

CHAPTER 7: NOISE ABATEMENT AND CONTROL

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§ 24.0701 Purpose.

Disturbing, excessive or offensive noise may interfere with a person’s right to enjoy life and property and may be detrimental to the public health and safety. The purpose of this Chapter is to regulate noise in the unincorporated area of the County of San Bernardino to promote the public health, comfort, and convenience of its inhabitants and visitors. This Chapter is not intended to establish thresholds of significance for the purpose of any analysis required by the California Environmental Quality Act and no such thresholds are established.

(Ord. 4361, passed - -2019)

§ 24.0702 Definitions.

The following definitions shall apply to this Chapter:

- (a) **AMBIENT NOISE LEVEL.** The composite of existing noise from all sources at a given location and time. Ambient noise is sometimes referred to as background noise.
- (b) **AVERAGE SOUND LEVEL.** The level in decibels of the mean-square A-weighted sound pressure during a stated time period, with reference to the square of the standard reference sound pressure of 20 micropascals. The **AVERAGE SOUND LEVEL** is equivalent to the industry standard LEQ.
- (c) **AUDIO EQUIPMENT.** A television, stereo, radio, tape player, compact disc player, mp3 player, I-POD, or other similar device.
- (d) **A-WEIGHTED SOUND LEVEL.** The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network is the network for measuring sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dB(A).
- (e) **CONSTRUCTION EQUIPMENT.** Tools, machinery, or equipment including “special construction equipment” defined in the Vehicle Code, used in a construction operation on any construction site.
- (f) **DECIBEL.** A unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.
- (g) **DISTURBING, EXCESSIVE, OR OFFENSIVE NOISE.** Any sound or noise that endangers the health or safety of any person, or causes discomfort or annoyance to any reasonable person of normal sensitivity.

(h) **EMERGENCY WORK.** Work: (1) necessary to restore property to a safe condition following a public calamity; (2) required to protect a person or property from injury or damage; or (3) by a public or private utility to restore utility service.

(i) **ENFORCEMENT AUTHORITY.** The County of San Bernardino Land Use Services Department, Code Enforcement Division, the San Bernardino County Sheriff's Department, and any other County department designated by the County Chief Executive Officer or Board of Supervisors to enforce the provisions of the County Code and/or this Chapter.

(j) **MAXIMUM SOUND LEVEL.** The highest sound level reached when measuring noise with a sound level meter using the A-weighted network and slow time weighting. The **MAXIMUM SOUND LEVEL** is equivalent to the industry standard known as LMAX.

(k) **MOTOR VEHICLE.** Any self-propelled vehicle as defined in the Vehicle Code and includes a mini-bike and a go-cart.

(l) **NEIGHBORING INHABITANT.** Any individual residing within 200 yards of a property that is alleged to be the source of noise in violation of this Chapter.

(m) **OCCUPIED PROPERTY.** Property on which there is a building for which a certificate of occupancy has been issued.

(n) **PLAINLY AUDIBLE.** Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of music is sufficient to verify plainly audible sound. The enforcement authority need not determine the title, specific words, or the artist performing the music.

(o) **SOUND AMPLIFYING EQUIPMENT.** Any machine or device used to amplify music, the human voice, or any sound such as a loudspeaker, microphone, megaphone, or other similar device.

(p) **SOUND LEVEL.** The weighted sound pressure level obtained using a sound level meter and frequency weighting network as provided in the American National Standards Institute (ANSI) specifications for sound level meters. As used in this Chapter, **SOUND LEVEL** means the same as "noise level."

(q) **SOUND LEVEL METER.** An instrument for the measurement of sound levels, which meets or exceeds the requirements pertinent for a type 1 or type 2 meter in the ANSI specifications for sound level meters (ANSI § SI.4 1979, Type 1 or Type 2).
(Ord. 4361, passed - -2019)

§ 24.0703 Sound Level Measurements.

A sound level measurement made pursuant to this Chapter shall be measured:

- (a) At the property line of the nearest site that is occupied, and/or zoned or designated to allow the development of noise-sensitive land uses;
- (b) With a sound level meter that meets the standards of the American National Standards Institute (ANSI § SI.4 1979, Type 1 or Type 2); and
- (c) Using the A-weighted sound level pressure scale in decibels (ref. pressure = 20 micronewtons per meter squared). The unit of measure shall be designated as dB(A).

