

(53 hits)

3-12

NOISE¹:

3-12.1 Declaration Of Policy:

It is hereby declared to be the policy of the city to prohibit unnecessary, excessive, and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed. (Ord. #1570, §2)

3-12.2 Definitions:

As used in this chapter:

Ambient noise shall mean all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

Ambient noise level shall mean the level obtained when the noise level is averaged over a period of fifteen (15) minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

Boom box shall mean any radio, cassette player, compact disk player or similar device with speakers.

City shall mean the city of Lynwood, California.

Commercial purpose shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

Decibel shall mean a logarithmic unit of sound intensity; ten (10) times the logarithm of the ratio of the sound intensity to some reference intensity.

Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity 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.

Frequency of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the hertz and shall be specified.

Hertz shall mean the complete sequence of values of a periodic quantity which occurs during a period.

Microbar shall mean a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

Motor vehicles shall mean and include, but not be limited to, automobiles, trucks, recreational vehicles, motorcycles, dirt bikes, motor driven cycles, scooters, minibikes and go-carts.

Noncommercial purpose shall mean the use, operation or maintenance of any sound equipment for other than a "commercial purpose". "Noncommercial purpose" shall mean and

include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

Period of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.

Periodic quantity shall mean oscillating quantity, the values of which recur for equal increments of time.

Person shall mean a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature.

Sound amplifying equipment shall mean any machine or device for the amplification of the human voice, music, or any other sound. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment" as used in this section shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sound level (noise level), in decibels (dB) shall mean the sound measured with the "A" weighting and slow response by a sound level meter.

Sound level meter shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels which satisfies the pertinent requirements in American Standard Specifications for sound level meters S1.4-1971 or the most recent revision thereof.

Sound truck shall mean any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment. (Ord. #1570, §2)

3-12.3 Sound Level Measurement:

Any sound level measurement made pursuant to the provisions of this section shall be measured with a sound level meter using the "A" weighting. (Ord. #1570, §2)

3-12.4 Noise Measurement Procedures:

The following procedures shall be utilized for measuring and evaluating exterior noise in the city unless otherwise specified in this section:

a. Noise measurements shall be conducted any time during the day or night when the suspect noise source is in operation.

b. The location selected for noise measurement shall be on the noise receptor's property line at a point approximately ten feet (10') from any building, wall or obstruction (trees, bushes, etc.).

c. No individual other than the operator shall be within ten feet (10') of the sound level meter during the measurement period.

d. The sound level meter shall be calibrated in accordance with the manufacturer's instructions.

e. With the noise source in operation, the operator shall record the instantaneous response at fifteen (15) second intervals or less, for a period of fifteen (15) minutes or greater. Or, for a noise source in operation for less than fifteen (15) minutes, the operator shall record the instantaneous response at fifteen (15) second intervals or less for the time the noise source is in operation.

f. The suspect noise level shall be compared with the standards in subsection 3-12.5 of this section. If the noise level generated from the suspect noise source exceeds the standard, the suspect noise source shall be considered to be in violation of this section. (Ord. #1570, §2)

3-12.5 Ambient Base Noise Level:

Sound level A, decibels:

a. It is unlawful for any person within the city to make, cause, or allow to be produced noise which is received on property occupied by another person within the designated zone in excess of the following levels, except as expressly provided otherwise in this section:

STANDARDS

Zone	Day (7:00 A.M. To 7:00 P.M.)	Evening (7:00 P.M. To 10:00 P.M.)	Night (10:00 P.M. To 7:00 A.M.)
R-1 and R-2	60	60	60
R-3	60	60	55
Commercial	65	65	60
Manufacturing	75	75	75

b. At the boundary line between two (2) different zones, the noise level of the quieter zone shall be used. (Ord. #1570, §2)

3-12.6 Disturbing The Peace; Violation:

a. Notwithstanding any other provision of this section and in addition thereto, it shall be unlawful for any person to wilfully 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 normal sensitiveness residing in the area.

b. The standards which shall be considered in determining whether a violation of the provisions of this subsection exists shall include, but not be limited to, the following:

1. The level of the noise .
2. The intensity of the noise .
3. Whether the nature of the noise is usual or unusual.
4. Whether the origin of the noise is natural or unnatural.
5. The level and intensity of the background noise, if any.
6. The proximity of the noise of residential sleeping facilities.
7. The nature and zoning of the area within which the noise emanates.
8. The density of the inhabitation of the area within which the noise emanates.
9. The time of the day or night the noise occurs.
10. The duration of the noise .

