

**Garden Grove Municipal Code**[Up](#)   [Previous](#)   [Next](#)   [Main](#)   [Collapse](#)   [Search](#)   [Print](#)   [No Frames](#)[Title 8 PEACE, SAFETY AND MORALS](#)**Chapter 8.47 NOISE CONTROL**

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**Note**

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\* **Prior ordinance history:** Ord. Nos. 1949, 1950, and 2258.

**8.47.020 Definitions**

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

“Actual measured ambient noise level” shall mean that noise level existing in the general area of the noise problem, excluding the noise generated by the noise source being evaluated.

“Ambient base noise level” shall mean the maximum loudness level normally found to be acceptable for given land uses and that serves as the basis for determining loudness noise violations pursuant to the provisions of Section [8.48.040](#) of this chapter.

“Ambient noise level” shall mean the all-encompassing background noise associated with a given environment, being usually a composite of sounds from many sources near and far.

“Commercial use” shall mean any enterprise whose principal endeavor is the sale of goods and/or services.

“Decibel (dB)” shall mean a unit that denotes the ratio between two quantities that are proportional to power: the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio. The commonly used unit for measuring sound pressure levels.

“Emergency” means operations 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.

“Industrial use” means any facility or operations involved in the manufacturing, repairing, testing, processing, warehousing, wholesaling, researching, and treatment of products.

“Institutional use” means an establishment maintained and operated by a society, church, corporation, individual, foundation, or public agency for the purpose of providing religious, charitable, social, educational, fraternal, or similar services.

“Noise” means any sound that exceeds the appropriate actual or presumed ambient noise level, that annoys or tends to disturb humans, or that causes or tends to cause an adverse psychological or physiological effect on humans of normal sensitiveness.

“Office-professional use” means any enterprise engaged in providing business or professional services.

“Residential use” means any structure utilized principally for human habitation, excluding hotels, motels, and recreational vehicle parks.

“Sound amplifying equipment” means any device for the amplification of the human voice, music, or any other sound and does not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed or devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

“Sound level in decibels (dB)” means the sound measured utilizing the A-weighting scale and the slow needle response by a sound level meter.

“Sound level meter” means an instrument meeting American National Standard Institutes Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an equivalent standard. (2802 § 1, 2011; 2660 § 2, 2005)

**8.47.030 Noise Level Measurement**

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All noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level

meter as defined in Section 8.47.020, using a fast needle response, utilizing the dB(A) scale. (2802 § 1, 2011; 2660 § 2, 2005)

**8.47.040 Ambient Base Noise Levels**

The ambient base noise levels contained in the following chart shall be utilized as the basis for determining noise levels in excess of those allowed by this chapter unless the actual measured ambient noise level occurring at the same time as the noise under review is being investigated exceeds the ambient base noise level contained in the chart. When the actual measured ambient noise level exceeds the ambient base noise level, the actual measured ambient noise level shall be utilized as the basis for determining whether or not the subject noise exceeds the level allowed by this section. In situations where two adjoining properties exist within two different use designations, the most restrictive ambient base noise level will apply. This section permits any noise level that does not exceed either the ambient base noise level or the actual measured ambient noise level by 5 dB(A), as measured at the property line of the noise generation property.

USE CATEGORIES	USE DESIGNATIONS	AMBIENT BASE NOISE LEVELS	TIME OF DAY
Sensitive	Residential Use	55 dB(A)	7:00 a.m.—10:00 p.m.
		50 dB(A)	10:00 p.m.—7:00 a.m.
Conditionally Sensitive	Institutional Use	65 dB(A)	Any Time
	Office-Professional Use	65 dB(A)	Any Time
	Hotels & Motels	65 dB(A)	Any Time
Non-Sensitive	Commercial Uses	70 dB(A)	Any Time
	Commercial/ Industrial Uses within 150 feet of Residential	65 dB(A)	7:00 a.m.—10:00 p.m.
		50 dB(A)	10:00 p.m.—7:00 a.m.
	Industrial Use	70 dB(A)	Any Time

(2802 § 1, 2011; 2660 § 2, 2005)

**8.47.050 General Noise Regulation**

A. NOISE DISTURBANCE CRITERIA. It shall be unlawful for any person to willfully make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise that disturbs the peace or quiet of any neighborhood, or that causes discomfort or annoyance to any person of normal sensitiveness.

B. The criteria that shall be utilized in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

1. The level of the noise.
2. The frequency of occurrence of the noise.
3. Whether the nature of the noise is usual or unusual.
4. The level and intensity of the background noise, if any.
5. The proximity of the noise to residential sleeping facilities.
6. The nature and zoning of the area within which the noise emanates.
7. The density of the inhabitation of the area within which the noise is received.
8. The time of day or night the noise occurs.
9. The duration of the noise.

C. DURATION OF NOISE. The following criteria shall be used whenever the noise level exceeds:

1. The noise standard for a cumulative period of more than 30 minutes in any hour;

2. The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour;
3. The noise standard plus 10 dB(A) for a cumulative period of more than five minutes in any hour;
4. The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour; or
5. The noise standard plus 20 dB(A) for any period of time.

