

## Chapter 8.36

### NOISE

Sections:

- 8.36.010 Declaration of policy.
- 8.36.020 Definitions.
- 8.36.030 General noise regulations.
- 8.36.040 Exterior noise standards.
- 8.36.050 Interior noise standards.
- 8.36.060 Noise measurement procedure.
- 8.36.070 Prohibited acts.
- 8.36.080 Exemptions.
- 8.36.090 Enforcement.

#### **8.36.010 Declaration of policy.**

In order to control unnecessary, excessive and annoying noise and vibration in the City of Gardena, it is hereby declared to be the policy of the City to prohibit such noise and vibration generated from or by all sources as specified in this chapter. It shall be the policy of the City to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the City where noise levels are above acceptable values.

It is determined that certain noise levels and vibrations are detrimental to the public health, welfare and safety, and are contrary to public interest. Therefore, the City Council does ordain and declare that creating, maintaining, causing or allowing to be created, caused or maintained, any noise or vibration 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. 1683 § 1, 2006; Urg. Ord. 1682 § 1, 2006; prior code § 4-8.01)

#### **8.36.020 Definitions.**

The following words, phrases and terms as used in this chapter shall have the meaning as indicated below. All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

**A-Weighted Sound Level:** 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.

**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.

**Average (equivalent) Noise Level, or Leq:** The sound level corresponding to a steady state noise level over a given measurement period with the same amount of acoustic energy as the actual time-varying noise level. Also known as the energy average noise level during the measurement period. The measurement period shall be fifteen (15) minutes under the terms of this chapter. Measured in dB(A).

**Construction:** Any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or on public or private rights-of-way, structures, utilities or similar property.

**Decibel:** A unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) microPascals.

**Demolition:** Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**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 services, on an emergency basis.

**Fixed Noise Source:** 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.

**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.

**Impact Noise:** The noise produced by the collision of one mass in motion with a second mass, which may be either in motion or at rest.

**Impulsive Noise:** Noise of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, and the discharge of firearms.

**Intrusive Noise:** 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.

**Maximum Noise Level (Lmax):** The greatest sound level measured on a sound level meter during a designated time period. The measurement period shall be fifteen (15) minutes under the terms of this chapter. Measured in dB(A).

**Mobile Noise Source:** Any noise source other than a fixed noise source.

**Motor Vehicle:** Motor vehicle shall include any and all self-propelled vehicles as defined in the California Motor Vehicle Code, including all on-highway type motor vehicles subject to registration under said Code, and all off-highway type motor vehicles subject to identification under said Code.

**Muffler or Sound Dissipative Device:** A device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

**Noise Disturbance:** Any noise which (a) endangers or injures the safety or health of human beings or animals, or (b) annoys or disturbs reasonable persons of normal sensitivities, or (c) endangers or injures personal or real property, or (d) violates the factors set forth in Section 8.36.040 or 8.36.050 of this chapter.

**Noise Level:** The A-weighted sound pressure level in decibels. The unit of measurement shall be designated as dB(A).

**Person:** Any individual, firm, association, partnership, joint venture, corporation, or any entity, public or private in nature, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.

**Powered Model Vehicle:** Any self-propelled, airborne, waterborne, or land borne plane, vessel, or vehicle, which is not designed to carry persons, including but not limited to, any model airplane, boat, car, or rocket.

**Public Right-of-Way:** Any street, avenue, boulevard, highway, sidewalk or alley or similar place, which is owned or controlled by a government entity.

**Public Space:** Any real property or structures thereon which are owned or controlled by a governmental entity.

**Pure Tone:** Any sound, which can be judged as audible or as a single pitch or a set of single pitches. For the purposes of this ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

**Real Property Boundary:** 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 intra-building real property divisions. Typically this “line” is the same as a lot line.

**Residential Property:** A parcel of real property which is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

**Sound Amplifying Equipment:** Any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and as used in this chapter, warning devices on authorized emergency vehicles or **horns or other warning devices on any vehicle used only for traffic safety purposes.**

**Sound Level Meter:** 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 1 or Type 2 meters in American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

**Sound Pressure Level:** For the purposes of this chapter, sound pressure level is the same as “A-weighted Sound Level.”

