

## **ARTICLE XI. SOUND REGULATION**

### **SEC. 7-180. DECLARATION OF POLICY.**

(A) The city council hereby adopts this article in order to protect classes of land use from excessive sound because the city council has determined that such excessive sound is detrimental to the public health, safety and welfare and contrary to the public interest.

(B) The city council also adopts this article in order to implement the noise standards established by the State for community noise exposure and to establish land uses compatible with various sound levels.

(^64 Code, Sec. 19-60.1) (Ord. No. 2292)

### **SEC. 7-181. EXCESSIVE SOUND AS PUBLIC NUISANCE.**

The city council hereby declares that the generation or maintenance of any sound in a manner prohibited by the provisions of this article shall be considered a public nuisance. The person responsible for such generation or maintenance shall be punished in accordance with this article.

(^64 Code, Sec. 19-60.2) (Ord. No. 2292)

### **SEC. 7-182. DEFINITIONS.**

For purposes of this article, the following words shall have the following meanings:

(A) **AGRICULTURAL OPERATIONS** - Activities occurring on a parcel of real property which is undeveloped and used for cultivation, producing crops, and raising livestock.

(B) **AMBIENT SOUND LEVEL** - The all-encompassing sound level associated with a given location, time of day and duration.

(C) **A-WEIGHTED SOUND LEVEL** - The sound level in decibels as measured on a sound level meter using the A-weighted network (scale) at slow response with the unit of measurement to be defined as dBA.

(D) **BROADCAST** - To operate, or permit the operation of, any sound amplification system on or within a vehicle for the purpose of addressing the public or attracting the attention of persons outside the vehicle.

(E) **DEVELOPMENT SERVICES DIRECTOR or DIRECTOR** - The development services director for the city or designee.

(F) **CUMULATIVE PERIOD** - An additive period of time composed of individual time segments which may be continuous or interrupted.

(G) **DECIBEL or dB** - A unit for measuring the amplitude of a sound equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals (20 micronewtons per square meter).

(H) **EMERGENCY MACHINERY, VEHICLE, WORK OR ALARM** - Any machinery, vehicle, work or alarm used, employed, performed or operated in an effort to protect, provide or restore safety conditions in the city, or for residents, or work by private or public utilities when restoring utility service.

(I) **GRADING** - Any excavating or falling of earth material or any combination thereof conducted at a site to prepare the site for construction or other improvements thereon.

(J) **HERTZ or Hz** - The unit which describes the frequency of a function periodic in time which is the reciprocal of the period.

(K) **IMPULSE SOUND** - A sound of short duration usually less than one second and of high intensity with an abrupt onset and rapid decay.

(L) **INTRUDING SOUND LEVEL** - The total sound level, in decibels, originating from an alleged offensive source at a specified location.

(M) **PERSON** - An individual, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

(N) **SIMPLE TONE NOISE** - A sound characterized by a predominant frequency so that other frequencies cannot be readily distinguished and shall exist if the one-third octave band sound pressure levels in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands as follows: five dB for center frequencies of 500 Hz and above, and by eight dB for center frequencies between 160 and 400 Hz and by 15 dB for frequencies less than or equal to 125 Hz.

(O) **SOUND LEVEL METER** - An instrument meeting American National Standard Institute Standards 51.4-1971 or most recent revision thereof for Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(P) **SOUND LEVEL** - Twenty times the logarithm to the base ten of the ratio of the pressure of the sound

to a reference pressure which shall be explicitly stated.

(^64 Code, Sec. 19-60.3) (Ord. No. 2292, 2413)

**SEC. 7-183. DECIBEL MEASUREMENT CRITERIA.**

Any decibel measurement made pursuant to the provisions of section 7-187 shall be based on a reference sound pressure level of 20 micropascals as measured with a sound level meter using the A-weighted sound level.

(^64 Code, Sec. 19-60.4) (Ord. No. 2292)

**SEC. 7-184. DESIGNATED SOUND ZONES.**

The properties hereinafter described are hereby assigned to the following sound zones:

(A) Sound Zone I - Residential property: R-1, R-2, R-3, R-4, R-B-1, R-W-1, R-W-2, R-2-C, R-3-C, MH-P, MHP-C, R-P-D, CPC, R-BF, CBD, C-O, C-1, C-2, CVC, CNC, BRP, HCI, and any of the above zones with a PD suffix.

(B) Sound Zone II - Commercial property: C-1, C-2, CBD, CVC, CNC, BRP, RP, RC, HCI, and any of the preceding zones with a PD suffix.

