

CHAPTER 5.02 REGULATION OF COMMUNITY NOISE

5.02.010 - Title. This chapter shall be known as the "Community Noise Ordinance."

5.02.020 - Findings, purpose and scope.

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound.

Now, THEREFORE, it is the policy of the City of La Cañada Flintridge (hereafter the "City") to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the City.

5.02.030 - Definitions.

"Annoying noise" means noise with a repetitive pattern, shrill frequencies, and/or static-like sounds, including loud music and noise attributable to, but not limited to, leaf blowers, alarms, engines, machinery, radios, stereo equipment, vehicles, barking dogs, and other animals.

"Average sound level" means the level in decibels of the mean-square A-weighted sound pressure during a stated time period, with reference to the square of the standard reference sound pressure of 20 micropascals. The "average sound level" is equivalent to the industry standard L_{EQ} .

"A-weighted sound level" means the sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network is the network for measuring sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.

"City" shall mean the City of La Cañada Flintridge.

"Construction equipment" means tools, machinery or equipment including "special construction equipment" defined in the Vehicle Code, used in a construction operation on any construction site.

"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.

"Cumulative period" shall mean an additive period of time composed of individual time segments that may be continuous or interrupted.

"Emergency work" means work: (1) necessary to restore property to a safe condition following a natural disaster such as an earthquake, fire, or flood, or a public calamity, or other cause or event not within the control of the person undertaking the work, (2) required to protect a person or property from injury or damage or (3) by a public or private utility to restore utility service.

"Excessive noise" means any unnecessary noise which persists for ten minutes or more; such period of noise need not be witnessed by enforcement personnel personally

"Fixed noise source" shall mean a stationary device, which creates sounds while fixed or motionless, including, but not limited to, residential, and commercial machinery and equipment, pumps, fans, compressors, air-conditioners, and refrigeration equipment.

"Impulsive sound" shall mean a 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.

"Intrusive noise" shall mean that noise which intrudes over and above the existing normal background noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence, and tonal or informational content, as well as the prevailing background noise level.

"Holidays" shall mean the following:

- New Year's Day - January 1
- Martin Luther King Jr.'s Birthday - 3rd Monday in January
- President's Day - 3rd Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Columbus Day - 2nd Monday in October
- Veteran's Day - November 11
- Thanksgiving Day – Fourth Thursday of November
- Friday after Thanksgiving Day
- Christmas Eve - December 24
- Christmas Day - December 25
- New Year's Eve - December 31

"Minor Maintenance" shall mean work required to preserve residential real property in an acceptable state of repair.

"Mobile noise source" shall mean any noise source other than a fixed noise source.

"Motor vehicle" shall mean any and all self-propelled vehicles as defined in the Vehicle Code of the State, 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" shall mean a device for abating the sound of escaping gases of an internal combustion engine.

"Noise disturbance" shall mean any sound which (1) endangers or injures the safety or health of humans or animals; (2) annoys, disturbs, causes, or tends to cause an adverse psychological or physiological effect on a reasonable person of normal sensitivity; (3) is so harsh or prolonged as to be injurious to the health, peace and comfort of any reasonable person of normal sensitiveness residing in the area or (4) which causes excessive noise vibrations that endangers or injures personal or real property.

"Noise sensitive uses" shall mean hospitals, medical care facilities, nursing homes, schools, day care facilities, courthouses, religious assembly or similar facilities during their hours of operation.

"School" shall mean any private or public educational institution, grade K-12.

"Street" means any "highway," "road," "roadway" or "street" as defined by the Vehicle Code of the State of California, or any other public right-of-way which is used or may be used for purposes of vehicular traffic, this includes private streets. The term "street," however, shall be limited to any street, or portion thereof, which is located within the boundaries of the City.

"Vehicle" means any vehicle as defined by the Vehicle Code of the State of California.

5.02.040 - General prohibition.