(Ord. 4361, passed - -2019)

§ 24.0704 General Sound Level Limits.

The general noise standards concerning acceptable noise levels identified in § [83.01.080](#) of this Code, or as subsequently modified or renumbered, are incorporated herein by reference. No person shall create any sound, or allow the creation of any sound, on any property that causes the

sound level on any other occupied property to exceed the sound level limits set forth in § [83.01.080](#) of this Code.

(Ord. 4361, passed - -2019)

§ 24.0705 Disturbing, Excessive or Offensive Noise.

(a) In addition to the general limitations on sound levels in § [24.0704](#), it shall be unlawful for any person or property owner within the County to make, cause, or allow to be made a noise that would be disturbing, excessive, or offensive to a reasonable person. The types of disturbing, excessive, or offensive noise may include, but shall not be limited to, yelling, shouting, hooting, whistling, singing, playing a musical instrument, or emitting or transmitting any loud music or noise from any audio equipment or sound amplifying equipment.

(b) The factors, standards, and conditions that may be considered in determining whether a violation of this Section has been committed, include, but are not limited to, the following:

- (1) The level of the noise.
- (2) The level and intensity of the background (ambient) noise, if any.
- (3) The proximity of the noise to residential or commercial sleeping areas.
- (4) The nature and zoning of the area within which the noise emanates and where it is received.
- (5) The density of inhabitation of the area within which the noise emanates.
- (6) The time of day and night the noise occurs.
- (7) The duration of the noise.
- (8) Whether the noise is constant, recurrent, or intermittent.
- (9) Whether the origin of the noise is natural or unnatural.
- (10) Whether the noise is produced by a commercial or noncommercial activity.
- (11) The number of complaints received.

(c) Unless a noise source is determined to be disturbing, excessive or offensive by the enforcement authority after responding to or investigating a complaint, evidence of a violation of this Section must be supported by declarations from two neighboring inhabitants residing on separate properties, unless there is only one neighboring inhabitant. These declarations are to be made under penalty of perjury within a 60-day period from the date of the complaint stating in detail all of the following:

- (1) That the declarant is a resident of a residential neighborhood located within 200 yards of the noise source; and
- (2) Within the past 30 days the declarant has heard disturbing, excessive or offensive noise for substantially long periods to the annoyance of the declarant.

(d) A complainant residing in excess of 200 yards of the noise source may also establish evidence of a violation in accordance with all other requirements of Subdivision (c) above, provided that the complainant can provide the enforcement authority with credible evidence that he, she, or they are experiencing disturbing, excessive, or offensive noise for the enforcement authority to waive the 200 yard requirement. Evidence may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons.

(e) Whether the sound or noise identified by a declarant endangers the health or safety of any person, or causes discomfort or annoyance to a reasonable person of normal sensitivity, will be determined by the enforcement authority. Declarants should provide additional credible evidence in support of their declaration, which may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons.

(Ord. 4361, passed - -2019)

§ 24.0706 Special Sound Source Standards.

The general sound level limits in § [24.0704](#) and disturbing, excessive or offensive noise in § [24.0705](#) apply to sound emanating from all sources, including the following special sound sources, and the person creating, or allowing the creation of, the sound is subject to the requirements of those sections. In addition, there is a reasonable expectation that certain hours of the evening and early morning will be even quieter and more peaceful than other hours of the day and that certain sound sources occurring during this time period causes discomfort or annoyance to reasonable persons of normal sensitivities. As a result of that expectation, the following special sound sources are subject to the following additional standards, the failure to comply with which constitutes a separate violation of this Chapter and have been declared to be disturbing, excessive, or offensive noise. A noise source is established as a per se violation of this Section in the same manner as provided in Subdivision (c) of § [24.0705](#).

(a) *Audio Equipment.* No person shall operate, or allow the operation of, any audio equipment, whether portable or not, between the hours of 10:00 p.m. and 7:00 a.m. such that the equipment is plainly audible inside an occupied dwelling other than a dwelling in which the equipment may be located. Sound level measurements may be used, but are not required, to establish a violation of this Subdivision.

