

## Chapter 11.44 NOISE LIMITS

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### **11.44.010 Declaration of Policy.**

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It is declared to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry, and, in the public interests, such noise levels shall be systematically proscribed. (Ord. 89-29, 1/23/90)

### **11.44.020 Definitions.**

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Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

“Commercial purpose” shall mean and include the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any

performance, show, entertainment, exhibition or event, for the purpose of demonstrating any such sound equipment.

“Day” shall mean the time period from seven a.m. to nine p.m.

“Decibel” (dB) shall mean a unit for expressing the ratio between two (2) quantities of acoustical signal powers; 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.

“Emergency work” shall mean work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities when restoring utility service.

“Impulsive sound” means a short-duration sound (such as might be produced by the impact of a drop hammer or a pile driver) with one (1) second or less duration.

“Motor vehicles” shall include, but not be limited to, automobiles, trucks, motorcycles, minibikes and go-carts.

“Night” shall mean the time period from nine p.m. to seven a.m.

“Sound” is the sensation perceived by the sense of hearing. For the purpose of this chapter, the terms “sound” and “noise” shall be used synonymously.

“Noncommercial purpose” shall mean the use, operation or maintenance of any sound equipment for other than a commercial purpose. “Noncommercial purpose” shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

“Person” shall mean a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private, in nature.

“Sound-amplifying equipment” shall mean any machine or device for the amplification of the human voice, music or any other sound, but shall not include:

1. Warning devices on emergency vehicles.
2. Horns, burglar and fire alarms, or other warning devices expressly authorized by law.

“Sound or noise level,” in decibels (dB), is sound measured by use of the “A” weight scale, and with slow response by a sound level meter.

“Sound level meter” shall mean an instrument including a microphone, an amplifier, an output meter and “A” frequency weighing networks for the measurement of sound levels, which satisfies the pertinent requirements in American Specifications for Sound Level Meters S14-1971, or the most recent revision thereof.

“Sound truck” shall mean any motor vehicle, or any other vehicle, regardless of motive power, whether in motion or stationary, which carries, is equipped with, or which has mounted thereon or attached thereto any sound-amplifying equipment for commercial, political and charitable purposes. (Ord. 89-29, 1/23/90)

**11.44.030 Sound Level Measurements.**

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Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the “A” weighting and response as indicated in Section [11.44.040](#) of this chapter. (Ord. 89-29, 1/23/90)

**11.44.040 Noise Limits.**

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A. It shall be unlawful for any person within the City to produce or cause or allow to be produced noise which is received on property occupied by another person within the designated region, in excess of the following levels, except as expressly provided otherwise herein:

<b>Region</b>	<b>Time</b>	<b>Sound Level dB</b>
Residential zone	Day	65
Residential zone	Night	55
Commercial and manufacturing	Day	80
Commercial and manufacturing	Night	70

At the boundary line between a residential property and a commercial and manufacturing property, the noise level of the quieter zone shall be used.

B. Corrections to Noise Limits. The numerical limits given in subsection (A) of this section shall be adjusted by the following corrections, where the following noise conditions exist:

<b>Noise Condition</b>	<b>Correction (in dB)</b>
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- |                                  |    |
|----------------------------------|----|
| (1) Repetitive impulsive noise   | -5 |
| (2) Steady whine, screech or hum | -5 |

The following corrections apply to day only:

- |   |     |
|---|-----|
| (3) Noise occurring more than 5 but less than 15 minutes per hour | +5  |
| (4) Noise occurring more than 1 but less than 5 minutes per hour  | +10 |
| (5) Noise occurring less than 1 minute per hour                   | +20 |

(Ord. 89-29, 1/23/90)

#### **11.44.050 Loud, Unnecessary and Unusual Noises Prohibited—Standards for Determining.**

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Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made and continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to residents of the area.

The standards which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- A. The level of the noise.
- B. Whether the nature or origin of the noise is usual or unusual.
- C. The nature or zoning of the area within which the noise emanates.
- D. The density of the inhabitation of the area within which the noise emanates.
- E. The time of day or night.
- F. The duration of the noise.
- G. Whether the noise is recurrent, intermittent or constant.
- H. Whether the noise is produced by a commercial or noncommercial activity.
- I. The volume and intensity of the background noise, if any.