It shall be unlawful for any person, corporation, organization, partnership, firm or association, either directly or indirectly, to make, create or continue, or cause, permit, maintain, or suffer to be made or continued, any loud, raucous, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area or that exceeds the maximum dBA levels set forth herein or that violates any provision of this chapter. The standard for determining whether a violation of the provisions of this chapter exists may include, but is not limited to, the following:

- A. The volume, level and intensity of the noise;
- B. Whether the nature of the noise is usual or unusual;

- C. Whether the origin of the noise is natural or unnatural;
- D. The level and intensity of the background noise, if any;
- E. The proximity of the noise to residential dwellings;
- F. The proximity of the noise to residential sleeping facilities;
- G. The nature and zoning of the area within which the noise emanates;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. The time of day or night the noise occurs;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent, a cumulative period, or constant;
- L. Whether the noise is produced by a commercial or non-commercial activity;
- M. Whether the noise can be heard more than twenty-five (25) feet away from any adjoining property boundary line in a residential district;
- N. The intrusiveness of the noise;
- O. Whether it is a mobile noise source;
- P. The number of persons affected by the noise;
- Q. Whether noise exceeds the maximum dBA levels set forth in Sections 5.02.100 and 5.02.110.

5.02.050 - Specific prohibitions.

In addition to and separate from any provision of this Code, the following acts, and the causing, suffering or permitting thereof, shall be considered intrusive, excessive and annoying noises creating a nuisance and disturbing the peace and shall constitute a violation of this Code. The listing of the following specific prohibited acts is not intended to limit the City's authority to regulate any and all loud, unnecessary and unusual noises and even if not included herein, such noise disturbances shall be subject to regulation pursuant to Section 5.02.040:

- A. Mechanical or Electronic Devices. Using any mechanical or electronic device for the intensification of any sound or noise into the public streets that produces excessive or annoying noise;
- B. Advertisement. Using any instrument, whistle, drum or bell or making any other unnecessary noise for the purpose of advertising, announcing, or otherwise

calling attention to any goods, wares, merchandise, or to any show, entertainment, or event. The provisions of this section shall not be construed to prohibit the selling by verbally announcing the sale of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses or other similar licensed public entertainment events;

- C. Animals and Birds. Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other annoying noises continuously and/or incessantly for an unreasonable period of time so as to create a noise disturbance across a real property line. For the purposes of this chapter, the animal or bird noise shall not be deemed a noise disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated, or is using any other means to tease or provoke the animal or bird. This provision shall not apply to licensed veterinarian facilities, an approved dog park, or to an animal control officer while executing his or her official duties and responsibilities;
- D. Emergency Signaling Device. The intentional sounding or permitted sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device not in compliance with subsection (D)(1) unless occurring for emergency purposes or required by Local, State, or Federal regulations or the weekly testing of community emergency warning system:
 - 1. The testing of a stationary emergency signaling device shall not occur before eight a.m. or after five p.m. Any such testing shall use only the minimum cycle test time, in no case shall such test time exceed sixty (60) seconds and shall not occur more than once during any thirty day period.
- E. Stationary Non-emergency Signaling Devices. 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 ten seconds in any one-hour period. Parking structure exit alarms and any warning and/or signaling devices required by State or Federal law shall be exempt from the operation of this provision;
- F. Burglar or Fire Alarm. Sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm that is not terminated within fifteen (15) minutes of activation or which occurs as a result of mechanical or human error on more than three occasions in any thirty-day period;
- G. Loading and Unloading. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, refuse, or similar objects between the hours of ten p.m. and seven 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 applicable noise provisions of the City's Municipal Code.

This subsection shall not apply to the collection and disposal of garbage and recyclable materials by the City's franchises or with a franchise agreement with the City.