**Sound Truck:** Any motor vehicle, or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

**Vibration Perception Threshold:** The minimum ground- 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 in/sec over the range of 1 to 100 Hz.

**Weekday:** Any day, Monday through Friday, which is not a legal holiday. (Ord. 1683 § 1, 2006; Urg. Ord. 1682 § 1, 2006; prior code § 4-8.02)

**8.36.030 General noise regulations.**

Notwithstanding any other provision of this chapter, and in addition thereto, **it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturb the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitivity** (Ord. 1683 § 1, 2006; Urg. Ord. 1682; prior code § 4-8.03)

**8.36.040 Exterior noise standards.**

A. The following exterior noise standards, unless otherwise specifically indicated, shall apply to all property within the City. The Land Use category refers to the affected receiver property:

Type of Land Use	Allowable Exterior Noise Level			
	15-Minute Average Noise Level (Leq)		Maximum Noise Level (Lmax)	
	7 a.m. to 10 p.m.	10 p.m. to 7 am	7 a.m. to 10 p.m.	10 p.m. to 7 am
Residential	55 dB(A)	50 dB(A)	75 dB(A)	70 dB(A)
Residential portions of mixed-use	60 dB(A)	50 dB(A)	80 dB(A)	70 dB(A)
Commercial	65 dB(A)	60 dB(A)	85 dB(A)	80 dB(A)
Industrial or manufacturing	70 dB(A)	70 dB(A)	90 dB(A)	90 dB(A)

In the event the alleged offensive noise contains a pure tone such as a whine, screech, or hum, or contains repetitive, impulsive or impact noise such as hammering or riveting, or contains music or speech conveying informational content, each of the above noise standards shall be reduced by 5 dB.

B. No person shall operate or cause to be operated, any source of sound at any location within the incorporated City 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 from any other property, either incorporated or unincorporated, to exceed the noise standards of paragraph (A).

C. In the event the ambient noise level exceeds the noise standard, the ambient noise level shall become the noise standard. (Ord. 1683, 2006; Urg. Ord. 1682, 2006)

**8.36.050 Interior noise standards.**

A. The following interior noise standards, unless otherwise specifically indicated, shall apply to all residential dwellings with windows in their normal seasonal configuration, where such dwelling is the receiver of intrusive noise:

Type of Land Use	Allowable Interior Noise Level			
	15-Minute Average Noise Level (Leq)		Maximum Noise Level (Lmax)	
	7 a.m. to 10 p.m.	10 p.m. to 7 am	7 a.m. to 10 p.m.	10 p.m. to 7 am
Residential	45 dB(A)	40 dB(A)	65 dB(A)	50 dB(A)
Residential portions of mixed-use	45 dB(A)	40 dB(A)	70 dB(A)	50 dB(A)

In the event the alleged offensive noise contains a pure tone such as a whine, screech, or hum, or contains repetitive, impulsive or impact noise such as hammering or riveting, or contains music or speech conveying informational content, each of the above noise standards shall be reduced by 5 dB.

B. No person shall operate or cause to be operated, any source of sound at any location within the incorporated City 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 within any residential dwelling, either incorporated or unincorporated, to exceed the noise standards of paragraph (A).

C. In the event the ambient noise level exceeds the noise standard, the ambient noise level shall become the noise standard. (Ord. 1683, 2006; Urg. Ord. 1682, 2006)

**8.36.060 Noise measurement procedure.**

Upon receipt of a complaint from a citizen of noise disturbance that is not a Prohibited Act set forth in Section 8.36.070, the City or its agent, equipped with sound level meter satisfying the requirements specified in Section 8.36.020, shall investigate the complaint. The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem and shall include the following:

A. Non-Acoustic Data.

1. Type of noise source.
2. Location of noise source relative to complainant’s property.
3. Time period during which noise source is considered by complainant to be intrusive.
4. Total duration of noise produced by noise source.
5. Date and time of noise measurement survey.

B. Noise Measurement Procedure.

1. Utilizing the “A” Weighting scale of the sound level meter and the “slow” meter response (use “fast” response for impulsive or impact type sounds), the noise level shall be measured at a position or positions at any point on the receiver’s property.

