

CHAPTER 6 - NOISE CONTROL

EDITOR'S NOTE: Ord. No. 828, Sec. 1, adopted July 21, 1980, amended Ch. 6 of Art. 4 to read as herein set out. Prior to amendment, Ch. 6 pertained to similar subject matter, consisted of Section 4611, derived from Ord. No. 9; Ord. No. 239; Ord. No. 450, Secs. 1—3; and Ord. No. 469.

4611 - DECLARATION OF POLICY

In order to control unnecessary, excessive and annoying sounds emanating from incorporated 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 chapter.

It is determined that certain noise levels are detrimental to the public health, welfare and safety and contrary to public interest, therefore, the City Council does ordain and declare that creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by or not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such.

(Ord. No. 828, Sec. 1, 7-21-80)

4612 - DEFINITIONS

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

- (1) "Ambient noise level." 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.
- (2) "A-weighted sound level" (dB(A)). A quantity in decibels, read from a standard sound-level meter that is switched to the weighting network labeled "A." The A-weighted network discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear at moderate sound levels.
- (3) "Commercial property." A parcel of real property which is developed and zoned either in part or in whole for commercial purposes, including, but not limited to retail and wholesale businesses, and professional offices, but excluding home occupation uses as authorized by Ordinance No. 330.
- (4) "CNEL" (community noise equivalent level). A cumulative measure of community noise exposure for a twenty-four-hour day, using the A-weighting sound level and expressed in logarithmic units. This CNEL scale takes into account the single event sound level, single event duration, single event occurrence frequency, and the time of the occurrence of the noise source. Additionally, it applies weighting factors which place greater significance on noise events occurring in the nighttime (10:00 p.m. to 7:00 a.m.) than on those during the evening (7:00 p.m. to 10:00 p.m.) or daytime (7:00 a.m. to 7:00 p.m.), respectively.
- (5) "Cumulative period." An additive period of time composed of individual time segments which may be continuous or interrupted.
- (6) "Decibel" (dB). 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.

- (7) "Dwelling unit." A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (8) "Emergency machinery," "vehicle," or "work." 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.
- (9) "Fixed noise source." 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.
- (10) "Grading." 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.
- (11) "Impact noise." The noise produced by the collision of one (1) mass in motion with a second mass which may be either in motion or at rest.
- (12) "Industrial property." A parcel of real property which is developed and zoned either in part or in whole for manufacturing purposes, including research and development uses, but excluding home occupation cases as authorized by Ordinance No. 330.
- (13) "Mixed use property." A parcel of real property which is developed or used for residential purposes and/or commercial purposes (including retail and wholesale businesses and professional offices) and/or manufacturing purposes (including research and development uses).
- (14) "Mobile noise source." Any noise source other than a fixed noise source.
- (15) "Noise level." 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) micropascals per square meter. The unit of measurement shall be designated as dB(A).
- (16) "Noise variance board." An administrative board of five (5) members appointed by the Board of Supervisors of the County of Orange, per Title 4, Division 6, Article 1 of the Codified Ordinances of the County of Orange.
- (17) "Person." A person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.
- (18) "Property maintenance equipment." A mechanical blower, leafblower, lawn vacuum or parking lot sweeper which produces a current of air by mechanical, electrical, or other means to push, propel, or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse, and/or debris or any other appliance intended for the maintenance of landscaping on private property.
- (19) "Residential property." A parcel of real property which is developed and zoned either in part or in whole for residential purposes, other than transient uses such as hotels and motels.
- (20) "Simple tone noise." A noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.
- (21) "Sound level meter." 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.
- (22) "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. 828, Sec. 1, 7-21-80; Ord. No. 845, Secs. 1—3, 5-18-81; Ord. No. 1156, Sec. 1, 10-16-95; Ord. No. 1277, Sec. 2, 7-7-03)

4613 - DESIGNATED NOISE ZONES

The properties hereinafter described are hereby assigned the following noise zones:

- (a) Noise Zone 1: All residential properties.
- (b) Noise Zone 2: All commercial properties.
- (c) Noise Zone 3: All industrial properties.
- (d) Noise Zone 4: All special properties such as hospitals, convalescent homes, public and institutional schools, libraries and churches.
- (e) Noise Zone 5: All mixed use properties.

