minutes in any hour.

C. At the boundary line between a residential zone and a commercial and/or manufacturing zone, the noise level of the residential zone shall be used.

D. If a residential use is located within a commercial or industrial zone, the ambient noise level shall not exceed fifty (50) dBA between the hours of ten p.m. and seven a.m.

E. Corrections to Noise Limits. The numerical limits given in subsection A of this section shall be adjusted by the following corrections, where appropriate:

Noise Condition	Correction in dBA
1. Impulsive sounds, pure tone or sounds with a cyclically varying amplitude (The following corrections apply to day only)	-5
2. Noise occurring for a cumulation period of more than 5 but less than 15 minutes in	+5

any hour.	
3. Noise occurring more than 1 but less than 5 minutes in any hour.	+10
4. Noise occurring less than 1 minute in any hour.	+15

(Prior code §§ 5940—5940.4)

8.36.050 - Special noise sources.

- A. Radios, Television Sets, and Similar Devices. Any noise level from the use or operation of any radio receiving set, musical instruments, phonograph, television set, or other machine or device for the producing or reproducing of sound at any hour of the day, which exceeds the noise limit at the property line of any receiving property shall be a violation of the provisions of Section 8.36.040(A).
- B. Machinery, Fans and Other Mechanical Devices. Any noise level from the use or operation of any machinery, equipment, pump, fan, air conditioning apparatus, refrigerating equipment, motor vehicle, or other mechanical or electrical device, or in repairing or rebuilding any motor vehicle which exceeds the noise limits at any property line, of any receiving property shall be a violation of the provisions of Section 8.36.040(A).
- C. Construction of Building.
 - 1. Except as otherwise permitted under subsections (C)(2) or (G) of this section, it is unlawful for any person within the city to operate power construction tools or equipment in the performance of any outside construction or repair work on buildings, structures, or projects in or adjacent to a residential area, except between the hours of six a.m. and seven p.m. Monday through Friday or between the hours of eight a.m. and seven p.m. on Saturday and Sunday.
 - 2. Upon a written showing of good cause by a project applicant and the applicant's construction contractor or subcontractor, the Chief Building Official may conditionally relax the hourly restrictions of this subsection on a case-by-case basis, provided such authorization is made in writing. The Chief Building Official is authorized to impose such reasonable conditions as may be deemed necessary and/or desirable to mitigate any noise or other adverse impacts generated by the construction undertaking during specially authorized work hours. The conduct of operations in a manner inconsistent with or beyond the scope of any written authorization granted by the Chief Building Official shall be unlawful and shall constitute a violation of this section. The Chief Building Official shall establish reasonable criteria for the grant of special work hours requests which balances the desire of residents for peace and quiet during evening and early morning hours with the efficiencies derived from authorizing special work hours requests. In accordance with the Chief Building Official's established criteria, each individual request shall be evaluated on its individual merits and on the specific circumstances and characteristics of the project or undertaking. No one grant request shall serve as binding precedent for any subsequent request.
 - 3. By City Council resolution, the city may also impose such reasonable fees as may be necessary to review, process and enforce requests for special operating hours.
- D. Amplified Sound. The use of loudspeakers or sound amplifying equipment in the city which exceeds the noise limits at any property line of a receiving property shall be a violation of Section 8.36.040(A).

- E. Loading/Unloading. In residential zones, the opening, closing or other handling of boxes, crates, containers, building materials, or similar objects in such a manner as to cause a noise disturbance is not permitted between the hours of ten p.m. and seven a.m.
- F. Interior Noise in a Condominium, Two-Family or Multifamily Residential Unit. Notwithstanding other sections of this chapter, it is unlawful for any persons to create, maintain or cause to be created or maintained any noise within the interior of any condominium, two (2) family or multifamily residential unit which exceeds the noise limits indicated in Section 8.36.040(A).
- G. Exemptions.
 - 1. Lawfully conducted parades or assemblies;
 - 2. Emergency work;
 - 3. All operations and activities the control of which is by law exclusively vested in another agency of government;
 - 4. Bells or chimes while being used in conjunction with religious or patriotic services;
 - 5. The provisions of this regulation shall not preclude the construction, operation, maintenance, and repairs of equipment, apparatus, or facilities of park and recreation departments, public work projects, or essential public services and facilities, including those of public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.
- H. Residential Proximity to Freeway. The permissible noise level standards as applied to residential properties within one hundred fifty (150) feet of freeway location shall be sixty-two (62) dBA between the hours of seven a.m. and ten p.m. and fifty-eighty (58) dBA between the hours of ten p.m. and seven a.m.

(Ord. 2728 § 2, 2008; Ord. 2470 § 1 (part), 1997; Ord. 2469 § 1 (part), 1997; prior code §§ 5950—5950.9)

8.36.060 - Noise level measurement.

- A. The location selected for measuring exterior noise levels shall be at any point on the affected residential property. Affected residential property shall be the address from which the complaint was received. Interior noise measurements shall be made within the affected residential units.
- B. The standards which may be considered in determining whether a violation of the provisions of this section exists, may include, but not be limited to, the following:
 - 1. The level of the noise;
 - 2. Whether the nature of the noise is usual or unusual;
 - 3. The nature of the area within which the noise emanates;
 - 4. The density of the inhabitation of the area within which the noise emanates;
 - 5. The time of day or night;
 - 6. The duration of the noise;
 - 7. Whether the noise is produced by a commercial or noncommercial activity.