- H. Noise Sensitive Uses. Creation of any noise disturbance adjacent to or within one-thousand feet of a hospital or medical care facility, nursing home, school during school hours, day care during hours of operation, religious assembly use during hours of worship services, or similar facility, so as to interfere with the functions of such activity;
 - 1. Where construction activities on a construction project which is adjacent to any noise sensitive use(s) are anticipated to last for a year or more, temporary noise barriers shall be constructed that break the line of sight between the noise-sensitive use(s) and the construction project, and that minimize noise impacts.
- I. Noise resulting from construction and demolition activities, the operation of commercial refrigeration units, air conditioning systems, compressors, exhaust systems, ventilation units, use of any instrumentality that results in impulsive sound, and other commercial or industrial noises associated with land use activities, shall be regulated pursuant to standards contained within the noise regulations of the City's Municipal Code.
- J. Vehicular Attachments. Attaching any accessory or device to any vehicle that results in the creation of unnecessary noise.
- K. Radios, television sets, musical instruments or similar devices. Operating, playing, or permitting the operation or playing of any radio, television set, compact disc player, stereo, drum, musical instrument or similar device which reproduces sound so as to create a noise disturbance or cause any violation of this chapter;
- L. Sound amplifier. Using or operating or permitting or allowing the using or operating, for any purpose, a sound amplifier except in compliance with and under a sound amplifier permit issued pursuant to Chapter 11.46 of this Code is prohibited. Provided, however, that the use of amplification as part of an official school event at a properly permitted and operating school in the City shall not be subject to this paragraph M, including noise reasonably related to official and/or authorized school activities or events, such as (A) bands, (B) athletic activities and (C) entertainments events.
- M. Places of public entertainment. Operating or permitting or allowing the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound in any place of public entertainment as to create a noise disturbance or which can be heard more than 500 feet from the property line of the property on which the public entertainment is located after 8:00 p.m. or before

8:00 a.m., except if the public entertainment is permitted or occurs on property that is not located within 1,000 feet of residential dwellings.

- N. Tampering. The removal or rendering inoperative, other than for purposes of maintenance, repair or replacement, of any noise control device, muffler, or other sound dissipative device or element thereof; as required under federal, state or local law, and the use of said product after its noise control device has been removed or rendered inoperative, other than for purpose of maintenance, repair or replacement.

5.02.060 - Persistent noises.

Failure to comply with the following provisions shall constitute a nuisance and violation of this ordinance:

- A. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
- B. Unnecessary idling of internal combustion engines is prohibited.
- C. All stationery noise-generating construction equipment such as tree grinders and air compressors are to be located as far as is practical from existing residences.
- D. Quiet construction equipment, particularly air compressors, are to be selected whenever possible.

5.02.070 - Noise from radios, etc. in vehicles; appeal.

- A. It shall be unlawful for any person to use or operate a radio, tape player, tape recorder, record player, compact disc player, digital audio player, television or similar device in a vehicle on a street, which can be defined as an “annoying noise” to a person of normal hearing sensitivity more than twenty-five (25) feet from said vehicle.
- B. Any penalties that may be imposed under this chapter may be subject to being offset by the performance of community service work as determined by a court commissioner, judge or administrative hearing officer.
- C. The provisions of this section shall be enforced by the Los Angeles County Sheriff’s Department and any authorized peace officer.
- D. Provisions of Section 5.02.070 are to be supplementary and complementary to all of the provisions of this Code, the laws of the State of California and any other applicable law, and nothing in this chapter shall be read, interpreted or construed in any manner so as to limit any existing or future right or power of the City to control or limit excessive noise caused by radios or other devices in vehicles.

5.02.080 – Noise - Exceptions.

