

Redondo Beach Municipal Code

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[Title 4 PUBLIC WELFARE, MORALS, AND CONDUCT](#)

Chapter 24 NOISE REGULATION

Note

- * Chapter 24 entitled "Noise Regulation", consisting of Article 1 entitled "General Provisions", consisting of Sections 4-24.101 through 4-24.107, Article 2 entitled "Special Noise Sources", consisting of Sections 4-24.201 through 4-24.206, Article 3 entitled "Construction", consisting of Section 4-24.301, Article 4 entitled "Vehicles", consisting of Sections 4-24.401 and 4-24.402, Article 5 entitled "Amplified Sound", consisting of Sections 4-24.501 through 4-24.507, Article 6 entitled "Train Horns and Whistles", consisting of Section 4-24.601, and Article 7 entitled "General Noise Regulation", consisting of Sections 4-24.701 and 4-24.702, added by Ordinance No. 2129 c.s. effective October 10, 1974, amended in its entirety by Section 1, Ordinance No. 2183 c.s., effective August 11, 1976.

Article 1 General Provisions

4-24.101 Declaration of policy.

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

It is determined that certain noise levels are detrimental to the public health, welfare, and safety and contrary to the public interest; therefore, the Council does ordain and declare that creating, maintaining, or causing, or allowing to create, maintain, or cause, any noise in a manner prohibited by, or not in conformance with, the provisions of this chapter is a public nuisance and shall be punishable as such. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.102 Definitions.

All terminology used in this chapter, not defined in this section, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body. The words and phrases used in this chapter are defined as follows:

(a) "A-weighted sound level" shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(b) "Ambient noise level" shall mean the composite of noise from all sources, near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

(c) "Construction" shall mean any site preparation, assembly, erection, or substantial repair, alteration, or similar action, but excluding demolition, for or on public or private rights-of-way, structures, utilities, or similar property.

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

(e) "Decibel (dB)" shall mean a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) microPascals (twenty (20) microNewtons per square meter).

(f) "Demolition" shall mean any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

(g) "Emergency" shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

(h) "Emergency work" shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(i) "Fixed noise source" shall mean a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air-conditioners, and refrigeration equipment.

(j) "Impulsive sound" shall mean a sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(k) "Intrusive noise" shall mean that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.

(l) "Land use district" shall mean all the zones established by Section 10-2.300 of Chapter 2 of Title 10 of this Code.

(m) "Licensed" shall mean the issuance of a formal license or a permit by the appropriate jurisdictional authority, or, where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public records.

(n) "Mobile noise source" shall mean any noise source other than a fixed noise source.

(o) "Motor vehicle" shall mean any and all self-propelled vehicles as defined in the Vehicle Code of the State, including all on-highway type motor vehicles subject to registration under said Code and all off-highway type motor vehicles subject to identification under said Code.

(p) "Muffler or sound dissipative device" shall mean a device for abating the sound of escaping gases of an internal combustion engine.

(q) "Noise" shall mean any sound which annoys, disturbs, causes, or tends to cause an adverse psychological or physiological effect on humans of normal sensitiveness.

(r) "Noise Control Officer (NCO)" shall be the Chief of Police or his delegated representative. The NCO shall have the lead responsibility for the enforcement of the provisions of this chapter.

(s) "Noise disturbance" shall mean any sound which:

- (1) Endangers or injures the safety or health of humans; or
- (2) Annoys or disturbs a person of normal sensitiveness; or
- (3) Endangers or injures personal or real property.

(t) "Person" shall mean any individual, association, partnership, or corporation and shall include any officer, employee, department, agency, or instrumentality of the State.

(u) "Presumed ambient noise level" shall mean the noise level assumed to be the ambient of any given land use category.

(v) "Public right-of-way" shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.

(w) "Public space (public property)" shall mean any real property, or structure thereon, which is owned or controlled by a governmental entity.

(x) "Pure tone (single tone)" shall mean any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this chapter, a pure tone shall exist if the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB for center frequencies of 500 Hz and above, by eight (8) dB for center frequencies between 160 and 400 Hz, and by fifteen (15) dB for center frequencies less than or equal to 125 Hz.

(y) "Real property boundary, property lines, leasehold boundaries" shall mean an imaginary line along the

ground surface and its vertical extension, which line separates the real property or leasehold owned or controlled by one person from that owned or controlled by another person, including intra-building real or leased property divisions.

