

ARTICLE VI. - NOISE CONTROL^[6]

Footnotes:

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Editor's note—Ord. No. NS-1441, § 1, enacted Aug. 21, 1978, amended Art. VI to read as set out in §§ 18-308—18-321. Formerly Art. VI, pertaining to noise, was derived from Code 1952, §§ 4270, 4270.1, 6390.9, and Ord. No. 1334, adopted Jan. 19, 1953.

Sec. 18-308. - Declaration of policy.

In order to control unnecessary, excessive and annoying sounds emanating from areas of the city, it is hereby declared to be the policy of the city to prohibit such sounds generated from all sources as specified in this article.

It is determined that certain sound levels are detrimental to the public health, welfare and safety, and contrary to public interest.

(Ord. No. NS-1441, 1, 8-21-78)

Sec. 18-309. - Definitions.

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

Ambient noise level shall mean 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.

Cumulative period shall mean an additive period of time composed of individual time segments which may be continuous or interrupted.

Decibel (dB) shall mean a unit which denotes the ratio between two (2) quantities which are proportional to power: The number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

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

Emergency machinery, vehicle or work shall mean 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.

Fixed noise source shall mean 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.

Grading shall mean 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.

Impact noise shall mean the noise produced by the collision of one mass which may be either in motion or at rest.

Mobile noise source shall mean any noise source other than a fixed noise source.

Noise level shall mean the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micronewtons per square meter. The unit of measurement shall be designated as dB (A).

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

Residential property shall mean 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.

Simple tone noise shall mean a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

Sound level meter shall mean an instrument meeting American National Standard 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.

Sound pressure level of a sound, in decibels, shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-310. - Noise level measurement criteria.

Any noise level measurements made pursuant to the provisions of this article shall be performed using a sound level meter as defined in section 18-309.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-311. - Designated noise zone.

The entire City of Santa Ana is hereby designated as "Noise Zone 1."

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-312. - Exterior noise standards.

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

NOISE STANDARDS

Noise Zone	Noise Level	Time Period
1	55 dB(A)	7:00 a.m.—10:00 p.m.
	50 dB(A)	10:00 p.m.— 7:00 a.m.

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 five (5) dB (A).

(b) It shall be unlawful for any person at any location within the City of Santa Ana 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 (30) minutes in any hour; or
 - (2) The noise standard plus five (5) dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or
 - (3) The noise standard plus ten (10) dB(A) for a cumulative period of more than five (5) minutes in any hour; or
 - (4) The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one minute in any hour; or
 - (5) The noise standard plus twenty (20) dB(A) for any period of time.
- (c) In the event the ambient noise level exceeds any of the first four (4) noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said 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. No. NS-1441, § 1, 8-21-78)

Sec. 18-313. - Interior noise standards.

- (a) The following interior 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.

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 five (5) dB(A).

- (b) It shall be unlawful for any person at any location within the City of Santa Ana 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 any other dwelling unit on any residential property, to exceed:
 - (1) The interior noise standard for a cumulative period of more than five (5) minutes in any hour; or
 - (2) The interior noise standard plus five (5) dB(A) for a cumulative period of more than one minute in any hour; or
 - (3) The interior noise standard plus ten (10) dB(A) for any period of time.
- (c) In the event the ambient noise level exceeds either of the first two (2) noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said 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.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-314. - Special provisions.

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

- (a)

Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college.

- (b) Outdoor gatherings, public dances and shows, provided said events are conducted pursuant to a license issued by the City of Santa Ana.
- (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, vehicle 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 8:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or 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 8:00 p.m. and 7:00 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 7:00 a.m. and 8:00 p.m. on any day except Sunday or a federal holiday, or between the hours of 9:00 a.m. and 8:00 p.m. on Sunday or a federal holiday.
- (j) Any activity to the extent regulation thereof has been preempted by state or federal law.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-315. - Schools, hospitals and churches; special provisions.