2. Measurements shall be made at the location with the highest perceived noise level including, but not limited to, locations identified by the complainant as being most severely affected by noise. In general, the microphone shall be located five feet above the ground or finished surface, and ten feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation or microphone height is deemed appropriate (e.g., a second floor facade or balcony), it shall be utilized. If the noise measurement is to be obtained behind a noise barrier (e.g., a fence or wall) the microphone shall be located no closer than five feet from the noise barrier, where possible. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling, or floor nearest the noise source, with windows in the normal seasonal configuration. Calibration of the measurement equipment, utilizing an acoustical calibrator, shall be performed immediately prior to recording any noise data.

3. If possible, the ambient noise shall be measured at the same location utilized in paragraph (2), with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source but at a sufficient distance such that the noise from the source is inaudible. (Ord. 1683 § 1, 2006; Urg. Ord. 1682, 2006)

### **8.36.070 Prohibited acts.**

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

1. Radios, Television Sets, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound:

a. Between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 8.36.040 or 8.36.050, except for activities for which a permit has been issued by the City.

b. In such a manner as to exceed the levels set forth in Section 8.36.040, measured at a distance of at least 50 feet from such device operating on a public right-of-way or public space.

2. Loudspeakers (Amplified Sound). Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device between the hours of 10 p.m. and 7 am, such that the sound therefrom creates a noise disturbance across a residential real property line, or at any time violates the provisions of Section 8.36.040 or 8.36.050, except for any non-commercial public speaking, public assembly or other activity for which a permit has been issued by the City.

3. Street Sales.

a. Offering for sale, selling anything, or advertising by shouting or outcry within any residential or commercial area of the City except by permit issued by the City.

b. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at permitted sporting events, parades, fairs, circuses, or other similar licensed public entertainment events.

4. Yelling, Shouting, Whistling and Singing. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

5. Animals and Birds. Owning, possessing, or harboring any animal or bird which frequently or for long duration, howls, barks, mews, squawks, or makes other sounds which create a noise disturbance across a residential or commercial real property line.
6. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line or at any time to violate the provisions of Section 8.36.040 or 8.36.050.
7. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the real 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.
8. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles:
  - a. Between the hours of 7:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 8.36.040 or 8.36.050.
  - b. In such a manner as to exceed the levels set forth in Section 8.36.040, measured at a distance not less than 100 feet from any point on the path of a vehicle operating on public space or public right-of-way.
9. Stationary Non-Emergency Signaling Devices. Sounding or permitting the sounding of any 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 10 seconds in any hourly period. Houses of religious worship shall be exempt from the operation of this provision.
10. Emergency Signaling Devices. 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 described below:
  - 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 (a) shall not apply to such complete system testing.
  - c. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within 15 minutes of activation.
11. Domestic Power Tools, Machinery.
  - a. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m., so as to create a noise disturbance across a residential or commercial real property line.
  - b. Any motor, air conditioner, machinery, pump, such as swimming pool equipment, etc., shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Section 8.36.040 or 8.36.050.
12. Places of Public Entertainment. Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound in any place of public entertainment that exceeds 95 dB(A) as read on the slow response of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating: "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT".

13. Tampering. The following acts or the causing thereof are prohibited:

- a. The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement, of any noise control device or element thereof.
- b. The use of a product, which has had a noise control device or element thereof, removed or rendered inoperative.

14. Motor Vehicle Noise Limits. Motor vehicle noise limits on a public right-of-way are regulated as set forth in the California Motor Vehicle Code, Sections 23130 and 23130.5. Equipment violations, which create noise problems, are covered under Sections 27150 and 27151. Any peace officer of any jurisdiction in California may enforce these provisions. Therefore, it shall be the policy of the City to enforce these sections of the California Vehicle Code.

15. Motor Vehicle Horns. **It is unlawful for any person to sound a vehicular horn except as a warning signal** (Motor Vehicle Code, Section 27001).

16. Motorized Recreational Vehicles Operating Off Public Right-of-Way. No person shall operate or cause to be operated any motorized recreational vehicle off a public right-of-way in such a manner that the sound levels emitted there from violate the provisions of Section 8.36.040. This section shall apply to all motorized recreational vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, campers, and dune buggies.