(b) *Sound Amplifying Equipment and Live Music.* No person shall install, use or operate sound amplifying equipment, or perform, or allow to be performed, live music, between the hours of 10:00 p.m. and 7:00 a.m. such that the sound amplifying equipment or live music is plainly audible inside an occupied dwelling other than a dwelling in which the sound source is located. Sound level measurements may be used, but are not required, to establish a violation of this Subdivision.

(c) *Power Tools and Equipment.* Except for emergency work, no person shall operate any power tools or equipment between the hours of 10:00 p.m. and 7:00 a.m. such that the power tools or equipment are plainly audible inside an occupied dwelling other than a dwelling in which the power tools or equipment may be located. Sound level measurements may be used, but are not required, to establish a violation of this Subdivision.

(d) *Construction Activity.* Except for emergency work, it shall be unlawful for any person to operate or cause to be operated, construction equipment between 7:00 p.m. and 7:00 a.m.

(Ord. 4361, passed - -2019)

§ 24.0707 Exemptions.

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

(a) *Emergency Work.* Noise sources associated with alerting persons to the existence of an emergency or in the performance of emergency work.

(b) *School Sponsored Activities.* Noise sources emanating from authorized school bands, school athletic and school entertainment events.

(c) *Federal or State Preempted Activities.* Any activity the noise level of which is regulated by State or Federal law.

(d) *Minor Maintenance to Residential Property.* Noise sources associated with minor maintenance to property used for residential purposes, including, but not limited to, lawnmowers, leaf blowers, etc., provided the activities take place between the hours of 7:00 a.m. and 7:00 p.m.

(e) *Public Health, Welfare, and Safety Activities.* Noise sources associated with construction, maintenance, and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interest of the public and to

protect the public health, welfare, and safety, including but not limited to, trash collection, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removing abandoned vehicles, repairing water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, or sidewalks, and the executing of official duties by public safety personnel. This exemption includes, without limitation, sound emanating from all equipment used by such personnel, whether stationary or mobile.

(f) *Animals*. The provisions of this Chapter shall not apply to any noise sources associated with barking dogs or other intermittent noises made by animals on any property within the County. Such noise shall be subject to the provisions of § [32.0119](#) (Animals Which Habitually Make Noise) of this Code.

(g) *Agriculture Operations*. Noise sources associated with mechanical devices, apparatus, or equipment associated with agriculture operations, provided that each piece of equipment or machinery powered by an internal-combustion engine is equipped with appropriate muffler and/or air intake silencer in good working order and the operations and equipment are utilized for the preparation, planting, harvesting, protection, or salvage of agricultural crops.

(h) *Authorized Events*. Noise sources associated with outdoor gatherings, public dances, shows, sporting and entertainment events and other similar events, provided the activity is conducted pursuant to a permit or license issued by the appropriate jurisdiction and contain acoustic and/or noise standard conditions of approval. This Subdivision is not intended to excuse the act of an individual not participating in the event who violates this Chapter.

(Ord. 4361, passed - -2019)

📖 § 24.0708 Other Public Agency Exception.

The provisions of this Chapter shall not be construed to prohibit any work at different hours by or under the direction of any other public agency or public or private utility companies in cases of necessity or emergency.

(Ord. 4361, passed - -2019)

📖 § 24.0709 False Statements.

No person shall knowingly provide false information, either orally or in writing, to the enforcement authority related to the enforcement of this Chapter.

(Ord. 4361, passed - -2019)

📖 § 24.0710 Violations and Penalties.

(a) Any person found by the enforcement authority to have negligently or knowingly violated any provision of this Chapter may be charged with an infraction. Any person found by the enforcement authority to have negligently or knowingly violated any provision of this Chapter more than once within a 180-day period may be charged with a misdemeanor. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) All violations of this Chapter may be enforced by the enforcement authority and addressed through the institution of a criminal action, a civil action, and/or an administrative action as set forth in [Chapter 2](#) of Division 1 of Title 1 (Violations and Enforcement) of this Code or as otherwise provided by law. Pursuant to Cal. Penal Code § 836.5, any peace officer of the San Bernardino County Sheriff's Department may arrest a person without a warrant if he or she has reasonable cause to believe that the person has committed a misdemeanor in his or her presence that violates this Chapter.

(c) Any violation of this Chapter is declared to be a public nuisance and may be abated in accordance with law, including but not limited to by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. 4361, passed - -2019)

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