

ORDINANCE NO. 2579

AN ORDINANCE OF THE CITY OF REDLANDS ADDING CHAPTER
8.06 TO THE REDLANDS MUNICIPAL CODE TO ESTABLISH
REGULATIONS FOR NOISE CONTROL

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS
FOLLOWS:

Section 1. Chapter 8.06, entitled "Community Noise Control," is hereby added to
the Redlands Municipal Code to read as follows:

"Chapter 8.06

COMMUNITY NOISE CONTROL

Sections:

8.06.010	Purpose
8.06.020	Definitions
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Section 8.06.010 Purpose

The purpose of this Chapter is to implement the noise control provisions of the
Redlands General Plan by establishing comprehensive regulations for the control of
noise within the City.

Section 8.06.020 Definitions

The following words and phrases shall have the meanings set out in this section.
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. "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 dBA.
- B. "Ambient noise level" means 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.
- C. "Commercial" means generally consisting of uses permitted in the commercial zones as set forth in Title 18 of this Code or adopted specific plans.
- D. "Construction" means any site preparation, grading, assembly, erection, substantial repair, alteration and related material handling and disposition, or similar activity, for or on public or private rights-of-way, structures, utilities or public or private property.
- E. "Cumulative period" means an additive period of time composed of individual time segments that may be continuous or interrupted.
- F. "Decibel" means a unit for measuring the amplitude of a 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. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar improvements on public or private property.
- H. "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage which requires immediate mitigation.
- I. "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 or refrigeration equipment.
- J. "Industrial" means generally consisting of uses permitted in the industrial zones as set forth in Title 18 of this Code or adopted specific plans.
- K. "Licensed" means the possession of a license or a permit issued by the appropriate jurisdictional authority; or, where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public record.
- L. "Mobile noise source" means any noise source other than a fixed noise source.

M. "Motor vehicle" shall include any and all self-propelled vehicles as defined in the California Vehicle Code.

N. "Muffler or sound dissipative device" means 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.

O. "Noise Control Officer ("NCO") means the Code Enforcement Division of the City or such other employees of the City so designated by the City Manager to enforce this Chapter.

P. "Noise disturbance" means any sound not in compliance with the quantitative standards as listed herein which either:

1. Endangers or injures the safety or health of human beings or animals;
2. Annoys or disturbs reasonable persons of normal sensitivities;
3. Endangers or injures personal or real property; or
4. Violates sections 8.06.030 or 8.06.090 of this Chapter.

Q. "Noise sensitive zone" means any area designated as such pursuant to this Chapter for the purpose of ensuring exceptional quiet.

R. "Noise zone" means any defined areas or regions of a generally consistent land use wherein the ambient noise levels are within a range of 5 dB.

S. "Person" means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.

T. "Powered model vehicle" means any self-propelled, airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons including but not limited to, any model airplane, boat, car or rocket.

U. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place owned or controlled by a governmental entity.

V. "Public space" means any real property or structure thereon which is owned or controlled by a governmental entity.

W. "Residential" means generally consisting of uses as permitted in the residential zones as set forth in Title 18 of this Code or adopted specific plans.

X. "Sound-amplifying equipment" means any device for the amplification of the human voice, music or any other sound, excluding standard automobile radios or stereo systems when used and heard only by the occupants of the vehicle in which the radio or stereo system is installed, excluding warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Y. "Sound level meter" means an instrument, including a microphone, amplifier, output meter and frequency weighting networks for the measurement of sound levels which meets or exceeds the requirements of the American National Standard Institute's S1.4-1971, or the most recent revision thereof, for Type 1 or Type 2 sound level meters.

Z. "Sound truck" means any motor vehicle regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto, any sound amplifying equipment.

AA. "Vibration perception threshold" means 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.

BB. "Weekday" means any day, Monday through Friday, which is not a legal holiday.

Section 8.06.030 General noise regulations

It shall be unlawful for any person to willfully or negligently make, or cause to be made, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity in the area. The factors that may be considered in determining whether a violation of this Chapter exists include, but are not limited to, the following:

- A. The sound level of the objectionable noise;
- B. The sound level of the ambient noise;
- C. The proximity of the noise to residential living or sleeping facilities;
- D. The nature and zoning of the area within which the noise emanates;
- E. The number of persons affected by the noise;
- F. The time of day or night the noise occurs;
- G. The duration of the noise;
- H. The tonal, informational or musical content of the noise;
- I. Whether the noise is continuous, recurrent or intermittent;
- J. Whether the noise is produced by a commercial or noncommercial activity;
- K. Whether the nature of the noise is usual or unusual;

- L. Whether the origin of the noise is natural or unnatural; and
- M. Whether the noise occurs on a weekday, weekend or a holiday.

