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## Chapter 19.68 PERFORMANCE STANDARDS AND NOISE CONTROL

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A. Title. The ordinance codified in this chapter shall be known and may be cited as “the noise control ordinance” of the city of Chula Vista.

B. Declaration of Findings and Policy.

Whereas, excessive noise and vibration are a serious hazard to the public health and welfare and the quality of life, and

Whereas, the people have a right to and should be ensured an environment free from noise and vibration that may jeopardize their health or welfare or degrade the quality of life;

Now, therefore, it is the policy of the city to prevent noise and vibration which may jeopardize the health or welfare of its citizens or degrade the quality of life.

C. Criteria. As criteria for this chapter, Table I is a chart showing sound levels and their expected impact in terms of human response. Table II is a list of National Goals for Noise Reduction as set forth by the U.S. Environmental Protection Agency in their publication “Toward a National Strategy for Noise Control,” April, 1977

TABLE I

SOUND LEVELS AND HUMAN RESPONSE.

Common Sounds	Noise Level (dB)	Effect
Carrier deck Jet operation Air raid siren	140	Painfully loud
Jet takeoff (200 feet) Thunderclap	130	
Discotheque Auto horn (three feet)	120	Maximum vocal effort
Pile drivers Chain saw (two feet)	110	
Garbage truck Power lawn mower (four feet)	100	
Heavy truck (50 feet) City traffic	90	Very annoying Hearing damage (eight hours)
Alarm clock (two feet) Hair dryer Vacuum cleaner (five feet)	80	Annoying
Noisy restaurant Freeway traffic Man's voice (three feet)	70	Telephone use difficult
Air conditioning unit (20 feet)	60	Intrusive
Light auto traffic (100 feet)	50	Quiet
Living room Bedroom Quiet office	40	
Library Soft whisper (15 feet)	30	Very quiet
Broadcasting studio	20	
	10	Just audible
	0	Hearing begins

This decibel (dB) table compares some common sounds and shows how they rank in potential harm to hearing. Note that 70 dB is the point at which noise begins to harm hearing, that 60 dB is the threshold of stress response and 45 dB disturbs sleep. To the ear, each 10 dB increase seems twice as loud.

TABLE II

A. To take all practical steps to eliminate hearing loss resulting from noise exposure;

- B. To reduce environmental noise exposure to an Ldn value of no more the 75 dB immediately;
- C. To reduce noise exposure levels to Ldn 65 dB by vigorous regulatory and planning actions;
- D. To strive for an eventual reduction of noise levels to an Ldn of 55 dB.

(Ord. 2101 § 3, 1985).

#### 19.68.020 Definitions.

- A. Terminology. All terminology used in this title, not defined in this chapter, shall be in conformance with the American National Standards Institute Standard ANSI S1.1-1971 Acoustical Terminology (attached by reference).
- B. "A-weighted sound level" means the sound 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.
- C. "Ambient noise level" means 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 and time.
- D. "Enforcement office(r)" means the city employee and/or police officer having lead responsibility for enforcing this chapter, and the city employee having responsibility for making noise surveys, noise analyses, and noise investigations and for the administration of this chapter.
- E. "Construction" means any site preparation, assembly, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities, or similar property or similar activity upon public or private structures or land.
- F. "Continuous sound" means sound which is of a steady and uninterrupted nature of a specified time period. For the purposes of this title, the minimum time period shall be one hour.
- G. "Cumulative period" means an additive period of time composed of individual time segments which may be continuous or interrupted.
- H. "Day/night average sound level (Ldn)" means a 24-hour average of the A-weighted sound level, with the level during the period 10:00 p.m. to 7:00 a.m. increased by 10 dBA before averaging. It is denoted "Ldn."
- I. "Decibel" means 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.
- J. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- K. "Equivalent sound level (Leq)" means the average sound level measured over a stated

time period.

L. “Emergency work” means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

M. Environmental Noise. See “Noise disturbance – Environmental.”

N. “Fixed noise source” means 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.

O. “Impulsive sound” means 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.

P. “Intermittent sound” means sound which is not continuous or which is of a cyclic or repetitive nature.

Q. “Intrusive noise” means 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 and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.

R. “Mobile noise source” means any noise source other than a fixed noise source.

S. “Multiple dwelling” means a building or portions thereof designed for or used exclusively for residence purposes by three or more families or housekeeping units, living independently of one another.

T. Noise Disturbance. Any noise exceeding the noise level limits for a designated receiving land use category specified in Table III, or the prohibited actions as specified in CVMC [19.68.050](#), shall be deemed to be a “noise disturbance.”