(z) “Receiving land use district category” shall mean the defined area or region of a generally consistent land use wherein the ambient noise levels are generally similar (within a range of five (5) dBA) Typically, all sites within any given land use district category will be of comparable proximity to major noise sources.

(aa) “Sound” shall mean an oscillation in pressure, particle displacement, particle velocity, or other physical parameter in a medium with internal forces that cause the compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

(ab) “Sound amplifying equipment” shall mean any machine or device for the amplification of the human voice, music, or any other sound, excluding internal automobile sound sources when used and heard only by the occupants of the vehicle in which such sound source is contained, and, as used in this chapter, warning and communication devices on public health and safety vehicles.

(ac) “Sound level” shall mean the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters (ANSI S 1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

(ad) “Sound level meter” shall mean an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which instrument satisfies the requirements pertinent for type S2A meters in the American National Standard specifications for sound level meters (S 1.4-1971, or the most recent revision thereof).

(ae) “Sound pressure” shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

(af) “Sound pressure level” shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) microPascals ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted LP or SPL and is expressed in decibels.

(ag) “Sound truck” shall mean any motor vehicle, or any other vehicle, except public health and safety vehicles, regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound amplifying equipment.

(ah) “Vibration” shall mean the mechanical motion of the earth or ground, buildings, or other types of structures induced by the operation of any mechanical device or equipment located upon or affixed thereto. For the purposes of this chapter, the magnitude of the vibration shall be stated as the acceleration in “g” units (one “g” is equal to 32.2 ft/sec^2 or $9.81 \text{ meters/sec}^2$).

(ai) “Weekday” shall mean any day, Monday through Friday, which is not a legal holiday. (§ 1, Ord. 2183 c.s., eff. August 11, 1976, as amended by § 1(37), Ord. 2844 c.s., eff. November 4, 1999)

Article 2 Noise Measurement Procedure

4-24.201 Investigations.

Upon the receipt of a complaint from a citizen, the Noise Control Officer or his delegated representative, equipped with sound level measurement equipment, shall investigate the complaint. The investigation, at the discretion of the NCO or his delegated representative, shall consist of a measurement and the gathering of data to adequately define the noise problem and shall include, but not be limited to, the following:

- (a) Non-acoustic data.
 - (1) The type of the noise source;

- (2) The location of the noise source relative to the complainant’s property;
- (3) The time period during which the noise source is considered by the complainant to be intrusive;
- (4) The total duration of the noise produced by the noise source; and
- (5) The date and time of the noise measurement survey.

(b) Actual measurement procedures. Utilizing the A-weighting scale of the sound level meter, the noise level shall be measured at a position or positions along the complainant’s property line closest to the noise source or at the location along the boundary line where the noise level is at maximum. In general, the microphone shall be located five (5’) feet above the ground, ten (10’) feet or more from the nearest reflective surface where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit or within the commercial or industrial structure, and the alleged violations shall be plotted against the standards set forth in Article 4 of this chapter. The measurement shall be made at a point at least four (4’) feet from the wall, ceiling, or floor nearest the noise source with the windows in the normal seasonal configuration. The calibration of the instrument being used shall be performed immediately prior to recording any noise data utilizing an acoustic calibrator. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

Article 3 Exterior Noise Limits

4-24.301 Maximum permissible sound levels by land use categories.

The noise standards for the various categories of land use districts identified shall be the higher of either the presumed or actual measured ambient and shall apply to all such property within a designated category as follows:

Receiving Land Use District Category	Time Period	Presumed Ambient Level (dBA)
Low Density	10:00 p.m. to 7:00 a.m.	45
Residential R-1-A, R-1, R-2, P-D-R, P-U-D Overlay	7:00 a.m. to 10:00 p.m.	50
Medium Density	10:00 p.m. to 7:00 a.m.	50
Residential R-3, R4, P-D-R, P-U-D Overlay	7:00 a.m. to 10:00 p.m.	55
High Density	10:00	55

	p.m. to 7:00 a.m.	
Residential R-5, R-6, P- D-R, P-U- D Overlay, C-I	7:00 a.m. to 10:00 p.m.	60
Commercial NSC,	10:00 p.m. to 7:00 a.m.	60
CSC, GC, P- D-C	7:00 a.m. to 10:00 p.m.	65
Industrial P- D-I	10:00 p.m. to 7:00 a.m.	60
	7:00 a.m. to 10:00 p.m.	65
Industrial P-I	10:00 p.m. to 7:00 a.m.	70
	7:00 a.m. to 10:00 p.m.	70

