

Buena Park Municipal Code

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[Title 8 HEALTH, SAFETY AND WELFARE](#)**Chapter 8.28 NOISE**

8.28.010 County noise control regulations adopted.

There is adopted an ordinance enacting Division 6 of Title 4, relating to noise control, adopted by the Orange County board of supervisors as Ordinance No. 2700 on September 19, 1973, as amended by Ordinance No. 2715 on November 13, 1973, and as amended by Ordinance No. 2870 on October 1, 1975, which ordinances are codified as Sections 4-6-1 through 4-6-16 of the codified ordinances of the county of Orange, California, three copies of which are on file in the office of the city clerk, establishing noise control, and such are adopted by reference as if the same were set forth in full herein. (Prior code § 15B-1)

8.28.020 City amendments to county regulations.

The following amendments are made to the Orange County noise control ordinance adopted by reference in the previous section:

- A. Where the county ordinance in Section 8.28.010 refers to “unincorporated areas of the county” and provides “the policy of the County,” it shall be deemed to mean “areas within the city of Buena Park” and “the policy of the city of Buena Park.”
- B. In Section 4-6-4 where it refers to “the entire territory of Orange County, including incorporated and unincorporated territory,” it shall be deemed to mean “the entire territory of the city of Buena Park.”
- C. In Section 4-6-4(b) where it refers to “unincorporated area of the County,” it shall be deemed to mean “the area of the city of Buena Park.”
- D. In Section 4-6-6(b) where it refers to “unincorporated areas of the County,” it shall be deemed to mean “areas of the city of Buena Park.”
- E. In Section 4-6-7(b) The words “issued by the County of Orange pursuant to Title 5 of the Codified Ordinances of the County of Orange” shall be deemed to mean “issued by the city of Buena Park.”
- F. In Section 4-6-11 the words “the Orange County Sheriff” are deleted.
- G. In Section 4-6-14 the use of the words “Board of Supervisors” shall mean “the city council of the city of Buena Park,” and the use of the words “member of the Board of Supervisors” shall mean “member of the city council,” and the use of the words “Clerk of the Board” shall mean the “clerk of the city council.”
- H. Section 4-6-7, subsection (6) is deleted in its entirety. (Prior code § 15B-2)

8.28.030 City noise enforcement officers designated—Authority.

A. In addition to those persons authorized to enforce the provisions of this chapter and the provisions of the county ordinance adopted herein by reference in Section 8.28.010, the chief of police and his or her authorized representatives, and such city employees as designated by the city manager, are empowered to and it shall be their duty to enforce the provisions of this chapter, the provisions of the county ordinance adopted by this chapter by reference. They may issue notices to appear in court for violations of the provisions of this chapter and of the county ordinance adopted by this chapter by reference, in accordance with Chapter 5C of Title III of Part 2 of the California Penal Code. They are also 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.

B. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter while such person is engaged in the performance of his or her duty. (Prior code § 15B-3)

8.28.040 Loud, disturbing and unnecessary noise prohibited.

A. It is unlawful for any person to make or continue to make, or cause to be made or continued, within the city, any loud or unnecessary noise or any noise which may reasonably be anticipated to annoy, disturb, injure or endanger the comfort, repose, peace, health or safety of others, whether due to volume or duration, or both.

B. Without limitation as to the types of noise-producing acts which are in violation of this section, noise produced by the following acts are declared to be loud, disturbing and unnecessary noise in violation of this section:

1. Radios and Other Amplified Music. Use or operation of, or permitting the use or operation of, any radio, CD player, television set, musical instrument, phonograph or other machine or device designed or intended to reproduce sound in such manner as to disturb the peace, quiet and comfort of residential inhabitants or at any time with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle, or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operating of any such machine or device between the hours of ten p.m. and six a.m. in such a manner as to be plainly audible at a distance of fifty feet from the residential property line, or vehicle, in which it is located shall be prima facie evidence of a violation of this section;

2. Loudspeakers and/or Amplifiers Upon Public Streets. Use or operation of, or permitting the use or operation of, any radio, CD player, television set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device designed or intended to produce or reproduce sound which is audible upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any thing or activity, or to any building or structure;

3. Yelling, Shouting, Etc. Yelling, shouting, whistling or singing on the public streets between the hours of ten p.m. and six a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling or residence, or of any persons in the vicinity;

4. a. Construction or Repair Activities. The performance of any construction or repair work of any kind upon, or excavating for, any building or structure, where any such work entails the use of any air compressor, jackhammer, power-driven drill, riveting machine, excavator, hand hammer on steel or iron, or any other machine, tool, device or equipment which makes loud noises to the disturbance of persons occupying sleeping quarters in a dwelling, hotel, or apartment or other place of residence. The above use of machinery or equipment that produces such unnecessary noise shall be prohibited on any Sunday or any other day between the hours of eight p.m. and seven a.m. The provisions of this section do not apply to any person who performs any construction, repair or excavation pursuant to the express written permission of the city engineer. Upon receipt of an application in writing therefor, stating the reasons for the request and the facts upon which such reasons are based, the city engineer may grant such permission if the activity is not otherwise prohibited by this code and he or she finds that:

i. The work proposed to be done is in the public interest, or

ii. Hardship, or injustice or unreasonable delay would result from the interruption thereof during the hours and days specified above, or

iii. The building or structure involved is devoted or intended to be devoted to a use immediately incidental to the public defense. Any person dissatisfied with the decision of the city engineer may forthwith appeal to the city manager by filing a written request for a hearing within seven calendar days of the city engineer's decision;

b. The provisions of this subsection do not apply to the construction, repair, or excavation during prohibited hours as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of the city are closed or where such necessity requires immediate action prior to the time at which it would be possible to obtain required permits; provided, that the persons doing such construction,

repair or excavation obtain a permit therefor within one day after the office of the city engineer is first opened subsequent to the undertaking of such construction, repair or excavation;

c. The provisions of this subsection do not apply to construction, repair, or excavation by a public utility which is subject to the jurisdiction of the public utilities commission, provided such work is necessary for the immediate preservation of the public health, safety or welfare and where such necessity makes it necessary to construct, repair or excavate during the prohibited hours.

d. The provisions of this subsection do not apply in any area of the city which is classified by the city's zoning ordinance as a manufacturing zone and which is not less than five hundred feet from any residential zone.

5. Rubbish Collection. The performance of any rubbish collection utilizing any mechanical equipment in any residential zone or within five hundred feet of any residential zone between the hours of eight p.m. and six a.m.;

6. Use of weedblowers, powered lawnmowers and/or other powered landscape maintenance equipment between the hours of eight p.m. to eight a.m. on any day.

C. The provisions of this section are intended to supplement all other provisions of this chapter. Nothing in Section 8.28.010, 8.28.020 or 8.28.030 shall be deemed to preempt or preclude application of any of the provisions of this section. (Ord. 1369, 1998)

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