Section 18.06.040 Enforcement authority

A. The NCO and the NCO's duly authorized representatives may enforce the provisions of this Chapter.

B. The NCO and its authorized representatives shall have satisfactorily completed an instructional program as recommended by the measuring instrument's manufacturer.

C. No person shall interfere with, oppose or resist the NCO or any authorized person charged with the enforcement of this Chapter when such persons are engaged in the performance of their duties.

Section 8.06.050 Noise measurement procedure

The NCO, equipped with sound level measurement equipment satisfying the requirements in Section 8.06.020, may investigate any complaint relating to a violation of this Chapter. The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem and include, but not be limited to, the following:

- A. Type of noise source;
- B. Location of noise source relative to the complainant's property;
- C. Time period during which noise source is considered by complainant to be intrusive;
- D. Total duration of noise produced by noise source; and
- E. Date and time of noise measurement survey.

Section 8.06.060 Noise measurement methodology

A. Utilizing the "A" weighting scale of the sound level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property deemed appropriate to determine whether the noise level complies with this Chapter.

B. The microphone shall be located four to five feet above the ground; ten feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential building or unit. The measurements shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source, with the windows closed.

C. Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately prior to recording any noise data. Standard maintenance of the measuring equipment shall be in accordance with the manufacturer's recommendations.

D. No outdoor measurements shall be taken:

1. During periods when wind speeds (including gusts) exceed 15 mph;
2. Without a windscreen, as recommended by the measuring instrument's manufacturer, properly attached to the measuring instrument;
3. Under any condition that allows the measuring instrument to become wet (e.g., rain or condensation); or
4. When the ambient temperature is out of the range of the tolerance of the measuring instrument.

8.06.070 Exterior noise limits

A. The noise standards for the categories of land uses identified in Table 1 shall, unless otherwise specifically indicated, apply to all such property within a designated zone.

Table 1		
Maximum permissible sound levels by receiving land use:		
Receiving Land Use Category	Time Period	Noise Level - dBA
Single Family Residential Districts	10 p.m.- 7 a.m.	50
	7 a.m. -10 p.m.	60
Multi-Family Residential Districts; Public Space; Institutional	10 p.m.- 7 a.m.	50
	7 a.m.-10 p.m.	60
Commercial	10 p.m.- 7 a.m.	60
	7 a.m.-10 p.m.	65
Industrial	Any Time	75

B. 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 when measured on any other property to exceed:

1. The noise standard for that land use specified in Table 1 for a cumulative period of more than thirty minutes in any hour; or
2. The noise standard specified in Table 1 plus 5 dB for a cumulative period of more than fifteen minutes in any hour; or

3. The noise standard specified in Table 1 plus 10 dB for a cumulative period of more than five minutes in any hour; or
4. The noise standard specified in Table 1 plus 15 dB for a cumulative period of more than one minute in any hour; or
5. The noise standard specified in Table 1 plus 20 dB or the maximum measured ambient level, for any period of time.

C. If the measured ambient level exceeds the allowable noise exposure standard within any of the first four noise limit categories above, the allowable noise exposure standard shall be adjusted in 5 dB increments in each category as appropriate to encompass or reflect said ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

D. The ambient noise shall be measured at the same location along the property line utilized in sub-section 8.06.060B, with the alleged offending noise source inoperative. If the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance that the noise from the source is at least 10 dB below the ambient in order that only the ambient level be measured. If the difference between the ambient and the noise source is 5 to 10 dB, then the level of the ambient itself can be reasonably determined by subtracting a one-decibel correction to account for the contribution of the source.

E. In the event the alleged offensive noise contains a steady, audible tone such as a whine, screech, hum, or is a repetitive noise such as hammering or riveting, or contains music or speech conveying informational content, the standard limits set forth in Table 1 shall be reduced by 5 dB.

8.06.080 Interior noise standards

A. No person shall operate or cause to be operated any source of sound, or allow the creation of any noise, which causes the noise level when measured inside a neighboring receiving occupied building to exceed the following standards:

1. The noise standard for that land use specified in Table 2 for a cumulative period of more than five minutes in any hour.
2. The noise standard for that land use specified in Table 2 plus 5dB for a cumulative period of more than of one minute in any hour.
3. The noise standard for that land use specified in Table 2 plus 10dB for the maximum measured ambient noise level for any period of time.

B. If the measured ambient level exceeds the allowable exterior noise exposure standard in Table 1, the allowable interior noise exposure level shall be adjusted in 5 dB increments as appropriate to reflect the ambient noise level.