(Prior code §§ 5960—5960.2.7)

8.36.070 - Nonconforming uses.

Commercial or manufacturing uses abutting residential zones that exceed noise level standards shall be considered nonconforming uses. If the noise cannot be mitigated, the regulations specified in Chapter 17.06 of this code shall govern nonconforming uses in this chapter.

(Prior code § 5980)

8.36.080 - Noise disturbance prohibited.

No person shall create, conduct, maintain or cause a noise disturbance. No person shall host or conduct a private or public dance, party, gathering or event in a residential neighborhood or in another neighborhood inhabited for residential use where the sound or noise emanating therefrom constitutes a noise disturbance. The source or instrumentalities of a noise disturbance may be sized in conjunction with the abatement of a noise disturbance pursuant to Section 8.36.090 of this chapter.

(Prior code § 5991)

8.36.090 - Abatement of noise disturbance.

Any peace officer of the El Monte Police Department and any person empowered and authorized by Chapter 1.16 of this code to make arrests for violations of provisions of this code is empowered and authorized to summarily abate a noise disturbance pursuant to the authority of Chapter 8.44 of this title. (Amended during 1999 recodification; prior code § 5992)

8.36.100 - Costs for abatement of a noise disturbance assembly.

- A. A noise disturbance assembly, as described below, is declared to be a public nuisance. In certain instances, the city may hold responsible persons civilly liable in accordance with this section, for costs incurred by the city in responding to a noise disturbance assembly. When a large party or gathering occurs on a private premises and a police officer determines that such a party or gathering poses a noise disturbance to reasonable persons of normal sensitivities under this chapter (the "noise disturbance assembly"), or that the noise disturbance assembly is for any other reason a threat to the public peace, health, safety or general welfare, the person(s) in apparent charge or control of the premises and/or the person(s) apparently responsible for the noise disturbance assembly (or if any of those persons may be a minor, then the parents or guardians of that minor) shall be held civilly liable jointly and severally, for the costs of the city associated with providing police personnel and other emergency services to respond to the noise disturbance assembly. Except as provided below, no person shall be held civilly liable for such costs unless a police officer of the El Monte Police Department has first provided a written or verbal warning to abate the noise disturbance assembly to a person apparently in charge or otherwise apparently responsible for such a public nuisance. Proof that such a warning has been given to a person in apparent charge or responsible for such a public nuisance shall be conclusively evidenced by a copy of a written notice of noise disturbance assembly as delivered by a police officer in a form as shall be approved by the City Administrator, and the Chief of Police. The form of such a notice shall provide for the time and date of the initial response of emergency public safety services to the scene of the noise disturbance assembly by the city, and also identified the police officer who delivered the notice. The notice may contain such other information as referenced in this chapter and this section as the City Administrator and the Police Chief may deem appropriate.
- B. No such verbal or written notice shall be required to be given by a Police Officer as a prerequisite to the city initiating any civil liability collection proceeding under this section in instances in which the duty watch commander of the El Monte Police Department has first determined that the initial response to a call for emergency public safety services relating to a noise disturbance assembly may pose a significant risk to the safety of the peace officers and other emergency service personnel responding or dispatched to such a call or that other grounds exist for waiving or dispensing with the

requirement of such a notice. Such a determination of the duty watch commander that the waiver of notice is appropriate in a particular instance shall be evidenced by a written memorandum of the duty watch commander which contains a description of the facts and circumstances which support such a finding.

- C. The cost for abatement of a noise disturbance assembly which may be recovered by the city pursuant to this section shall not exceed the sum of one thousand dollars (\$1,000.00) for a single incident. The costs for abatement of a noise disturbance assembly shall include the cost of providing police, fire fighting, rescue and emergency medical services at the scene of the public nuisance as well as the salaries of the public personnel responding to the public nuisance. The cost for abatement as authorized under this section constitutes a debt of the person(s) responsible for the public nuisance and is collectible by the city in the same manner as in the case of an obligation under a contract, expressed or implied. The city shall also separately assess the cost of its attorney's fees and court costs, including witness fees of peace officers and other emergency public safety services personnel, which may be associated with the collection of such abatement costs in any court proceeding.
- D. The civil remedy as provided to the city by this section shall be cumulative to any other civil or criminal proceeding which the city may initiate against any person who may be responsible for a noise disturbance assembly, or otherwise involved with such a public nuisance or abatement. (Amended during 1999 recodification; prior code § 5993)

8.36.110 - Manner of enforcement—Violation and penalty.

- A. The City Administrative Officer or his or her duly authorized designee is directed to enforce the provisions of this chapter. No persons 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 or her duty.
- B. Violations—Misdemeanors. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the county jail for a period not exceeding six (6) months or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- C. Violations—Additional Remedies—Injunctions. 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 causes or creates noise levels exceeding the noise levels or vibrations as specified in this chapter shall be deemed, and is declared to be a public nuisance and may be subject to abatement, pursuant to Chapter 8.44 of this title.
- D. Violation of this chapter shall be prosecuted in the same manner as other misdemeanor violations of this code. No complaint shall be issued in the event the cause of violation is abated. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his or her last known address or at the place where the violation occurred.

(Prior code §§ 5970—5970.4)