17. Vehicle, Motorboat, or Aircraft Repair and Testing.

- a. **Repairing, rebuilding, modifying, or testing any motor vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance across a residential real property line,** or at any time to violate the provisions of Section 8.36.040.
- b. Nothing in this Section shall be construed to prohibit, restrict, penalize, enjoin, or in any manner regulate the movement of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable Federal laws or regulations.

18. Standing Motor Vehicles. No person shall operate or permit the operation of any motor vehicle, or any auxiliary equipment attached to such a vehicle, for a period longer than 5 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, or at any time to violate the provisions of Section 8.36.040. (Ord. 1683 § 1, 2006; Urg. Ord. 1682, 2006)

#### **8.36.080 Exemptions.**

The provisions of this chapter shall not apply to the following:

- A. Emergency sound for the purpose of alerting persons to the existence of an emergency, or
- B. Mechanical devices, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.
- C. Warning Devices necessary for the protection of public safety, as for example police, fire, and ambulance sirens, and train horns shall be exempted from the provisions of this ordinance.
- D. **Noise from occasional outdoor events/activities, outdoor gatherings, public dances, shows, and sporting and entertainment events, provided said events are conducted pursuant to a permit or license issued by the City relative to the staging of said event.**
- E. School Activities, provided said activities are conducted on the grounds of a public or private nursery, elementary, intermediate or secondary school or college.
- F. **Gatherings or festival activities conducted on a publicly owned and operated park or playground, pursuant to a city permit.**

G. Noise associated with construction, repair, remodeling, grading or demolition of any real property, provided said activities do not take place between the hours of 6:00 p.m. and 7:00 a.m. on weekdays between the hours of 6:00 p.m. and 9:00 a.m. on Saturday or any time on Sunday or a Federal holiday.

H. Operation of refuse and recyclable collection vehicles, provided:

1. Collection of residential refuse/recyclables does not occur between the hours of 6:00 p.m. and 7:00 a.m. on Weekdays, or at any time on a weekend or holiday, except as provided below.
2. Collection from commercial premises, audible in residential areas, and which does not occur between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or at any time on a weekend or holiday, except as provided below.
3. When a collection day occurs on a holiday, alternative collections may be made on the following Saturday, between the hours of 7 a.m. and 6 p.m.

I. Federal or State Preempted Activities to the extent regulation thereof has been preempted by State or Federal law.

J. Street cleaning, parking lot sweeping and sidewalk steam cleaning activities provided the activities do not occur between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or at any time on a weekend or holiday.

1. When a cleaning/sweeping day occurs on a holiday, alternative scheduling may be made on the following Saturday, between the hours of 7 a.m. and 6 p.m.

K. Pre-existing Noise Sources. Commercial and/or industrial operations in existence prior to the date of adoption of this amendment, if in compliance with local zoning statues, shall be granted a six-month period from the effective date of this ordinance to comply with the provisions of this chapter. If prior to the end of the six-month period, it can be shown that compliance with the provisions herein constitutes a hardship in terms of technical and economic feasibility, an extension of time may be granted by the City Manager. (Ord. 1683 § 1, 2006; Urg. Ord. 1682, 2006)

#### **8.36.090 Enforcement.**

Any noise from prohibited actions or noise, which exceeds the noise level limits for a designated noise zone as specified in Section 8.36.030, 8.36.040 or 8.36.050 shall constitute prima facie evidence of a violation of the provisions of this chapter. Any person violating or permitting the provisions of this chapter shall be deemed guilty of a misdemeanor.

A. Additional Remedies.

1. 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 create sound levels or vibration exceeding the allowable limits specified in this chapter shall be deemed and declared to be a public nuisance and may be subject to abatement by restraining order, injunction, warrant or any other judgment issued by a court of competent jurisdiction.
2. Any violation of this chapter is declared to be a public nuisance and may be abated in accordance with law. The expense of abating such public nuisance may be recovered through a lien against the property on which such nuisance is maintained and such item shall be made a personal obligation of the property owner. (Ord. 1683 § 1, 2006; Urg. Ord. 1682, 2006)