(Ord. No. 828, Sec. 1, 7-21-80; Ord. No. 1277, Sec. 3, 7-7-03)

4614 - EXTERIOR NOISE STANDARDS

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

EXTERIOR 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.
2	60 dB(A)	any time
3	70 dB(A)	any time
4	55 dB(A)	any time
5	60 dB(A)	any time

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In the event the alleged offensive noise consists 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 incorporated area of the City 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 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 (1) 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. 828, Sec. 1, 7-21-80; Ord. No. 845, Secs. 4, 5, 5-18-81; Ord. No. 1277, Sec. 4, 7-7-03)

4615 - INTERIOR NOISE STANDARDS

(a) The following interior noise standards, unless otherwise specifically indicated, shall apply to all 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.
5 (residential uses only)	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 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 incorporated area of the city 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 or mixed use 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 plus five (5) dB(A) for a cumulative period of more than one (1) 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. 828, Sec. 1, 7-21-80; Ord. No. 845, Sec. 6, 5-18-81; Ord. No. 1277, Sec. 5, 7-7-03)

4616 - SPECIFIC DISTURBING NOISES PROHIBITED

It shall be unlawful for any person to make, continue, cause to allow to be made or continued for any amount of time the following acts and things which are hereby declared to be unnecessary, excessive and annoying in violation of this article:

- (1) Loudspeakers, amplifiers used for advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound in excess of the levels described in sections 4614 and 4615 which sound is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any commercial building or structure.
- (2) Construction, repairing, remodeling or demolition and grading. The erection, demolition, alteration, repair, excavation, grading, paving or construction of any building or site is prohibited between the hours of 6:00 p.m. and 7:00 a.m., Monday through Friday and 5:00 p.m. and 9:00 a.m. on Saturdays and during all hours Sundays and city observed federal holidays. Trucks, vehicles and equipment that are making or are involved with material deliveries, loading or transfer of materials, equipment service, maintenance of any devices or appurtenances to any construction project in the City shall not be operated on or adjacent to said sites outside of the approved hours for construction activity.

Exception: Construction activities may be permitted outside of those limitations identified in this subsection in the case of urgent necessity or upon a finding that such approval will not adversely impact adjacent properties and the health, safety and welfare of the community if a temporary exception is granted in writing by the Building Official for private property or by the Director of Public Works for public properties or their authorized representatives. All temporary waiver requests shall be made in writing and shall include the specific times, dates and locations requested and a description of the type of activity that is proposed. In granting a temporary exception, conditions may be imposed on construction activities to protect the health, safety and welfare of the community. Any approval granted may be summarily revoked by the Building Official or Director of Public Works at the sole discretion of each official. Notice of such revocation shall be provided to the requestor, Police Department and project file.

- (3) Pile drivers, hammers, etc., the operation of a pile driver, power shovel, pneumatic hammer, grading and excavating machinery, paving equipment, or other appliance, the use of which is attended by loud or unusual noise is prohibited between any and all hours on Sundays and city observed federal holidays, between the hours of 6:00 p.m. and 7:00 a.m., Monday through Friday, and between 5:00 p.m. and 9:00 a.m. on Saturdays.

Exception: In the case of urgent necessity and upon a finding that such approval will not adversely impact adjacent properties and the public health, safety and welfare of the community, the above regulations may be modified in writing by the Public Works Director for public property and by the Building Official for private property or their respective authorized representatives. All temporary waiver requests shall be made in writing and shall include the specific times, dates and locations requested and a description of the type of activity that is proposed. In granting a temporary exception, conditions may be imposed on construction activities to protect the health, safety and welfare of the community. Any approval granted may be summarily revoked by the Building Official or Director of Public Works at the sole discretion of each official. Notice of such revocation shall be provided to the requestor, Police Department and project file.

- (4) Property maintenance equipment. The use and operation of property maintenance equipment, the use of which is attended by loud or unusual noise, is prohibited in residentially zoned areas any and all hours on Sundays and city observed federal holidays, before 7:00 a.m. and after 6:00 p.m. Monday through Friday, and before 9:00 a.m. and after 5:00 p.m. on Saturdays. In commercial and industrially zoned areas, the use of property maintenance equipment is

prohibited any and all hours on Sundays and city observed federal holidays, before 7:00 a.m. and after 10:00 p.m. Monday through Friday, and before 9:00 a.m. and after 10:00 p.m. on Saturdays. No property owner, lessee, gardener, property maintenance service, contractor, subcontractor, or employer shall permit or allow any person working at their direction to operate property maintenance equipment in violation of the provisions of this section. All debris generated by the use of property maintenance equipment shall be cleaned up and disposed of in accordance with section 4421 of this Code.