As indicated above, the presumed ambient levels in the Planned Development Residential (P-D-R) and the Planned Unit Development (P-U-D) Overlay land use districts are categorized so as to be consistent with the actual density of the development. The presumed ambient levels for the Planned Development (P-D) and the Civic Center (C-C) land use districts shall be consistent with those established for the lowest adjacent land use district.

(a) Correction for time characteristics. No person shall operate, or cause to be operated, any source of sound at any location within the City or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person which causes the noise level when measured on any other property to exceed:

(1) The noise standard of the receiving land use district for a cumulative period of more than thirty (30) minutes in any hour; or

(2) The noise standard of the receiving land use district plus five (5) dB for a cumulative period of more than fifteen (15) minutes in any hour; or

(3) The noise standard of the receiving land use district plus ten (10) dB for a cumulative period of more than five (5) minutes in any hour; or

(4) The noise standard of the receiving land use district plus fifteen (15) dB for a cumulative period of more than one minute in any hour; or

(5) The noise standard of the receiving land use district plus twenty (20) dB for any period of time.

(b) Levels exceeding the noise limit categories. If the measured ambient level exceeds that permissible as set forth in subsections (1), (2), (3), and (4) of subsection (a) of this section, the allowable noise exposure standard shall be increased in five (5) dB increments as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the noise level set forth in subsection (5) of subsection (a) of this section, the maximum allowable noise level shall be increased to reflect the maximum ambient noise level.

(c) Correction for location of noise source. If the measurement location is on a boundary between two (2) different land use district categories, the noise level limit applicable to the lower land use district category, plus five (5) dB shall apply.

(d) Correction for ambient noise levels when alleged offending sources cannot be shut down. If possible, the ambient noise shall be measured at the same location along the property line utilized in subsection (a) of this section with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, then the ambient noise shall be estimated by performing a measurement in the same general area of the source, but at a sufficient distance such that the offending noise from the source is inaudible. If the difference between the noise levels with the noise source operating and not operating, with the utilization of either of the above-described methods of measurement, is six (6) dB or greater, then the noise measurement of the alleged source can be considered valid.

(e) Correction for character of sound. In the event the alleged offensive noise contains a steady audible tone, such as a whine, screech, or hum, or is a repetitive noise, such as hammering or riveting, the standard limits set forth in this section shall be reduced by five (5) dB. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

Article 4. Interior Noise Standards

4-24.401 Maximum permissible interior dwelling sound levels.

The following noise standards for various categories of land use presented as follows, unless otherwise specifically indicated, shall apply to all such structures within a designated land use district category with the windows in their normal seasonal configuration:

Receiving Land Use Category	Time Interval	Allowable Interior Noise Level (dBA)
Residential	10:00 p.m. to 7:00 a.m.	40
	7:00 a.m. to 10:00 p.m.	45
School	7:00 a.m. to 10:00 p.m.	45
Hospital and designated quiet areas	Any time	40

(a) Correction for time characteristics. No person shall operate, or cause to be operated, any source of sound at any location within the City or allow the creation of any noise which causes the noise level, when measured inside the receiving structure, to exceed:

- (1) The noise standard for that land use district category as specified for a cumulative period of more than five (5) minutes in any hour; or
- (2) The noise standard plus five (5) dB for a cumulative period of more than one minute in any hour; or
- (3) The noise standard plus ten (10) dB for any period of time. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

Article 5. Specific Prohibitions

4-24.501 Street sales.

Offering for sale, selling anything, or advertising by shouting or outcry within any area of the City, except by a variance issued by the NCO, shall be prohibited. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, or other similar licensed public entertainment events. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.502 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 or outcry, shall result in noise levels at the complainants property line which are audible for more than five (5) minutes in any hour. (§ 1, Ord. 2183 c.s., eff. August 11, 1976, as amended by § 1, Ord. 2478 c.s., eff. October 15, 1987, § 1, Ord. 2528 c.s., eff. February 16, 1989, and § 1, Ord. 2592 c.s., eff. August 16, 1990)

4-24.503 Construction noise.