- A. Nothing in this chapter shall apply to the playing of music by a band, or the blowing of a musical horn, or the announcing of any show, entertainment, or event upon the public streets or parks for which band music, horn blowing or announcing of an event has been granted a special permit by the City Manager or his or her designee, specifying the time and place that such music may be played or such horn blown or such announcement made; nor shall this chapter apply to the blowing of any whistle or horn or the ringing of any bell or other noise necessary as a vehicular or pedestrian traffic warning or signal; nor to any regularly licensed peddler calling his or her wares in an ordinary tone of voice.
- B. Emergency vehicles, including police vehicles, fire vehicles and ambulances are exempt from the requirements of this chapter.
- C. Emergency work, provided that the person performing the work notifies the proper City Department in advance, or as soon as practicable after the emergency and any vehicle, device, apparatus or equipment used, related to or connected with the emergency work is designed, modified or equipped to reduce noise produced to the lowest possible level consistent with effective operation of the vehicle, device, apparatus or equipment.
- D. Noise reasonably related to authorized religious assembly events.
- E. Warning bells, sirens, horns, whistles or similar audible warning devices operated in accordance with state or federal law.
- F. Noise reasonably related to official or authorized school activities or events, including bands, athletic activities and entertainment events. This exclusion shall include the use of bells, sirens or similar audible devices used by schools to give notice to students and faculty.
- G. Sporting, entertainment and public events, which are conducted pursuant to a license or permit issued by the City, within the scope of the license or permit. This provision is not intended to exempt the act or behavior of an individual – whether or not participating in the event - who violates this chapter.
- H. The operation of an emergency generator after a power failure, by an employee or agent of a law enforcement agency, City, fire department, hospital or other medical or surgical facility that is providing emergency medical, City services or public or private utility to restore utility service. The reasonable testing of an emergency generator by any person provided that the testing is conducted between the hours of 7 a.m. and 7 p.m.

- I. Minor Maintenance to Residential Real Property. Noise sources associated with the minor maintenance of residential real property, provided said activities take place as follows: between the hours of 7:00 a.m. and 6:00 p.m. on any weekday or between the hours of 9:00 a.m. and 6:00 p.m., on Saturdays, Sundays, or Holidays.
- J. Noise associated with normal mechanical ventilation from heat and air condition units located on residential properties.
- K. Any activity preempted by County, State or Federal law or regulation.

5.02.090 - Noise enforcement procedures.

The Director of Community Development, or his or her designee, shall be responsible for the overall enforcement of this chapter, including assigning or referring the investigation and enforcement to the appropriate City department.

- A. If it is determined that a noise in violation of this chapter exists at a fixed location, the following procedures shall be followed:
 - 1. A written or verbal warning shall be issued by the investigating officer or his or her designee to the person(s) responsible for the event causing the noise disturbance.
 - 2. If the noise disturbance persists following the issuance of a written or verbal warning, or reoccurs within a ninety (90) day period from the issuance of a written or verbal warning, then the person responsible for the event causing the noise disturbance shall be guilty of a violation of this chapter.
- B. If the noise disturbance is on real property and it reoccurs, in addition to the person responsible for the incident causing the noise disturbance, the property owner shall also be guilty of a violation of this chapter. As with all nuisance per se violations occurring on private property, property owners shall use all reasonable means available to them to abate the violation, up to and including bringing legal eviction proceedings against the tenant or occupant causing or maintaining the noise violation if necessary. The property owner may use all written notices issued by the City to the person causing the violation and to the property owner regarding the violation in support of any legal proceedings, or notice of termination of a lease or rental agreement, to the extent permitted by the laws of the State of California.
- C. If the noise violation occurs in a vehicle in violation of Section 5.02.070, the procedures in subsection (A)(1) and (A)(2) herein do not apply and those violations are enforced pursuant to the procedures set forth in Section 5.02.070.

5.02.100 - Alternative use of maximum noise limits by dBA levels.

In addition to determining noise violations under the standard set forth elsewhere in this chapter, the enforcing officer may alternatively use the one hour average decibel ("dBA") levels to determine a violation of this chapter. The one-hour average sound level is measured at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise. The standard chosen by the enforcing officer for the specific incident shall be the sole means used to determine if a violation has occurred. Neither standard shall be considered superior, nor controlling, nor preempt the other.