1. Noise Disturbance – Environmental. Those noise disturbances resulting from land use activity normally permitted under the land use code, or permitted by a conditional use permit issued by the city, but which exceed the noise level limits set by this title for that particular land use. Environmental noise sources are specified in, but not limited by, the list in Appendix A.

2. Noise Disturbance – Nuisance. Those noise disturbances, other than environmental noise disturbances, which because of their unusual presence are considered harmful to health and well-being, annoying, obnoxious and unpleasant. Nuisance noise disturbances are specified in, but not limited to, the examples in Appendix A.

U. “Noise sensitive zone” means any area designated by the planning commission for the purpose of ensuring exceptional quiet.

V. “Public right-of-way” means any street, avenue, boulevard, highway, bikeway, sidewalk or alley or similar place which is owned or controlled by a government entity.

W. "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.

X. "Pure tone" means any sound which can be judged as audible as a single pitch or a set of single pitches by the enforcement officer or police officer.

Y. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

Z. "Sound amplifying equipment," as used in this chapter, means any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment," as used in this chapter, shall not be construed as including standard automobile radios when used and heard only by occupant(s) of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes. This definition shall include remotely located loudspeakers attached to and/or operated from a vehicle.

AA. "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute specifications for sound level meters, S1.4-1971.

BB. "Vibration perception threshold" means the minimum ground-borne 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 visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 inch/second over the range of 1 to 100 Hertz.

CC. "Weekday" means any day, Monday through Friday, which is not a legal holiday. (Ord. 2642 § 3, 1995; Ord. 2101 § 3, 1985).

19.68.030 Exterior noise limits.

A. Maximum Permissible Sound Levels by Receiving Land Use.

1. The noise standards for the various categories of land use as presented in Table III, and set forth in terms defined in the city land use code set forth in Chapter [19.04](#) CVMC, shall, unless otherwise specifically indicated, apply to each property or portion of property substantially used for a particular type of land use reasonably similar to the land use types shown in Table III. Where two or more dissimilar land uses occur on a single property, the more restrictive noise limits shall apply.
2. Additional land use classifications may be added by action of the city council to reflect both lower and higher existing ambient levels than those shown.
3. Where doubt exists when making identification of receiving land use, the director of planning and building may make an interpretation.
4. 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 to exceed the environmental and/or nuisance interpretation of the applicable limits given in Table III.

- a. Environmental noise shall be measured by the equivalent sound level (Leq) for any hour.
- b. Nuisance noise shall be measured as a sound level not to be exceeded at any time.
- c. Sound levels by receiving land use shall be measured at the boundary or at any point within the boundary of the property affected.
- d. Fixed-location public utility distribution or fixed transmission facilities, located on or adjacent to a property line, shall be subject to noise level limits of this section measured at or beyond six feet from the boundary of the easement upon which the equipment is located.

#### B. Corrections to Exterior Noise Level Limits.

1. If the noise is continuous, the Leq for any hour will be represented by any lesser time period within that hour. Noise measurements of a few minutes only will thus suffice to define the noise level.
2. If the noise is intermittent, the Leq for any hour may be represented by a time period typical of the operating cycle. Measurement should be made of a representative number of noisy/quiet periods. A measurement period of not less than 15 minutes is, however, strongly recommended when dealing with intermittent noise.
3. In the event the alleged offensive noise, as judged by the enforcement officer, contains a steady, audible sound such as a whine, screech or hum, or contains a repetitive impulsive noise such as hammering or riveting, the standard limits set forth in Table III shall be reduced by five dB.
4. If the measured ambient level exceeds that permissible in Table III, the allowable noise exposure standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violations source is not operating.

TABLE III

#### EXTERIOR NOISE LIMITS<sup>1, 2</sup>

	Noise Level [dB(A)]	
Receiving Land	10 p.m. to 7 a.m. (Weekdays)	7 a.m. to 10 p.m. (Weekdays)
Use Category	10 p.m. to 8 a.m. (Weekends)	8 a.m. to 10 p.m. (Weekends)
All residential	45	55

(except multiple dwelling)		
Multiple dwelling residential	50	60
Commercial	60	65
Light industry – I-R and I-L zone	70	70
Heavy industry – I zone	80	80

<sup>1</sup>Environmental Noise – Leq in any hour.

<sup>2</sup>Nuisance Noise – Not to be exceeded any time.

(Ord. 2790, 1999; Ord. 2276 § 2, 1988; Ord. 2101 § 3, 1985).

**19.68.040 Interior noise limits.**

**A. Maximum Permissible Dwelling Interior Sound Levels.**

1. No person shall operate, or cause to be operated, any source of sound within a residential dwelling unit 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 inside a neighboring receiving dwelling unit to exceed the environmental and/or nuisance interpretation of the applicable limits given in Table IV.