J. The proximity of the noise to sleeping facilities. (Ord. 89-29, 1/23/90; Ord. 09-11 § 2, 7/14/09)

#### **11.44.060 Special Noise Sources—Radios, Television Sets and Similar Devices.**

A. Use Restricted. It shall be unlawful for any person within the City to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound at anytime in such a manner as to produce noise levels on residential land which would disturb the peace, quiet and comfort of neighboring residents or any reasonable person of normal sensitivity residing in the area.

B. Prima Facie Violation. Any noise exceeding the ambient noise limits as set forth in Section [11.44.040](#) at the property line of any residential land (or if a condominium or apartment house, within any adjoining apartment) by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section. (Ord. 89-29, 1/23/90)

#### **11.44.070 Special Noise Sources—Machinery, Fans and Other Mechanical Devices.**

Any noise level from the use or operation of any machinery, equipment, pump, fan, air conditioning apparatus, refrigerating equipment, motor vehicle, or other mechanical or electrical device, or in repairing or rebuilding any motor vehicle, which exceeds the noise limits as set forth in Section [11.44.040](#) at any property line, or, if a condominium or rental units, within any condominium unit or rental unit within the complex, shall be a violation of this chapter. (Ord. 89-29, 1/23/90)

#### **11.44.080 Special Noise Sources—Construction and Building.**

No person shall engage in any construction work which requires a building permit from the City on sites within three hundred (300) feet of a residentially zoned property except between the hours of seven a.m. to seven p.m., Monday through Friday, and eight a.m. to six p.m. on Saturday. Further, no work shall be performed on the following public holidays: New Year's Day, Independence Day, Thanksgiving, Christmas, Memorial Day and Labor Day.

Emergency work as defined in Section [11.44.020](#)(D) is permitted at all times.

The Department of Community Development may issue a permit for work to be done "after hours"; provided, that containment of construction noises is provided. (Ord. 89-29, 1/23/90; Ord. 93-4, 3/9/93; Ord. 00-3, 2/8/00; Ord. 05-1 § 2, 1/25/05; Ord. 06-7 § 1, 10/10/06)

#### **11.44.090 Special Noise Sources—Amplified Sound.**

The noise limits as described in Section [11.44.040](#)(A) of this chapter shall apply to any use of sound-amplifying equipment. (Ord. 89-29, 1/23/90)

#### **11.44.092 Acts Constituting Disturbing, Excessive, Loud, Offensive Noise.**

The following activities, among others, are declared to cause disturbing, excessive, loud, or offensive noises in violation of this chapter and causing or permitting such activities is unlawful; provided, however, that inclusion in this section shall not be construed as limiting the type of activities which may be found to cause disturbing, excessive, loud, or offensive noises:

A. Loud Parties. Causing or permitting a gathering of two or more people on private property which is determined by law enforcement personnel at the scene to be a loud party in violation of this section because it is disruptive to the public peace, health, safety, or welfare due to the magnitude of the crowd, noise, disturbances, unruly behavior of those attending the party or gathering, excessive traffic or traffic congestion, illegally parked vehicles blocking other traffic or fire access or destruction of property.

1. For the purposes of this chapter, "responsible person" means the person who owns the property where the party, gathering or event takes place; the person in charge of the premises; and/or the person who organized the event. If the responsible person is a minor, then the parents or guardians of that minor are also responsible persons whether or not they are present at the party. All responsible persons, as defined herein, are deemed to have caused or permitted the loud party and are responsible for and may be charged with a violation of this chapter; provided, however, a property owner who is not present at the party or gathering may not be charged with a violation of this chapter unless the absentee owner had knowledge that the party or gathering was occurring, was planned to occur or reasonably should have known the party or gathering would occur. This exception does not apply to a parent or guardian of a responsible person who is a minor.

2. Prima Facie Violations of This Subsection. The following shall constitute evidence of a prima facie violation of this subsection; provided, however, that inclusion herein shall not be construed as limiting the activities which may be found to violate this subsection: A party, event or gathering where:

a. Noise emanating from or attributable to that party, event or gathering is audible from a distance of fifty (50) feet from the source of that noise; or

b. Persons present at the party or gathering are acting in a wild, unruly, uncontrollable manner disruptive to neighbors; or

- c. The number of persons present violates the fire code, presenting a fire hazard; or
- d. Vehicles of those attending the party or gathering are illegally parked or parked in a manner to cause traffic congestion or to block traffic or fire access; or
- e. Persons present at the party or gathering have caused or are causing destruction to property of others. (Ord. 09-11 § 3, 7/14/09)

#### **11.44.094 Loud Parties Are a Public Nuisance.**

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Loud parties as defined in this chapter are hereby declared to be a public nuisance and may be abated as set forth herein or as otherwise provided by law.