(C) Sound Zone III - Industrial property: M-L, M-1, M-2, M-P-D, CR, CDI, EC, COD, and any of the preceding zones with a PD suffix.

(D) Sound Zone IV - All property within the contours around a roadway, railroad track, or the Oxnard Airport as identified in Figure IX-2 of the Noise Element of the 2020 General Plan.

(^64 Code, Sec. 19-60.5) (Ord. No. 2292)

**SEC. 7-185. EXTERIOR SOUND STANDARDS.**

(A) The following standards, unless otherwise specifically indicated, shall apply to all property within the designated sound zone:

Sound Zone	Type of Land Use	Allowable Exterior Sound Level	
		7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
I	Residential	55 dBA	50 dBA
II	Commercial	65 dBA	60 dBA
III	Industrial	70 dBA	70 dBA
IV	As identified in Figure IX-2 of the 2020 General Plan		

(B) Each of the sound levels specified shall be reduced by five dBA for impulse sound and simple tone noise, or for sounds consisting of speech or music, provided, however, that if the ambient sound level exceeds the allowable exterior sound level, the ambient sound level shall be the standard.

(C) No person at any location within the city shall create, maintain, cause or allow any sound on property which causes the sound level, when measured on any other property, to exceed:

- (1) The allowable exterior sound level for a cumulative period of more than 30 minutes in any hour;
- (2) The allowable exterior sound level plus five dBA for a cumulative period of more than 15 minutes in any hour;
- (3) The allowable exterior sound level plus ten dBA for a cumulative period of more than five minutes in any hour;
- (4) The allowable exterior sound level plus 15 dBA for a cumulative period of more than one minute in any hour; or
- (5) The allowable exterior sound level plus 20 dBA for any period of time.

(D) In the event the ambient sound level exceeds any of the first four sound level categories in subsection (C) above, the allowable exterior sound level applicable to the category shall be increased to reflect ambient sound level. In the event the ambient sound level exceeds the fifth category, the maximum allowable exterior sound level under the category shall be increased to reflect the maximum ambient sound level.

(E) If the measurement location is on a boundary between two different sound zones, the lower allowable exterior sound level applicable to the sound zone shall apply.

(F) If the intruding sound level is continuous and cannot be reasonably discontinued or stopped for a time period whereby the ambient sound level may be determined, then the measured sound level obtained while the sound source is in operation shall be compared directly to the allowable exterior sound level. The

allowable exterior sound level shall be the one applicable to the type of land use at the location of the measurement and the time of day.

(G) The reasonableness of temporarily discontinuing the sound generated by an intruding sound source shall be determined by the director for the purpose of establishing the existing ambient sound level at the measurement location.

(64 Code, Sec. 19-60.6) (Ord. No. 2292)

**SEC. 7-186. INTERIOR SOUND STANDARDS.**

(A) The following standards, unless otherwise specifically indicated, shall apply to all residential property within all sound zones:

Sound Zone	Type of Land Usage	Allowable Interior Sound Level	
		7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
All	Residential	50 dBA	45 dBA

(B) The sound level specified above shall be reduced by five dBA for impulse sound or simple tone noise or for sounds consisting of speech or music provided, however, that if the ambient exterior sound level exceeds the allowable interior sound level, then the ambient exterior sound level shall be the standard.

(C) No person at any location within the city shall create, maintain, cause or allow any sound on property which causes the sound level when measured within any dwelling unit in any sound zone to exceed:

- (1) The allowable interior sound level for a cumulative period of more than five minutes in any hour; or
- (2) The allowable interior sound level plus five dBA for a cumulative period of more than one minute in any hour; or
- (3) The allowable interior sound level plus ten dBA for any period of time.

(D) In the event the ambient exterior sound level exceeds any of the first two sound level categories above, the allowable interior sound level applicable to those categories shall be increased to reflect the maximum ambient sound level.

(E) If the measurement location is on a boundary between two different sound zones, the lower allowable interior sound level applicable to the sound zone shall apply.

(F) If the intruding sound is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient exterior sound level may be determined, the same procedures specified in section 7-185(F) and (G) shall be followed prior to enforcement of the provisions of this section.

(64 Code, Sec. 19-60.7) (Ord. No. 2292)

**SEC. 7-187. SOUND LEVEL MEASUREMENT.**

(A) When the location selected for measuring a sound level is within the affected dwelling unit, the measurement shall be made at a point at least four feet from the wall, ceiling or floor nearest the sound source with windows in an open position depending on the normal seasonal ventilation requirements.