Exceptions:

- a. Public property maintenance is exempt from the provisions of this subsection (4).
- b. The use of property maintenance equipment may be permitted outside of those limitations identified in subsection 4616 (4) in the case of necessity or upon a finding that such approval will not adversely impact adjacent properties and the health, safety, and welfare of the community if a temporary exception is granted in writing by the Building Official or the Building Official's authorized representatives. All temporary exception requests shall be made in writing and shall include the specific times and dates and locations requested and a description of the activity that is proposed. In granting a temporary exception, conditions may be imposed on the use of property maintenance equipment to protect the public health and safety. Any approval granted may be summarily revoked by the Building Official at the sole discretion of the Building Official. Notice of such revocation shall be provided to the requestor, Police Department and project file.

(Ord. No. 828, Sec. 1, 7-21-80; Ord. No. 845, Sec. 7, 5-18-81; Ord. No. 1083, Sec. 1, 4-21-92; Ord. No. 1143, Sec. 1, 2-21-95; Ord. No. 1156, Sec. 2, 10-16-95; Ord. No. 1197, Sec. 3, 3-16-98)

4617 - EXEMPTIONS

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

- (a) Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college, public agency, and public utility.
- (b) Outdoor gatherings, public dances, shows and sporting and entertainment events provided said events are conducted pursuant to a permit (license/permit) issued by the City pursuant to Article 3, Chapter 2 of the Tustin City Code relative to the staging of said events.
- (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 between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and the hours of 9:00 a.m. and 5:00 p.m. on Saturdays, excluding city observed federal holidays.
- (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 6:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or any time on Sunday or a city observed 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 maintenance of real property provided said activities take place between the hours of 7:00 a.m. and 6:00 p.m. on any day except Sunday or city observed federal holidays, or between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or city observed federal holidays.
- (j) Any activity to the extent regulation thereof has been preempted by state or federal law.
- (k) Noise sources associated with the maintenance, repair, remodeling, grading and landscaping of residential real property performed by the owner, provided such activity does take place between the hours of 7:00 a.m. and 9:00 p.m. This section does not authorize noise sources performed by independent building trades contractors.
- (l) Noise sources associated with the maintenance and repair of personal property performed by the owner on the owner's residential property, provided such activity takes place between the hours of 7:00 a.m. and 9:00 p.m. This section does not authorize noise sources by independent repairmen or technicians.

(Ord. No. 828, Sec. 1, 7-21-80; Ord. No. 1143, Sec. 2, 2-21-95; Ord. No. 1156, Sec. 3, 10-16-95; Ord. No. 1197, Sec. 4, 3-16-98)

4618 - SCHOOLS, HOSPITALS, COURTS AND CHURCHES

It shall be unlawful for any person to create any noise which causes the noise level at any school, hospital, court, or church while the same is in use, to exceed the noise limits as specified in section 4614 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 of a mile of the institution indicating the presence of a school, church, court, or hospital.

(Ord. No. 828, Sec. 1, 7-21-80)

4619 - AIR CONDITIONING AND REFRIGERATION

During a one-year period following the effective date of Ordinance No. 828 the noise level standards as specified in Sections 4614 and 4615 shall be increased by eight (8) dB(A) where the alleged noise source is an air-conditioning apparatus or refrigeration system, which was installed prior to the effective date of said Ordinance.

(Ord. No. 828, Sec. 1, 7-21-80)

4620 - NOISE LEVEL MEASUREMENT CRITERIA

Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 4612. 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 dwelling unit affected by exterior noise. 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. 828, Sec. 1, 7-21-80)

4621 - RESERVED

Editor's note— Section 11 of Ord. No. 1366, adopted Nov. 11, 2009, repealed Section 4621, which pertained to the manner of enforcement; adoption of Title 4, Division 6, Codified Ordinances of Orange County, and derived from Ord. No. 828, adopted July 21, 1980; and Ord. No. 845, adopted May 18, 1981.

4622 - RESERVED

Editor's note— Section 11 of Ord. No. 1366, adopted Nov. 11, 2009, repealed Section 4622, which pertained to variance procedure, and derived from Ord. No. 828, adopted July 21, 1980.

4623 - RESERVED

Editor's note— Section 11 of Ord. No. 1366, adopted Nov. 11, 2009, repealed Section 4623, which pertained to the noise variance board, and derived from Ord. No. 828, adopted July 21, 1980.

4624 - RESERVED

Editor's note— Section 11 of Ord. No. 1366, adopted Nov. 11, 2009, repealed Section 4624, which pertained to appeals and derived from Ord. No. 828, adopted July 21, 1980.

4625 - VIOLATIONS; MISDEMEANORS

Any person violating any of the provisions of this Chapter 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 Chapter 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. 828, Sec. 1, 7-21-80; Ord. No. 845, Sec. 9, 5-18-81)