If the enforcing officer selects the alternative standard to using the dBA level standard, evidence of dBA levels within the permitted levels may be presented in defense of the charged violation only if the proffered dBA reading was taken at the exact time and location and under identical conditions, including wind, and temperature, as those encountered by the enforcing officer encountered at the time he or she charged the violation and by a decibel meter with valid current calibration records and evidence of the training or expertise of the person offering the dBA reading as evidence of compliance with this ordinance.

- A. It shall be unlawful to maintain, permit, allow or suffer any use or activity that creates noise levels which exceed the following standards:

Zoning District	One Hour Average Noise Level in dBA Between 7:00 a.m. and 7:00 p.m. Measured at Property Line or District Boundary	One Hour Average Noise Level in dBA Between 7:00 p.m. and 7:00 a.m. Measured at Any Boundary of a Residential Zone
Single-Family Residential (R-1)	60	50
Multifamily Residential (R-3 & RPD)	65	55
Commercial (CPD & FCD)	70	60
Mixed Use	75	65
Public/Semi Public and Open Space	65	55

- B. Restricted hours may be modified through a condition of an approved conditional use permit or temporary use permit. Sections and subsections of this chapter also provide for additional restricted hours and the most restrictive hours shall be controlling.

- C. The sound level limit at a location on a boundary between two zones is the most restrictive of the respective limits for the two zones.
- D. If the measured ambient noise level exceeds the applicable limit in the above, the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.
- E. In determining whether any noise exceeds the exterior noise limits set forth in this section, measurements shall be taken at the property line of the property from which the noise emanates.
- F. No person shall operate or cause to be operated within a dwelling unit, any source of sound that causes the sound level when measured inside a neighboring receiving dwelling unit to exceed the allowable noise level, for any period of time.
- G. In the event the noise, as judged by the enforcing authority, contains a steady, pure tone such as a whine, screech or hum, or is an impulsive sound such as hammering or riveting, or contains music or speech, the standard limits set forth above shall be reduced by 5 decibels.

5.02.110 - Temporary construction and home improvement activities.

Where technically and economically feasible, temporary construction activity shall be conducted in such a manner that the one hour average sound levels at affected properties shall not exceed the following dBA levels:

	R-1 Zone (Single-Family Residential)	R-3, RPD, Mixed Use Zones (Multifamily Residential)	CPD, FCD, Public/Semi-Public, Open Space Zones (Commercial)
Weekdays * 7:00 a.m. to 6:00 p.m.	75 dBA	80 dBA	85 dBA
Saturdays ** 9:00 a.m. to 5:00 p.m.	60 dBA	65 dBA	70 dBA

* During Daylight Savings Time, weekday hours shall be from 7:00 a.m. to 7:00 p.m.

** Construction, except emergency work, is not permitted on Sundays or holidays.

5.02.120 - Violations and penalties.

It is a misdemeanor for any person to violate, or cause, maintain, permit or suffer another person to violate, any provision of this chapter. In addition to the penalties herein provided, any condition caused, maintained or permitted to exist in violation of any of the

provisions of this chapter is a threat to the public health, safety and welfare, and is declared and deemed a public nuisance and shall be punishable as such.

- A. **Strict Liability.** In addition to the person causing the offending sound, the owner, tenant, occupant or lessee of the property, or the manager, operator, agent or other person lawfully entitled to possession of the property from which the offending sound is emanating may be liable for any violation of this chapter. It shall not be a lawful defense that another person caused the noise violation.
- B. **Continuing Violation.** Unless otherwise provided, a person shall be deemed guilty of a separate offense for every day, or portion thereof, for which the violation of this chapter is committed, continued, suffered, maintained or permitted.
- C. **Remedies not Exclusive.** Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies including administrative citations, civil and/or criminal actions. The remedies provided for herein shall be cumulative and not exclusive.