Table 2		
Maximum permissible interior sound levels by receiving land use:		
Receiving Land Use Category	Time Period	Noise Level - dBA
Single Family Residential Districts	Any Time	45
Multi-Family Residential Districts; Institutional; Hotels	Any Time	45
Commercial	Any Time	50
Industrial	Any Time	60

8.06.090 Noise disturbances prohibited

The following acts, and the causing or permitting thereof, are declared to be in violation of this Chapter:

A. 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:

1. Between the hours of 10 p.m. and 7 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 Sections 8.06.030 or 8.06.070.
2. In such a manner as to exceed the levels set forth for public space in Table 1, measured at a distance of at least 50 feet from such device operating on a public right-of-way or public space.

B. Using or operating for any purpose any loudspeaker, loudspeaker system, stereo system or similar device between the hours of 10 p.m. and 7 a.m., such that the sound there from creates a noise disturbance across a residential property line, or at any time violates the provisions of Sections 8.06.030 or 8.06.070, except for non-commercial public speaking, public assembly or activity for which an exemption has been provided for in either this Section or Section 8.06.120.

C. Street sales. Offering for sale, selling anything, or advertising by shouting or outcry within the City except by permit issued by the City. This subsection shall not be construed to prohibit the selling by outcry of merchandise, food or beverages at licensed sporting events, parades, fairs, circuses or other similar licensed public entertainment events.

D. Animals and birds. Owning, possessing or harboring any animal or bird which frequently, or for long duration, howls, barks, meows, squawks or makes other sound which creates a noise disturbance across a residential or commercial real property line or within a noise sensitive zone.

E. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, refuse containers or similar objects between the hours of 10 p.m. and 6 a.m. in such a manner as to cause a noise disturbance across a residential real property line or at any time to violate Section 8.06.030.

F. Construction and/or demolition. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between weekday hours of 6 p.m. and 7 a.m., including Saturdays, or at any time on Sundays or holidays, such that the sound there from creates a noise disturbance across a residential or commercial real property line, except for emergency work by public service utilities, the City or another governmental entity. All mobile or stationary internal combustion engine powered equipment or machinery shall be equipped with exhaust and air intake silencers in proper working order, or suitable to meet the standards set forth herein.

G. 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 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.

H. Powered model vehicles. Operating or permitting the operation of powered model vehicles:

1. Between the hours of 7 p.m. and 7 a.m. so as to create a noise disturbance across a residential or commercial real property line or at any time in violation of Section 8.06.030.
2. In such a manner as to exceed the levels set forth for public space land use in Table 1 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.

I. Stationary, non-emergency signaling devices:

1. 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.

2. Places of worship and public and private schools shall be exempt from the operation of this subsection.

J. 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 J.2.
2. Testing:
 - a. Testing of a stationary emergency signaling device shall not occur before 7 a.m. or after 7 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 a.m. or after 10 p.m. The time limit specified in this subsection J.2.a 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 unless such alarm is terminated within 5 minutes of activation.

K. Noise sensitive zones. 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 in Table 1, and Section 8.06.070B, or 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.

L. Domestic power tools and machinery:

1. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 10 p.m. and 7 a.m., so as to create a noise disturbance across a residential or commercial real property line.
2. Motor, machinery and pumps, such as swimming pool equipment, shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Table 1 in Section 8.06.070.

M. Places of public entertainment. Operating or permitting the operation or playing of any loudspeaker, musical instrument or other source of sound in any place of public entertainment that exceeds 95 dBA 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 with minimum one-inch letter height stating: "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT."

8.06.100 Residential air-conditioning or air-handling equipment

It shall be unlawful to operate or permit the operation of any air-conditioning or air-handling equipment in such a manner as to exceed the sound levels set forth in Table 1 of Section 8.06.070.

8.06.110 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 of any product required to meet specified noise emission limits under Federal, State or local law.

B. The removal of any noise label from any product identified above in subsection A of this Section.

C. The use of a product identified in subsection A of this Section, which has had a noise control device or element thereof or noise label removed or rendered inoperative.

8.06.120 Exemptions

A. Emergency exemption: This Chapter shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency such as, but not limited to, loud speakers, horns, sirens whistles or other similar devices which emit sound, only for the time required to make notification of the emergency condition; or
2. The emission of sound in the performance of emergency work or the temporary provision of essential services such as, but not limited to, utility system repairs or upgrades, infrastructure repairs structural repairs and other unscheduled, infrequent and non-recurring activities, required to protect, persons and property from physical harm or loss of essential services.

B. Warning devices: This Chapter shall not apply to warning devices necessary for the protection of public safety. Police, fire and ambulance sirens and train horns, are exempt from this Chapter.

