

Chapter 8.32

Noise Control

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Section 8.32.010 Prima Facie Noise Violations

Any of the following constitutes prima facie evidence of a violation of this section:

A. The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, loudspeaker and sound amplifier or similar machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located.

B. The operation of any sound amplifier, at any time of day or night, which is part of, or connected to, any radio, stereo, receiver, compact disc player, cassette tape player or other similar device, when operated in such a manner as to be plainly audible at a distance of 50 feet and when operated in such a manner as to cause a person to be aware of vibration accompanying the sound at a distance of 50 feet from the source.

(Prior Code 19-7.7; Ord. No. 89-41, Amended 1/8/90)

Section 8.32.020 Enforcement of Prima Facie Violations

Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of the Penal Code, who encounters prima facie evidence of a violation of Section 8.32.010 is empowered to enforce these provisions.

(Prior Code 19-7.8; Ord. No. 89-41, Amended 1/8/90)

Section 8.32.030 Violation of Section 8.32.010 - Penalty

A. Any person violating Section 8.32.010 is deemed guilty of a misdemeanor and shall have a mandatory court appearance, and upon conviction thereof is punishable according to the provisions of Section 1.16.010 of this code. Each day such violation is committed or permitted to continue constitutes a separate offense and is punishable as such.

B. Notwithstanding the penalty provisions of subsection (A) of this section, following the conviction of a defendant for any prima facie violations of Section 8.32.010, the prosecutor or city attorney may bring a motion requesting the court to order the confiscation and the destruction of any or all of the components amplifying or transmitting the sound.

(Prior Code 19-7.9; Ord. No. 89-41, Amended 1/8/90)

Section 8.32.040 Adoption of County Regulations Relating to Noise Control

A. There is adopted by the City Council, for the purpose of controlling noise, that certain code known as the San Diego County Code of Regulatory Ordinances, Chapter 4 of Division 6 of Title 3, relating to control of noise, excepting therefrom the table set out in Section 36.404 and replacing it with the following:

**Table 8.32.040
APPLICABLE EXTERIOR PROPERTY LINE NOISE LIMITS**

Zone	Time	Applicable Limit One-hour Average Sound Level (Decibels)
A-1, E-1, O & OSR	7:00 a.m.--10:00 p.m.	50
R-1B, MHP	10:00 p.m.--7:00 a.m.	45
R-M	7:00 a.m.--10:00 p.m.	55
	10:00 p.m.--7:00 a.m.	50
C-1, C-2, O-3, C-T, OP, M-U and Downtown Specific Plan	7:00 a.m.--10:00 p.m.	60
	10:00 p.m.--7:00 a.m.	55
M-1, I-P, all areas of the Vista Business Park Specific Plan and Specific Plan 14	Any time	70

B. The one-hour average sound level limit specified in paragraph A shall be reduced by five decibels for a noise which, in the judgment of the noise control officer, constitutes a whine, screech, hum, or a repetitive noise such as hammering or riveting.

C. One copy of the County Code is filed in the Office of the City Clerk, and it is adopted and incorporated as though fully set out at length in this chapter. From the date on which the ordinance codified in this section takes effect, the provisions thereof are controlling within the limits of the city.

D. The provisions of Section 8.32.010 and paragraph A of this Section are not applicable to entertainment conducted under a valid permit issued pursuant to Chapter 5.24 when the entertainment satisfies all conditions for sound generation and sound attenuation imposed by Section 5.24.110 and the applicable permit, including operating hours of the entertainment. Failure to satisfy the noise generation or attention conditions imposed by an entertainment permit or this Chapter constitutes a violation of this Chapter.

E. Except as limited by paragraph D, all provisions in this Chapter apply to any noise or sound generated by activities on premises holding an entertainment permit, including noise generated by activities not qualifying as an entertainment, noise generated by entertainment occurring outside of the hours authorized in the entertainment permit, and noise generated by forms of entertainment not authorized under an entertainment permit.
(Prior Code 19-40; Ord. No. 83-13, Amended 4/11/83; Ord. No. 83-29, Amended 6/16/83; Ord. No. 89-41, Amended 1/8/90; Ord. No. 90-16, Amended, 5/29/90; Ord. No. 2014-7, Amended and Added, 3/25/14)

Section 8.32.050 Violation of Section 8.32.040-Penalty

Any person violating any of the provisions of Section 8.32.040 is deemed guilty of a misdemeanor and upon conviction thereof shall be punishable according to the provisions of Section 1.16.010 of this code. Each day such violation is committed or permitted to continue constitutes a separate offense and is punishable as such.
(Prior Code 19-40; Ord. No. 90-16, Amended, 5/29/90)

Section 8.32.060 Additional Remedy

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, machinery or other item in violation of any provision of this chapter for which operation or maintenance causes discomfort or annoyance to persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area, is deemed and is

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declared to be a public nuisance and is subject to summary abatement, in order to preserve or protect the public health, safety or welfare, abatement by a restraining order or injunction issued by a court of competent jurisdiction, or by abatement and assessment in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of the County Code.
(Prior Code 19-40; Ord. No. 90-16, Amended, 5/29/90)