11. Whether the noise is recurrent, intermittent, or constant.

12. Whether the noise is produced by a commercial or noncommercial activity. (Ord. #1570, §2)

3-12.7 Radios, Television Sets And Similar Devices:

a. Use Restricted: It shall be unlawful for any person within any residential zone of the city to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproduction of sound between the hours of ten o'clock (10:00) P.M. of one day and seven o'clock (7:00) A.M. of the following day, in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

b. Prima Facie Violation: Any noise level exceeding the ambient base level at the property line of any property or, if a condominium or apartment house, within any adjoining apartment by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this subsection. (Ord. #1570, §2)

3-12.8 Hawkers And Peddlers:

It shall be unlawful for any person within the city to sell anything by outcry within any area of the city zoned for residential uses. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events. (Ord. #1570, §2)

3-12.9 Drums, Other Instruments Or Devices:

It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the city. This subsection shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct. (Ord. #1570, §2)

3-12.10 Creating Noise Near Schools, Hospitals, Libraries, Convalescent Homes And Churches:

It shall be unlawful for any person to create any noise on any city street, sidewalk, or public place adjacent to any school, institution of learning, library or church while the same is in use or adjacent to any hospital or convalescent home, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in such medical facilities, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of these facilities. (Ord. #1570, §2)

3-12.11 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, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood. (Ord. #1570, §2)

3-12.12 Machinery, Equipment, Fans And Air Conditioning:

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five (5) decibels. (Ord. #1570, §2)

3-12.13 Construction Of Buildings And Projects:

It shall be unlawful for any person within a residential zone, or within a radius of five hundred feet (500') therefrom, to operate equipment or perform any outside construction or repair work

on buildings, structures, or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of ten o'clock (10:00) P.M. of one day and seven o'clock (7:00) A.M. of the next day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefor has been duly obtained from the director of development services or his or her designee. No permit shall be required to perform "emergency work" as defined in subsection 3-12.2 of this section. (Ord. #1570, §2)

3-12.14 Vehicles:

a. Vehicle Repairing, Rebuilding, Testing: It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle between the hours of ten o'clock (10:00) P.M. of one day and seven o'clock (7:00) A.M. of the next day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

b. Operation Of Motor Driven Vehicles: It shall be unlawful for any person to operate any motor driven vehicle within the city in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street, or right of way shall be excluded from the provisions of this subsection. (Ord. #1570, §2)

3-12.15 Boom Boxes:

It shall be unlawful for any person to play music on a "boom box" at a location closer than fifty feet (50') outside of the property line of any residential property located within the city at any time of night or day in a manner which would be unreasonably loud to a reasonable person of normal sensitivity. (Ord. #1570, §2)

3-12.16 Amplified Sound:

a. Purpose: The council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that the use of sound amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the council nevertheless feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise .

b. Registration Required: It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the city a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place, or public property without first filing a registration statement and obtaining approval thereof as set forth in this subsection.

c. Registration Requirements And Duties:

1. Filing Of Registration Statements; Contents: Every user of sound amplifying equipment shall file a registration statement with the director of development services or his or her designee three (3) days prior to the date on which the sound amplifying equipment is intended to be used, which statement shall contain the following information:

(a) The name, address and telephone number of both the owner and user of the sound amplifying equipment;

(b) The maximum sound producing power of the sound amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be

produced, and the approximate distance for which sound will be audible from the sound amplifying equipment;

- (c) The license and motor number if a sound truck is to be used;
- (d) A general description of the sound amplifying equipment which is to be used; and
- (e) Whether the sound amplifying equipment will be used for commercial or noncommercial purposes.

2. Approval Of Registration Statements: The director of development services or his or her designee shall return to the applicant an approved certified copy of the registration statement unless he finds that:

- (a) The conditions of the motor vehicle movement are such that in the opinion of the director of development services or his or her designee, use of the equipment would constitute a detriment to traffic safety.
- (b) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety.
- (c) The registration statement required reveals that the applicant would violate the provisions set forth in this subsection or any other provisions of this code.

3. Disapproval Of Registration Statement: In the event the registration statement is disapproved, the director of development services or his or her designee shall endorse upon the statement his reasons for disapproval and return it forthwith to the applicant.

d. Appeals: Any person aggrieved by disapproval of a registration statement may appeal the same to the city council in accordance with such rules governing appeals as the council may from time to time establish.

e. Registration Statement Fees: Prior to the issuance of the registration statement, a fee in the amount established by resolution of the city council, which may be changed from time to time, or any portion thereof shall be paid to the city if the loudspeaker or sound amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or a sound amplifying equipment for noncommercial purposes.

f. Regulations: The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

1. The only sounds permitted shall be either music or human speech, or both.

2. The operation of sound amplifying equipment shall only occur between the hours of ten o'clock (10:00) A.M. and eight o'clock (8:00) P.M. each day except on Sundays and legal holidays. No operation of sound amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of eleven o'clock (11:00) A.M. and seven o'clock (7:00) P.M.

3. Sound level emanating from sound amplifying equipment shall not exceed fifteen (15) decibels above the ambient base noise level.

4. Notwithstanding the provisions of subsection 3-12.16f3 of this section, sound amplifying equipment shall not be operated within two hundred feet (200') of churches, schools, hospitals, or city or county buildings.

5. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility. (Ord. #1570, §2)

3-12.17 Loud Parties Or Gatherings In Residential Zones:

a. Applicability: The provisions of this subsection apply to the person or persons responsible for a party or gathering on private property within any residential zone of the city where loud music or other noise emanating from or attributable to that party or gathering is audible from a distance of fifty feet (50') from the source of that loud music or other noise .

b. Initial Response To Loud Parties Or Gatherings: When a party or gathering of two (2) or more people takes place on private property within any residential zone of the city and is determined by law enforcement personnel at the scene to constitute a violation of the California Penal Code or this code, or is otherwise disruptive to the public peace, health, safety, or welfare due to the magnitude of the crowd, loud music or other noise, disturbances, unruly behavior of those attending the party or gathering, excessive traffic, or destruction of property, is hereby declared a nuisance. The law enforcement personnel are authorized to take all actions and to issue all directives as may be necessary under the circumstances to abate the violation, condition, or nuisance including the following:

1. Arrest, or issue citations to, the person or persons who are in violation of any state statute or loud ordinance including, without limitation, the person or persons owning or occupying the premises where the party or gathering is being held who have created a disturbance of the peace by authorizing, permitting, or otherwise consenting to the performance of a live band, the playing of one or more musical instruments, or the playing of music by means of any electronic or mechanical device that produces or reproduces sound.
2. Direct the person or persons responsible for any party or gathering that creates a disturbance of the peace to terminate immediately the performance by any live band, the playing of one or more musical instruments, or the playing of music by means of any electronic or mechanical device that produces or reproduces sound.
3. Issue a written notice and warning to the person or persons owning or occupying the premises where the party or gathering is being held that if, within the following twelve (12) hour period, law enforcement personnel are again required to respond to that location to abate a violation or condition, the owner or occupant of the premises will be liable for the costs and expenses incurred by the city in providing that additional response.

c. Second And Subsequent Responses: If, after issuance of the notice and warning specified in subsection 3-12.17b3 of this section, the condition or violation is not abated and law enforcement personnel are again required within the following twelve (12) hour period to respond to the same location in order to disperse the party or gathering, quell any disturbance of the peace, direct traffic, cite illegally parked vehicles, or to provide similar services, then the costs and expenses of each such response must be reimbursed to the city as provided in subsection 3-12.17d of this section.

d. Reimbursement Of Costs And Expenses: The person or persons responsible for a party or gathering that requires a second or subsequent response as referenced in subsection 3-12.17c of this section, or the owner or occupant of the property on which the party or gathering is held, or, if any such person is a minor, the parents or legal guardian of the minor are jointly and severally liable for the following costs and expenses incurred by the city:

1. The actual costs and expenses for the services of the law enforcement personnel,

excluding the initial response, that are incurred by the city for the purpose of abating any of the conditions or violations described in subsection 3-12.17c of this section;

2. Damage to public property incurred in the course of any second or subsequent response by law enforcement personnel; and
3. Injuries to any law enforcement personnel involved in a second or subsequent response.

e. Collection Procedures: The sheriff's department will itemize all reimbursable costs and expenses and advise the city manager. The person or persons specified in subsection 3-12.17d of this section will be billed by the city manager following receipt of the itemized costs and expenses from the sheriff's department, and payment will be due within fifteen (15) days of the billing date. If the amount due is not paid, the city may collect the debt, as well as all fees and costs incurred in its collection, in accordance with all applicable provisions of law.

f. Criminal Penalties Not Precluded: Nothing contained in this subsection is intended to preclude the filing of any criminal charges or the imposition of criminal penalties under the California Penal Code or this code against any person or persons who may also be subject to the reimbursement provisions of this subsection. (Ord. #1570, §2)

3-12.18 Exemptions:

The following are exempted from this section:

- a. Lawfully conducted parades or carnivals.
- b. "Emergency work" as defined by this section.
- c. Aircraft flight operations.
- d. Bells and chimes while being used in conjunction with religious services.
- e. Systems used to warn the community of attack or imminent public danger. (Ord. #1570, §2)

3-12.19 Violations; Penalties:

Violations of this section shall be misdemeanors punishable as provided for in section 1-5 of this code, or may be filed as an infraction by the city prosecutor. Each violation of any provision of this section shall constitute a separate offense. (Ord. #1570, §2)

3-12.20 Additional Enforcement Remedies:

a. As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this section, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness 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 summarily by a restraining order or injunction issued by a court of competent jurisdiction.

b. Any violation of this section is declared to be a public nuisance and may be abated in accordance with law. The expense of this section is declared to be public nuisance and may be, by resolution of the city council, declared to be a lien against the property on which such nuisance is maintained and such lien shall be made a personal obligation of the property owner. (Ord. #1570, §2)

3-12.21 Nonexclusive Remedy:

This section is not the exclusive remedy available to the city for regulating noise and shall be in addition to other regulatory codes, statutes and ordinances enacted by the city, the state,

or any other governmental entity or agency having jurisdiction. (Ord. #1570, §2)

¹ Prior ordinance history: Code 1972 §§20-2, 20-3, 20-4, 20-6, 20-8, 20-9, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17-20-22; Ord. #922, §3; Ord. #1140, §1; Ord. #1300, §1; Ord. #1353, §1; Ord. #1441, §2.

The Lynwood Municipal Code is current through Ordinance 1675, passed March 17, 2015.

Disclaimer: The City Clerk's Office has the official version of the Lynwood Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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