C. Outdoor activities: This Chapter shall not apply to occasional outdoor public gatherings, public dances, shows, and sporting and entertainment events conducted within City parks and City-owned facilities, including events conducted at the Redlands Bowl, provided such events are conducted pursuant to a permit or license issued by the City.

D. School Activities: This Chapter shall not apply to activities and operations conducted on the grounds of any public or private elementary, intermediate or secondary school or colleges and universities.

E. Hospital: This Chapter shall not apply to activities and operations conducted within the grounds of the Redlands Community Hospital provided that said activities and operations are in compliance with the acoustical provisions of the Hospital's conditional use permit.

F. Minor maintenance of residential property: This Chapter shall not apply to noise sources associated with the minor maintenance of residential property, provided such activities take place between the hours of 7:00 a.m. to 8:00 p.m. on weekdays, and 7:00 a.m. to 8:00 p.m. on weekends and legal holidays, and provided that such activities generate no more than 90 dBA at or within the real property line of the residential property. Activities covered under this provision include but are not limited to maintenance of landscaping and minor repair of residential dwellings or ancillary structures.

G. Construction activity: This Chapter shall not apply to noise sources associated with new construction, remodeling, rehabilitation or grading of any property provided such activities take place between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturdays, with no activities taking place at any time on Sundays or federal holidays. All motorized equipment used in such activity shall be equipped with functioning mufflers.

H. Agricultural operations: This Chapter shall not apply to mobile noise sources associated with agricultural operations for use in maintenance, cultivation, planting and harvesting of agricultural areas provided said activities take place between the hours of 7:00 a.m. to 8:00 p.m. on weekdays, including Saturdays, with no activities taking place at any time on Sundays or federal holidays. All motorized equipment used in such activity shall be equipped with functioning mufflers.

I. This Chapter shall not apply to any activity in which State or Federal law has preempted the regulation of such activity.

8.06.130 Pre-existing noise sources

Those commercial and industrial operations in existence prior to the date of adoption of the ordinance establishing this Chapter, if in compliance with the City's

zoning laws may be granted a period from such date within which to comply with this Chapter.

A. Such compliance period shall be based on the estimated cost to make the equipment comply, as follows:

1. If the cost is \$1,000 or less, ninety days;
2. If the cost is \$1,000 to \$5,000, one year;
3. If the cost is \$5,000 to \$20,000, two years; or
4. If the cost is greater than \$20,000 or more, three years.

B. At the time of request for extended compliance periods in paragraphs 2 through 4, above, any person requesting such extension, shall submit a plan for such compliance, including temporary mitigation of such noise levels to within 5 dBA of the complying level. Such extended period and temporary mitigation shall not exceed one year beyond the initial compliance period. If the compliance period is granted, mitigation measures included in the plan must be completed within ninety days from the date of approval of the compliance period.

C. If, at the end of the compliance period, it is shown that compliance with the provisions herein constitute a hardship in terms of technical and economical feasibility, additional applications for exception may be granted on an annual basis until such time as compliance may be affected, provided the temporary mitigation remains in place.

D. Requests for extended compliance periods or exceptions shall be submitted to the City's Planning Commission with the submittal of plans and other information as required by the Community Development Director. Such applications shall be filed by the owner of the property affected thereby or the owner's authorized agent, with the Community Development Director, on forms furnished by the Director, which shall set forth fully the nature of the proposed use, and the facts sufficient to justify the granting of the compliance period in accordance to the provisions of this Chapter.

E. The applicant shall furnish to the Director an accurate list of the names and addresses of all property owners to whom notice must be given as provided in this chapter.

F. Each such application shall be accompanied by a filing and processing fee in the amount established by resolution of the City Council. Any applicant may withdraw his application by filing a written request to do so at any time prior to final action thereon, provided that there shall be no refund of fees.

8.06.140 Violation - Penalty

A. It is illegal to use, occupy or maintain property in violation of this Chapter.

B. Violation of this Chapter shall be a misdemeanor, but may be prosecuted as either a misdemeanor or an infraction in the discretion of the City Attorney.

C. Any person who violates the provisions of this Chapter is guilty of a separate offense for each day, or portion thereof, during which the violation continues.

D. Violation of this Chapter that threatens to be continuing in nature is a public nuisance which may be abated or enjoined in accordance with the law.

Section 2. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City and thereafter, this ordinance shall take effect as provided by law.



Mayor, City of Redlands

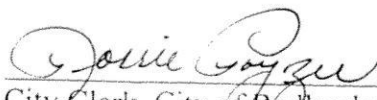
ATTEST:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 5th day of October, 2004, by the following vote:

AYES:	Councilmembers Gil, Gilbreath, George, Harrison; Mayor Pepler
NOES:	None
ABSTAIN:	None
ABSENT:	None



City Clerk, City of Redlands