(a) All construction activity shall be prohibited, except between hours of 7:00 a.m. and 6:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturday. No construction activity shall be permitted on Sunday, or the days on which the holidays designated as Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day are observed.

(b) In the case of an emergency, the Building Officer may issue a permit for construction activity for periods during which construction activity is prohibited by subsection (a) of this section. Such permit shall be issued for only the period of the emergency. Where feasible, the Building Officer shall notify the residential occupants within 300 feet of any emergency construction activity of the issuance of any permit authorized by this subsection.

(c) sfor periods during which construction activity is prohibited by subsection (a) of this section.

(d) For purposes of this section, "construction activity" shall mean the erection, excavation, demolition, alteration, or repair of any building.

(e) Exemption. This section shall not be applicable to minor repairs or routine maintenance of residential dwelling units. (§ 1, Ord. 2183 c.s., eff. August 11, 1976, as amended by § 2, Ord. 2535 c.s., eff. April 13, 1989, and § 1, Ord. 2608 c.s., eff. January 3, 1991)

4-24.504 Vibration.

The operation or permitting the operation of any device which creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property, or at 150 feet (forty-six (46) meters) from the source if on a public space or public right-of-way, shall be prohibited. For the purposes of this section, "vibration perception threshold" shall mean the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or the visual observation of moving objects. The perception threshold shall be presumed to be .001 "g's" in the frequency range from zero to thirty (30) Hz and .003 "g's" in the frequency range between thirty (30) and 100 Hz. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.505 Stationary non-emergency signaling devices.

- (a) The sounding or permitting the sounding of any electronically-amplified signal from any stationary bell, chime, siren, whistle, or similar device intended primarily for non-emergency purposes, from any place, for more than ten (10) seconds in any hourly period shall be prohibited.
- (b) Houses of religious worship shall be exempt from the provisions of this section.
- (c) Sound sources covered by the provisions of this section and not exempted by subsection (b) of this section shall be exempted only by a variance issued by the NCO. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.506 Emergency signaling devices.

- (a) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as provided in subsection (b) of this section, shall be prohibited.
- (b) The testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall only use the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds. The testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not normally occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified for testing an emergency signaling device shall not apply to the testing of a complete emergency signaling system.
- (c) The sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm shall not occur unless such alarm is automatically terminated within fifteen (15) minutes after activation. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.507 Domestic power tools.

- (a) The operation or permitting the operation of any mechanical power saw, sander, drill, grinder, lawn or garden tool, or similar tool, or pneumatic or other air-powered tool between 10:00 p.m. and 7:00 a.m. of the following day so as to be audible to the NCO at the complainant's real property line shall be prohibited.
- (b) Any pneumatic or other air-powered tool, motor, machinery, pump, or the like shall be properly muffled and maintained in good working order.
- (c) It is unlawful to operate any motorized leaf blower within the City during the following hours:
 - (1) From 5:00 p.m. through 8:00 a.m. on Monday through Friday; and
 - (2) From 6:00 p.m. through 9:00 a.m. on Saturday.
- (d) It is unlawful to operate any motorized leaf blower within the City on Sunday. (§ 1, Ord. 2183 c.s., eff. August 11, 1976, as amended by § 1, Ord. 2450 c.s., eff. November 20, 1986, § 1, Ord. 2478 c.s., eff. October 15, 1987, and § 1, Ord. 3097 c.s., eff. October 18, 2012)

4-24.508 Motor vehicles operating on public rights-of-way.

Motor vehicle noise limits on a public right-of-way are regulated as set forth in Sections 23130 and 23130.5 of the Vehicle Code of the State. Equipment violations which create noise problems are regulated by Sections 27150 and 27151 of said Code. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.509 Refuse collection vehicles.

No person shall operate any refuse collection vehicle between the hours of 7:00 p.m. and 7:00 a.m. the following day in a residential area. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.510 Southern California Edison Company.