**TABLE IV**

Type of Land Use	Time Interval	Noise Level (dBA) not to be Exceeded		
		Any time	1 min in 1 hr	5 min in 1 hr
Multifamily	10 pm – 7 am	45	40	35
Residential	7 am – 10 pm	55	50	45

2. If the ambient noise level inside the receiving dwelling unit exceeds that permissible within any of the noise limit categories in Table IV, the allowable noise exposure standard in that category shall be the measured ambient for a cumulative period of five minutes in any hour, ambient plus five dB(A) for one minute in any hour, and shall not exceed the ambient plus 10 dB(A) at any time. (Ord. 2101 § 3, 1985.)

**19.68.050 Prohibited acts.**

A. Noise Disturbances Prohibited. No person shall unnecessarily make or continue, or cause to be made or continued, any noise disturbance.

B. Specific Prohibitions. The acts set forth in this section, and the causing or permitting

thereof, are declared to be in violation of this chapter.

C. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of any individual at or beyond the property boundary of the source if on private property or at 150 feet from the source if on a public space or public right-of-way.

D. Stationary Nonemergency Signaling Devices. Sounding or permitting the sounding of any electrically operated or 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 120 seconds continually in an hourly period, or intermittent sounding over a five-minute period in any hour.

E. Emergency Signaling Devices.

1. 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 (E)(2)(a) of this section.

2. a. 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 use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.

b. Testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not 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 in subsection (E)(2)(a) of this section shall not apply to such complete system testing.

3. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm for more than 15 minutes is prohibited.

F. Noise Sensitive Zones.

1. Creating or causing the creation of any sound within any noise sensitive zone, so as to exceed the specified land use noise standards set forth therefor; provided, that conspicuous signs are displayed indicating the presence of the zone; or

2. Creating or causing the creation of any sound within or adjacent to any noise sensitive zone, containing a hospital, nursing home, school, court or other designated area, so as to interfere with the functions of such activity or annoy the occupants in the activity; provided, that conspicuous signs are displayed indicating the presence of the zone.

(Ord. 2101 § 3, 1985).

19.68.060 Special provision (exemptions).

A. Warning Devices. Warning devices necessary for the protection of public safety, as, for example, police, fire and ambulance sirens, and train horns, are exempted from the provisions of this title.

B. Outdoor Activities. The provisions of this title shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events (excluding regularly scheduled school athletic events); **provided, the events are conducted pursuant to a permit or license issued by the city relative to the staging of the events.** The permit authority, as set forth in Chapter [19.58](#) CVMC, may, aside from this chapter, regulate and control noise caused by such outdoor activity.

C. Exemptions from Exterior Noise Standards. The provisions of CVMC [19.68.030](#) shall not apply to activities covered by the following sections:

1. Street sales – prohibited unless exception is granted per CVMC [19.68.070](#);
2. Construction/demolition;
3. Stationary nonemergency signaling devices;
4. Emergency signaling devices;
5. Motor vehicles operating on public rights-of-way;
6. Wherein noise limit exceptions or excesses are specifically provided for in the issuance of any temporary use permit pursuant to Chapter [19.54](#) and [19.58](#) CVMC or in city council approval of any parades, civic functions or gatherings, such specifics shall prevail.

D. Federal- or State-Preempted Activities. Any other activity to the extent regulation thereof has been preempted by state or federal law. (Ord. 2101 § 3, 1985).

#### 19.68.070 Exceptions.

A. The city council is authorized to grant exceptions for any environmental noise provision of this chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the city council determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities, nor shall it apply to nuisance noises.

B. Any person seeking exceptions pursuant to this section shall file an application with the director of planning and building. The application shall be submitted and processed in the same manner as conditional use permits. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. (Ord. 2790, 1999; Ord. 2101 § 3, 1985).

#### 19.68.078 Enforcement.

A. Violations and Penalties.

1. It is a violation for any property owner(s) and/or person(s) in control of property to permit, or cause, a noise disturbance to be produced upon property owned by them or under their control.

2. It is a violation for any person or persons to create or allow the making of noise disturbance as provided by this chapter at any location in the city.
3. The violation of this chapter by making or allowing an environmental noise disturbance shall be an infraction. Enforcement of environmental noise violations shall follow the procedures set forth in the land use code for zoning violations.
4. The violation of this chapter by making or allowing a nuisance noise disturbance shall be an infraction. Subsection (D) of this section provides for the method of enforcement wherein noise may be in violation of both the environmental and nuisance noise disturbance provisions.