D. In the event the ambient noise level exceeds any of the first four 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. (2802 § 1, 2011; 2660 § 2, 2005)

### **8.47.060 Special Noise Sources**

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#### **A. RADIOS, TELEVISION SETS, AND SIMILAR DEVICES.**

1. **USE RESTRICTED.** It shall be unlawful for any person within any residential area of the City to use or operate any radio receiving set, musical instrument, stereo equipment, television set, or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner as to disturb the peace, quiet, and comfort of any person of normal sensitiveness residing in the area, as determined utilizing the criteria established in Section [8.47.050\(A\)](#).

2. **PRIMA FACIE VIOLATION.** Any noise level exceeding the ambient base level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.

**B. MUSICAL INSTRUMENTS—USE RESTRICTED.** It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the City. This section shall not apply to any person who is a participant in a duly licensed parade or who has been otherwise duly authorized to engage in such conduct.

**C. MACHINERY, EQUIPMENT, FANS, AND AIR CONDITIONING.** It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise that would cause the noise level at the property line of any property to exceed either the ambient base noise level or the actual measured ambient noise level by more than five decibels.

**D. CONSTRUCTION OF BUILDINGS AND PROJECTS.** It shall be unlawful for any person within a residential area, or within a radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a person of normal sensitiveness, as determined utilizing the criteria established in Section [8.47.050\(B\)](#), is caused discomfort or annoyance unless such operations are of an emergency nature.

**E. VEHICLE REPAIRS.** It shall be unlawful for any person within any residential area of the City to repair, rebuild, or test any motor vehicle in such a manner that a person of normal sensitiveness residing in the area is caused discomfort or annoyance, as determined utilizing the criteria established in Section [8.47.050](#), unless such operations are of an emergency nature.

**F. MOTOR DRIVEN VEHICLES.** It shall be unlawful for any person to operate any motor driven vehicle within the City in such a manner that a person of normal sensitiveness residing in the area is caused discomfort or annoyance, as determined utilizing the criteria established in Section [8.47.050\(B\)](#), unless such operations are of an emergency nature; provided, however, any such vehicle that is operated upon any public highway, street, or right-of-way shall be excluded from the provisions of this section.

#### **G. AMPLIFIED SOUND.**

1. **PURPOSE.** While recognizing the constitutional rights of freedom of speech and assembly, the City nevertheless feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the rights of the citizens of the City to privacy and freedom from excessively loud and unnecessary noise.

2. **REGISTRATION.** It shall be 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 mounted upon any vehicle for the purposes of warnings, giving instructions, directions, talks, addresses, lectures, or transmitting music to any

persons or assemblages of persons without first filing a registration statement at least seven days prior to the date on which the sound amplifying equipment is intended to be used and obtaining approval from the Zoning Administrator.

3. APPROVAL. The Zoning Administrator shall return to the applicant an approved copy of the registration statement unless he or she finds that:

a. The conditions of the motor vehicle movement are such that use of the equipment would constitute a detriment to traffic safety; or

b. The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety.

4. DISAPPROVAL. In the event the registration statement is disapproved, the Zoning Administrator shall endorse upon the statement the reason for disapproval and return it to the applicant.

5. APPEALS. Any decision by the Zoning Administrator may be appealed to the City Council within seven days of action of the Zoning Administrator by filing a notice of appeal with the City Clerk.

H. WASTE HAULERS/COMMERCIAL SWEEPERS AND LEAF BLOWERS. It shall be unlawful for any person within any commercial, industrial, or office complex area of the City to operate any refuse compacting, processing or collection vehicle, parking lot sweeper or leaf blower within 150 feet of residential property between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day.

I. LOADING/UNLOADING. It shall be unlawful for any person in any commercial or industrial area of the City that abuts or is located adjacent to any residential property between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day to load or unload any vehicle, or operate any dollies, carts, forklifts, or other wheeled equipment that causes any noise that disturbs the peace or quiet of the residential neighborhood. (2802 § 1, 2011; 2660 § 2, 2005)

#### **8.47.070 Exemptions**

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A. EMERGENCY ACTIVITIES. The provisions of this chapter shall not preclude the operation, maintenance, and repair of equipment, apparatus, or facilities of essential public services, including those of governmental agencies and public utilities providing those activities are of an emergency nature or are necessary to maintain the health, safety, and welfare of the citizenry.

B. COMMUNITY ACTIVITIES. Community events, as described in Section [8.08.060](#) of the Municipal Code, outdoor gatherings, school bands, dances, shows, and athletic events are hereby exempted from the provisions of this chapter provided such activities are conducted pursuant to a duly authorized license or permit.

C. STATE AND FEDERAL PREEMPTIONS. Motor vehicle and aircraft operations and any other activity whose regulation has been preempted by state or federal law is hereby exempted from the provisions of this chapter. (2802 § 1, 2011; 2660 § 2, 2005)

#### **8.47.080 Abatement**

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The City Manager or his or her designee and his or her duly authorized representatives are hereby directed to enforce the provisions of this chapter by requiring that the alleged offender correct violations and achieve compliance with the provisions of this chapter within a reasonable period of time.

A. The City Manager or his or her designee shall have the power and duty to enforce the following noise control provisions of this Code: Section [8.47.050](#), Section [8.47.060](#)(A)(2), (C), (H), and (I).

B. The Police Department shall have the power and duty to enforce the following noise control provisions of this Code: Section [8.47.060](#) (A)(1), (B), (E), (F), (G)(1) and (2).

C. The Building Official shall have the power and duty to enforce the following noise control provisions of this Code: Section [8.47.060](#)(D). (2802 § 1, 2011; 2660 § 2, 2005)

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