It shall be unlawful for any person to create any noise which causes the noise level at any school, hospital or church while the same is in use to exceed the noise limits as specified in section 18-312 prescribed for the assigned noise zone in which the school, hospital or church is located, or which noise level unreasonably interferes with the use of such institutions or which unreasonably disturbs or annoys patients in the hospital, provided conspicuous signs are displayed in three (3) separate locations within one-tenth (1/10) of a mile of the institution indicating the presence of a school, church or hospital.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-316. - Air conditioning and refrigeration; special provisions.

During the five-year period following the effective date of this article, the noise standards enumerated in sections 18-312 and 18-313 shall be increased eight (8) dB(A) where the alleged offensive noise source is an air conditioning or refrigeration system or associated equipment which was installed prior to the effective date of this article.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-317. - Noise level measurement.

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 (4) 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.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-318. - Manner of enforcement.

The chief of police, the Orange County health officer and their duly authorized representatives are directed to enforce the provisions of this article. The chief of police, the Orange County health officer and their duly authorized representatives are authorized, pursuant to Penal Code Section 836.5, to arrest any person without a warrant when they have reasonable cause to believe that such person has committed a misdemeanor in their presence.

No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this article while such person is engaged in the performance of his duty.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-319. - Variance procedure.

The owner or operator of a noise source which violates any of the provisions of this article may file an application with the Orange County health officer for a variance from the provisions thereof wherein said owner or operator shall set forth all actions taken to comply with said provisions, the reasons why immediate compliance cannot be achieved, a proposed method of achieving compliance, and a proposed time schedule for its accomplishment. Said application shall be accompanied by a fee as established by resolution of the city council. A separate application shall be filed for each noise source; provided however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application. Upon receipt of said application and fee, the health officer shall refer it with his recommendation thereon within thirty (30) days to the Orange County Noise Variance Board for action thereon in accordance with the provisions of applicable law.

An applicant for a variance shall remain subject to prosecution under the terms of this article until a variance is granted.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-320. - Appeals.

Within fifteen (15) days following the decision of the Orange County Variance Board on an application, the applicant, the health officer, or any member of the city council, may appeal the decision to the city council by filing a notice of appeal with the secretary of the Orange County Variance Board. In the case of an appeal by the applicant for a variance, the notice of appeal shall be accompanied by a fee to be computed by the secretary of the Orange County Variance Board on the basis of the estimated cost of preparing the materials required to be forwarded to the city council as discussed hereafter. If the actual cost of such preparation differs from the estimated cost appropriate payments shall be made either to or by the secretary of the Orange County Variance Board.

Within fifteen (15) days following receipt of a notice of appeal and the appeal fee, the secretary of the Variance Board shall forward to the city council copies of the application for variance; the recommendation of the health officer; the notice of appeal; all evidence concerning said application received by the variance board and its decision thereon. In addition, any person may file with the clerk of the city council written arguments supporting or attacking said decision and the city council may in its discretion hear oral arguments thereon. The clerk of the city council shall mail to the applicant a notice of the date set for hearing of the appeal. The notice shall be mailed at least ten (10) days prior to the hearing date.

Within sixty (60) days following its receipt of the notice of appeal, the city council shall either affirm, modify or reverse the decision, of the variance board. Such decision shall be based upon the city council's evaluation of the matters submitted to the city council in light of the powers conferred on the variance board and the factors to be considered, both as enumerated in section 18-319 and Orange County Ordinance section 4-6-13.

As part of its decision, the city council may direct the variance board to conduct further proceedings on said application. Failure of the city council to affirm, modify or reverse the decision of the variance board within said sixty-day period shall constitute an affirmance of the decision.

(Ord. No. NS-1441, § 1, 8-21-78)

Sec. 18-321. - Violations; misdemeanors.

Any person violating any or the provisions of this article shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this article shall not be construed as permitting conduct not prescribed herein and shall not affect the enforceability of any other applicable provisions of law.

(Ord. No. NS-1441, § 1, 8-21-78)

Secs. 18-322—18-350. - Reserved.