The Southern California Edison Company steam plant, bounded by the A.T. & S.F. Railroad, Beryl Street, Harbor Drive, and Herondo Street, shall be allowed to produce a maximum of seventy-two (72) dBA at its property lines until January 1, 1978. Commencing January 1, 1978, said facility shall be required to comply with the provisions of Sections 4-24.301 of Article 3 and 4-24.401 of Article 4 of this chapter. If for any reason it is suspected that Southern

California Edison Company may be in violation of the maximum sound level provided by this section prior to January 1, 1978, monitoring shall be carried out at its property lines. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.511 Oil drilling and pumping sites.

The provisions of this section shall be in addition to the provisions set forth in Chapter 11 of Title 4 (Oil Wells) of this Code.

(a) Pumping phases. Until January 1, 1978, all oil drilling and pumping sites within the City boundaries, while in the pumping phase of operation, shall be allowed to produce a maximum of sixty (60) dBA at their property lines. As of January 1, 1978, all oil drilling and pumping sites within the City boundaries, while in the pumping phase of operation, shall be required to comply with the provisions of Sections 4-24.301 of Article 3 and 4-24.401 of Article 4 of this chapter.

(b) Drilling, rework, or maintenance phases. Until January 1, 1978, all oil drilling, rework, or maintenance sites within the City boundaries, while in the drilling, rework, or maintenance phases of operation, shall be allowed to produce a maximum of sixty-five (65) dBA at their property lines. As of January 1, 1978, all oil drilling and pumping sites within the City boundaries, while in the drilling, rework, or maintenance phases of operation, shall be required to comply with the provisions of Sections 4-24.301 of Article 3 and 4-24.401 of Article 4 of this chapter.

(c) Monitoring. If for any reason it is suspected that any oil drilling and pumping site, while either in the pumping, drilling, rework, or maintenance phases of operation, may be in violation of the provisions of this section prior to January 1, 1978, monitoring shall be carried out at its property lines. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.512 Sound amplifying equipment.

It is 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 purpose of giving instructions, directions, talks, addresses, or lectures or transmitting music to any person or assemblage of persons in or upon any street, alley, sidewalk, park, place, or public property without first filing an application for a variance and obtaining approval thereof as set forth in Article 7 of this chapter. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.513 Amplified sounds: Electronic devices.

It is unlawful for any person to permit the transmission of, or cause to be transmitted, any amplified sound on any public street, sidewalk, alley, right-of-way, park, or any other public place or property which sound is clearly audible for a distance in excess of fifty (50') feet from the source of such sound. This section shall not apply to any non-commercial public speaking, public assembly, or other activity for which a permit has been issued. (§ 2, Ord. 2478 c.s., eff. October 15, 1987)

4-24.514 Amplified sounds: Motor vehicles.

It is unlawful for the operator of any motor vehicle to permit the transmission of, or cause to be transmitted, any amplified sound which is clearly audible to other than the occupants of the vehicle. For the purposes of this section, "amplified sound" shall not include horns or any other legal warning devices used on motor vehicles. (§ 2, Ord. 2478 c.s., eff. October 15, 1987)

4-24.515 Pandemoniac vehicles: Defined: Prohibited: Exemptions.

(a) Defined. For the purposes of this section, "pandemoniac motor vehicle" shall mean a motor vehicle of any appearance, performance, or capability, designed, constructed, or operated in such a manner as to create audible noise related to tire friction by accelerating such vehicle.

(b) Prohibited. It is unlawful for any person to operate a pandemoniac motor vehicle on any street or in any other place within the City.

(c) Exemption. This section shall not apply to an area expressly designated by ordinance or resolution as a "raceway" or "dragstrip." (§ 2, Ord. 2478 c.s., eff. October 15, 1987)

4-24.516 Places of public entertainment.

The operation or playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than ninety (90) dBA as read by the slow response on a sound level meter at any point which is normally occupied by a customer shall be prohibited, unless a conspicuous and legible sign is located outside such place, near each public entrance, which sign states: "Warning, Sound Levels Within May Cause Permanent Hearing Impairment." (§ 2, Ord. 2478 c.s., eff. October 15, 1987)

Article 6 Special Provisions (Exemptions)

4-24.601 Emergency exceptions.

The provisions of this chapter shall not apply to:

- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency; or
- (b) The emission of sound in the performance of emergency work. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.602 Warning devices.

Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens and train horns, shall be exempted from the provisions of this chapter. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.603 Exemptions from exterior and interior noise standards.