A. Authority of Law Enforcement Personnel. Law enforcement personnel are authorized to take all actions and to give all directions and orders that may be necessary to abate the nuisance, violation or condition, including the arrest of, or issuance of citations to, the responsible person or persons, and any others who are in violation of this chapter or any other state statute or local ordinance.

B. Cease and Desist Order. No person shall fail or refuse to obey or fail to comply with orders of law enforcement personnel to discontinue the loud party, to disperse or vacate the location of the loud party, and to turn off radios, television sets, phonographs, loud speaking amplifiers, and similar devices. Refusal to comply with such an order is a separate and additional offense from that of causing or permitting a loud party.

C. Loud Party Participation Prohibited. All persons attending a party or social gathering declared to be a public nuisance by law enforcement personnel shall immediately disperse upon the order of law enforcement personnel, and all persons not domiciled at the site of such party or social gathering shall immediately leave the premises. No person shall fail or refuse to obey and abide by such an order. (Ord. 09-11 § 3, 7/14/09)

#### **11.44.096 Reimbursement for Law Enforcement Costs.**

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If after issuance of a written reimbursement notice as required by this section, law enforcement personnel are required to respond to the property to address another violation of this chapter within one (1) calendar year after issuance of said notice, then the responsible person or persons, as defined in this chapter, shall be jointly and severally liable for all actual costs and expenses incurred by the City during second or subsequent responses.

A. Written Reimbursement Notice. Law enforcement personnel responding to a loud party shall issue a written reimbursement notice to the responsible person that if within one (1) calendar year after the initial

response law enforcement personnel are again required to respond to the property to address a violation of this chapter, then the responsible person shall be liable to reimburse the City for all costs and expenses incurred by law enforcement personnel during second or subsequent responses for violations of this chapter.

B. Reimbursement of Costs and Expenses. All responsible persons for a party or gathering, which requires a second or subsequent response, as described herein above are jointly and severally liable for the following costs and expenses incurred by the City:

1. The actual costs incurred by the City for the services of the law enforcement personnel for each response after the initial response;
2. Damage to public property incurred in the course of any second or subsequent response by law enforcement personnel; and
3. Injuries to any law enforcement personnel involved in a second or subsequent response.

C. Collection. The expense of a reimbursable response hereunder shall be charged against the person liable for the expense under this chapter. The charge constitutes a debt of that person to the City, and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied.

D. Other Penalties Not Precluded. Nothing contained in this section is intended to preclude the filing of any administrative or criminal charges or the imposition of criminal fines or administrative penalties, or the summary, civil or administrative abatement of any public nuisance under state or local law, including other sections of this chapter, against any person or persons who may be subject to the reimbursement provisions of this section. (Ord. 09-11 § 3, 7/14/09)

#### **11.44.100 Exemptions from Chapter.**

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- A. There are exempted from this chapter lawfully conducted parades.
- B. There is exempted from this chapter emergency work as defined in Section [11.44.020\(D\)](#) of this chapter. (Ord. 89-29, 1/23/90)

#### **11.44.110 Violations—Infractions, Misdemeanors—Remedies.**

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Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, unless:

- A. The violation is classified as an infraction in the City of Santa Clarita Municipal Code in which case the person shall be guilty of an infraction; or

- B. A designated public officer or employee issues a citation charging the offense as an infraction;
- C. As an additional remedy for violations of this chapter, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness, or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed and is declared to be a public nuisance which may be abated through summary abatement, administrative abatement, or abatement by a restraining order or injunction issued by a court of competent jurisdiction.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable subject to Section [1.01.230](#). (Ord. 89-29, 1/23/90; Ord. 01-6, 2/27/01; Ord. 09-11 § 2, 7/14/09)

#### **11.44.120 Violations—Additional Remedies, Injunctions.**

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As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter shall be deemed and is 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. (Ord. 89-29, 1/23/90)

#### **11.44.130 Enforcement.**

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Enforcement of the provisions of this chapter shall be the responsibility of a duly authorized law enforcement agency. (Ord. 89-29, 1/23/90)

#### **11.44.140 Severability.**

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If any provision, clause, sentence or paragraph of this chapter, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or applications of provisions of this chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are declared to be severable. (Ord. 89-29, 1/23/90)