(B) When the location selected for measuring a sound level is outside a dwelling unit, the measurement shall be taken at the property line of the site from which the sound emanates.

(C) When the location selected for measuring a sound level is on public property, the measurement shall be taken 100 feet from the sound source.

(64 Code, Sec. 19-60.8) (Ord. No. 2292)

**SEC. 7-188. EXEMPTIONS FOR SPECIFIED ACTIVITIES.**

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

(A) Activities for which a permit or license has been issued and conducted on public parks, public playgrounds, or public or private school grounds, including school athletic and school entertainment events which are conducted under the sanction of the school.

(B) Outdoor gatherings, public dances, shows, sporting or entertainment events, provided the activity is conducted pursuant to a permit or license.

(C) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle, work or alarm, provided the sounding of any alarm on any building or motor vehicle shall terminate within 30 minutes in any hour of being activated.

(D) Sound sources associated with or created by construction, repair, remodeling or grading of any real

property or during authorized seismic surveys, provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday.

(E) All mechanical devices, apparatus, or equipment associated with agriculture operations provided:

(1) Operations occur between 7:00 a.m. and 8:00 p.m. on weekdays, including Saturday;

(2) Operations are for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions; or

(3) Operations are intended for agricultural pest control through pesticide application, provided the application is made in accordance with permits issued by or regulations enforced by the California Department of Agriculture.

(F) Sounds associated with the maintenance of real property, provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on any day except Sunday and between the hours of 9:00 a.m. and 8:00 p.m. on Sunday. Required city services shall be allowed to conduct routine maintenance of real property or emergency-related function before 7:00 a.m. and after 6:00 p.m. on any day.

(G) Sounds associated with the maintenance and inspection of emergency machinery, vehicle, work or alarm provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

(H) Broadcasting from any aircraft, motor vehicle or fixed sound-amplifying equipment or the use of a radio, tape player, tape recorder, compact disc player, record player or television, in the course of an assembly, festival or parade for which a license or permit has been issued.

(^ 64 Code, Sec. 19-60.9) (Ord. No. 2292)

#### **SEC. 7-189. AIR CONDITIONING AND REFRIGERATION SYSTEMS.**

Until January 1, 1995, the sound standards enumerated in sections 7-185 and 7-186 shall be increased ten dBA where the alleged intruding sound source is an air conditioning or refrigeration system or associated equipment which was installed prior to the effective date of this article.

(^ 64 Code, Sec. 19-60.10) (Ord. No. 2292)

#### **SEC. 7-190. BROADCASTING IN CERTAIN AREAS.**

Except as allowed by section 7-188, no person shall broadcast:

(A) Within 300 feet of any school or church or other place of religious worship, when in session, or any hospital; or

(B) On any public street between the hours 8:00 p.m. and 8:00 a.m. of the following day.

(^ 64 Code, Sec. 19-60.10.5) (Ord. No. 2413)

#### **SEC. 7-191. PENALTIES FOR VIOLATIONS ON PUBLIC PROPERTY.**

Notwithstanding any other provision of this article, any person violating this article on public property shall be guilty of an infraction and upon conviction thereof shall be punishable by a fine not exceeding \$50 for a first violation; a fine not exceeding \$100 for a second violation within one year; and a fine not exceeding \$250 for each additional violation within one year.

(^ 64 Code, Sec. 19-60.11) (Ord. No. 2292)

#### **SEC. 7-192. VIOLATION.**

(A) Any sound exceeding the sound level standards as specified herein shall be deemed to be a violation of the provisions of this article.

(B) No citation or notice to appear shall be issued or criminal complaint shall be filed for a violation of this article unless the alleged offending party is first given a verbal or written notification of violation by any peace officer, public officer, park ranger, or other person assigned to enforce this article and the alleged offending party is given an opportunity to correct the reason for the violation.

(C) The property owner shall be notified in writing and mailed a copy of this article whenever any action, including a verbal or written warning, is instituted to enforce this article on private property.

(^ 64 Code, Sec. 19-60.12) (Ord. No. 2292)

#### **SEC. 7-193. CONVICTION; MISDEMEANOR.**

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$1,000 or be imprisoned in the county jail for a period not to exceed six months or 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.

(^ 64 Code, Sec. 19-60.13) (Ord. No. 2292)

#### **SEC. 7-194. LIEN ON PROPERTY.**

The expense of enforcement of this article is hereby declared to be a lien against the property on which

such public nuisance is maintained, and such lien shall be a personal obligation of the property owner.  
(64 Code, Sec. 19-60.14) (Ord. No. 2292)