The provisions of Sections 4-24.301 of Article 3 and 4-24.401 of Article 4 of this chapter shall not apply to activities or stationary noise sources covered by the following sections of Article 5 of this chapter:

- (a) 4-24.501--Street sales;
- (b) 4-24.502--Animals and fowl;
- (c) 4-24.505--Stationary non-emergency signaling devices;
- (d) 4-24.506--Emergency signaling devices;
- (e) 4-24.507--Domestic power tools;
- (f) 4-24.508--Motor vehicles operating on public rights-of-way;
- (g) 4-24.509--Refuse collection vehicles;
- (h) 4-24.510--Southern California Edison Company until January 1, 1978;
- (i) 4-24.511--Oil drilling and pumping sites until January 1, 1978; and
- (j) 4-24.512--Sound amplifying equipment.

(§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.604 Exemptions from exterior and interior noise standards: Federal and State preempted activities.

The provisions of Sections 4-24.301 of Article 3 and 4-24.401 of Article 4 of this chapter shall not apply to any activity to the extent regulation thereof has been preempted by State or Federal laws. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

Article 7 Variances

4-24.701 Special variances.

(a) The NCO is authorized to grant a variance for an exception from any provision of this chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the NCO determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. The provisions of this section shall in no way affect the duty to obtain any permit or license required by law for such activities.

(b) Any person seeking a variance pursuant to this section shall file an application with the NCO. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee of Seventy-Five and no/100ths (\$75.00) Dollars, unless, at the discretion of the NCO, the fee shall be waived.

A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership of several fixed sources on a single property may be combined into one application. Any individual who claims to be adversely affected by the allowance of the variance may file a statement with the NCO containing any information to support his claim. If at any time the NCO finds that a sufficient controversy exists regarding an application, a public hearing may be held.

(c) In determining whether to grant or deny the application, the NCO shall balance the hardship on the applicant, the community, or other persons against the adverse impact on the health, safety, and welfare of the

persons affected and property affected and any other adverse impacts. Applicants for variances will be required to submit such information as the NCO may reasonably require. In granting or denying an application, the NCO shall keep on public file a copy of the decision and the reasons for denying or granting the application.

(d) A variance shall be granted by a notice to the applicant containing all the necessary conditions, including the time limits on the permitted activity. The variance shall not become effective until all the conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this chapter for which the variance was granted.

(e) A variance will not exceed 365 days after the date on which it was granted. Applications for extensions of the time limits specified in variances or for the modification of other substantial conditions shall be treated like applications for initial variances. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.702 Appeals.

Any person aggrieved by the approval or disapproval of a variance, within fifteen (15) days after the date of such approval or disapproval, may appeal the decision of the NCO to the Council. The Council shall hold a hearing thereon, upon notice to the applicant, considering the same criteria presented to the NCO. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

Article 8 Enforcement

4-24.801 Prima facie violations.

Any noise exceeding the noise level limits for a designated receiving land use district category, as specified in Sections 4-24.301 of Article 3 and 4-24.401 of Article 4 of this chapter, or the prohibited actions as specified in Article 5 of this chapter, shall be deemed to be prima facie evidence of a violation of the provisions of this chapter. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.802 Abatement orders.

(a) Except as provided in subsection (b) of this section, and before issuing a notice of violation as provided for in Section 4-24.803 of this article, the NCO responsible for the enforcement of any provision of this chapter may issue an order requiring the abatement of a sound source alleged to be in violation within a reasonable time period according to guidelines which the NCO may prescribe.

(b) An abatement order shall not be issued for any violation which is deemed a misdemeanor or when the NCO has reason to believe there will not be compliance with an abatement order.

(c) No complaint or further action shall be taken in the event the cause of the violation has been removed or when the condition has been abated or fully corrected within the time period specified in the written notice. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.803 Notices of violations.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to Section 4-24.802 of this article, the violation of any provision of this chapter shall be cause for a notice of violation to be issued by the NCO according to procedures which the NCO may prescribe. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.804 Violations: Additional remedies: Injunctions.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in

violation of any provision of this chapter, which operation or maintenance causes or creates sound levels or vibrations exceeding the allowable limits as specified in this chapter, shall be deemed and is hereby 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. Additionally, no provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injuries or damages arising from any violation of this chapter or from other laws. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

4-24.805 Severability.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated. (§ 1, Ord. 2183 c.s., eff. August 11, 1976)

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