#### B. Environmental Noise.

1. Classification of Environmental Noise. The enforcement officer shall determine that any given obtrusive noise condition that falls within the definition of environmental noise disturbance, pursuant to CVMC [19.68.020](#), is an environmental noise. The enforcement officer may use Appendix A in CVMC [19.68.090](#), as an aid in making such determinations. The director of planning and building may make determinations classifying noise sources not specifically mentioned in Appendix A.
2. Responsibility. The planning and building director shall be responsible for investigation and enforcement of environmental noise disturbances.
3. Guidelines. The planning and building director may, from time to time, promulgate guidelines for administration and enforcement of the provisions of this chapter pertaining to noise violations.
4. Abatement Shall Terminate Enforcement Action. No complaint or further action shall be taken in the event that the cause of the violation has been removed, or the condition abated or fully corrected, within the time period specified in a notice of violation issued by the enforcement officer.

#### C. Nuisance Noise.

1. Classification of Nuisance Noise. The chief of police shall determine that any given obtrusive noise condition that falls within the definition of nuisance noise disturbance, pursuant to CVMC [19.68.020](#), is a nuisance noise. The chief of police may use Appendix A as an aid in making such determinations. At the request of the chief of police, the director of planning and building may make determinations for classifying nuisance noise sources not specifically mentioned in Appendix A.
2. Responsibility. The chief of police shall be responsible for investigation and enforcement of nuisance noise disturbances.
3. Guidelines. The chief of police may, from time to time, promulgate guidelines for administration and enforcement of the provisions of this chapter pertaining to nuisance noise violations.

4. Abatement Order. The officer responsible for enforcement of any provisions of this section may issue an order requiring abatement of a sound source alleged to be in violation within a reasonable time period and according to guidelines which the chief of police may prescribe. Such orders of abatement may be verbally administered. Failure to comply may be held as a violation of this chapter.

D. Enforcement of Noise Disturbances That Are Both Environmental and Nuisance.

1. Where investigation reveals that offending noise violates both the environmental noise regulations and the nuisance noise regulations, the offense shall be enforced as a nuisance noise violation unless the chief of police makes a specific finding that the environmental noise regulations more nearly apply, in which case the environmental noise regulations shall apply.

2. Nothing contained in this provision shall limit the city’s ability to prosecute noise violations as both environmental and nuisance noise.

E. 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 vibration exceeding the allowable limits as specified in this chapter, 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. 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 injury or damage arising from any violation of this chapter or from any other law. (Ord. 2790, 1999; Ord. 2101 § 3, 1985).

19.68.090 Appendices.

A. Appendix A – Adoption. Appendix A to this chapter, codified in subsection (B) of this section, is adopted concurrently with the adoption of the ordinance codified in this chapter.

B. Appendix A – Designated.

APPENDIX A

CLASSIFICATION OF NOISE SOURCES

Environmental Noise	Nuisance Noise
Air-conditioning units (fixed)	Air-conditioning units (improperly maintained)
Animal shelters	Animals, pets
Auto and vehicle repairs in conjunction with permitted commercial or industrial activity	Auto and vehicle repairs on residential sites
	Carbide ignitors and similar devices producing impactive noise
Commercial activities normally found in connection with a permitted activity	Commercial activities, other than those permitted, which are causing a nuisance. Also,

	outdoor commercial sales activities
	Construction/demolition activities (of a temporary nature)
Industrial activities normally found in conjunction with a permitted activity	Industrial activities, other than environmental, and causing a nuisance
Loading and unloading in conjunction with permitted uses	Loading and unloading, other than environmental, and causing a nuisance
Loose shutters, squeaky gates, clattering drain covers, and other conditions resulting from inadequate property maintenance	
Machinery and compressors (fixed or maintained in conjunction with a permitted activity)	Machinery and compressors other than environmental
	Off-road vehicles
	Outcrying, shouting, screaming, whistling, and singing
	Powered model toys, devices, vehicles and equipment
Power tools normally found in conjunction with permitted uses	Power tools, other than environmental. Also, hobby activities
Lawn mowers	
Pumps – Same as machinery and compressors	Pumps – Same as machinery and compressors
	Private parties, gatherings, and assemblages of limited duration
Public address and public assembly, indoor and outdoor, as permitted use	Public address and public assembly, indoor and outdoor, as temporary use or as an assembly other than environmental
	Radios, stereos, T.V.'s sound amplifiers, musical instruments, and drums
Signaling devices (nonemergency), stationary: Outside phone bells School bells	Signaling devices (nonemergency), mobile: Utility truck radio speakers
	Emergency: Burglar alarms Auto theft alarms
	Sound trucks

(Ord. 2101 § 3, 1985).



The Chula Vista Municipal Code is current through Ordinance 3354, passed September 15, 2015.

Disclaimer: The City Clerk's Office has the official version of the Chula Vista Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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