

Division 6 - NOISE CONTROL

ARTICLE 1. - GENERAL PROVISIONS<sup>1</sup>

Footnotes:

--- (1) ---

**Editor's note**— Ord. No. 2700, § 1, adopted Sept. 19, 1973, amended this Code by adding Div. 6, Art. 1, §§ 4-6-1—4-6-16 to read as herein set out.

Sec. 4-6-1. - Declaration of policy.

In order to control unnecessary, excessive and annoying sounds emanating from unincorporated areas of the County, it is hereby declared to be the policy of the County to prohibit such sounds generated from all sources as specified in this article.

It is determined that certain sound levels are detrimental to the public health, welfare and safety, and contrary to public interest; therefore, the County Board of Supervisors does establish and proclaim that creating, causing, maintaining and/or allowing to create, cause or maintain any noise in a manner prohibited by, or not in conformity with, the provisions of this article is a public nuisance and shall be punishable as such.

(Ord. No. 2700, § 1, 9-19-73)

Sec. 4-6-2. - Definitions.

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

*Ambient noise level* shall mean 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.

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

*Decibel (dB)* shall mean a unit which denotes the ratio between two (2) quantities which are proportional to power: the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

*Dwelling unit* shall mean a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Emergency machinery, vehicle or work* shall mean 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 service.

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

*Grading* shall mean 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* shall mean the noise produced by the collision of one mass in motion with a second mass which may be either in motion or at rest.

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

*Noise level* shall mean the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micronewtons per square meter. The unit of measurement shall be designated as dB(A).

*Person* shall mean a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

*Residential property* shall mean 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.

*Simple tone noise* shall mean a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

*Sound level meter* shall mean an instrument meeting American National Standard Institute's Standard ~~S1.4-1974~~ S1.4-1983 for Type 0, Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

*Sound pressure level* of a sound, in decibels, shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2870, § 1, 10-1-75)

Sec. 4-6-3. - Noise level measurement criteria.

Any noise level measurements made pursuant to the provisions of this article shall be performed using a sound level meter as defined in section 4-6-2.

(Ord. No. 2700, § 1, 9-19-73)

Sec. 4-6-4. - Designated noise zone.

The entire territory of Orange County, including all incorporated and unincorporated areas ~~territory~~, is hereby designated as "Noise Zone 1."

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2870, § 1, 10-1-75)

Sec. 4-6-5. - Exterior noise standards.

- (a) The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone:

NOISE STANDARDS

<i>Noise Zone</i>	Noise Level	Time Period
1	55 dB(A)	7:00 a.m.—10:00 p.m.
	50 dB(A)	10:00 p.m.— 7:00 a.m.

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by five (5) dB(A).

- (b) It shall be unlawful for any person at any location within the unincorporated area of the County to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level, when measured on any other residential property, either incorporated or unincorporated, to exceed:
- (1) The noise standard for a cumulative period of more than thirty (30) minutes in any hour; or
  - (2) The noise standard plus five (5) dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or
  - (3) The noise standard plus ten (10) dB(A) for a cumulative period of more than five (5) minutes in any hour; or
  - (4) The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one (1) minute in any hour; or
  - (5) The noise standard plus twenty (20) dB(A) for any period of time.
- (c) In the event the ambient noise level exceeds any of the first four (4) noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2715, § 1, 11-13-73; Ord. No. 2870, § 1, 10-1-75)

Sec. 4-6-6. - Interior noise standards.

- (a) The following interior noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone as outlined in Section 4-6-4:

INTERIOR NOISE STANDARDS

Noise Zone	Noise Level	Time Period
1	55 dB(A)	7:00 a.m.—10:00 p.m.
	45 dB(A)	10:00 p.m.— 7:00 a.m.

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by five (5) dB(A).

- (b) It shall be unlawful for any person at any location within the unincorporated area of the County to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level, when measured within any other dwelling unit on any residential property, either incorporated or unincorporated, to exceed:
  - (1) The interior noise standard for a cumulative period of more than five (5) minutes in any hour; or
  - (2) The interior noise standard plus five (5) db(A) for a cumulative period of more than one (1) minute in any hour; or
  - (3) The interior noise standard plus ten (10) db(A) for any period of time.
- (c) In the event the ambient noise level exceeds either of the first two (2) noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the third noise limit category the maximum allowable noise level under said category shall be increased in reflect the maximum ambient noise level.

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2715, § 1, 11-13-73; Ord. No. 2870, § 1, 10-1-75)

Sec. 4-6-7. - Special provisions.

The following activities shall be exempted from the provisions of this article:

- (a) Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college.
- (b) ~~Temporary outdoor gatherings, public dances and shows or events on public or private property, provided such events are conducted pursuant to a license or permit issued by the County of Orange pursuant to in accordance with~~ Temporary outdoor gatherings, public dances and shows or events on public or private property, provided such events are conducted pursuant to a license or permit issued by the County of Orange pursuant to in accordance with Title 5 of the Codified Ordinances of the County of Orange.
- (c) Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity.

- (d) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.
- (e) Noise sources associated with construction, repair, remodeling, or grading of any real property, provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or at any time on Sunday or a Federal holiday.
- (f) All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions.
- (g) Mobile noise sources associated with agricultural operations, provided such operations do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or any time on Sunday or a Federal holiday.
- (h) Mobile noise sources associated with agricultural pest control through pesticide application, provided that the application is made in accordance with restricted material permits issued by or regulations enforced by the Agricultural commissioner.
- (i) Noise sources associated with the maintenance of real property, provided said activities take place between 7:00 a.m. and 8:00 p.m. on any day except Sunday or a Federal holiday, or between the hours of 9:00 a.m. and 8:00 p.m. on Sunday or a Federal holiday.
- (j) Any activity to the extent regulation thereof has been preempted by State or Federal law.

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2715, § 1, 11-13-73; Ord. No. 2870, § 1, 10-1-75)

Sec. 4-6-8. - Schools, hospitals and churches; special provisions.

It shall be unlawful for any person to create any noise which causes the noise level at any school, hospital or church while the same is in use to exceed the noise limits as specified in section 4-6-5 prescribed for the assigned noise zone in which the school, hospital or church is located, or which noise level unreasonably interferes with the use of such institutions or which unreasonably disturbs or annoys patients in the hospital, provided conspicuous signs are displayed in three (3) separate locations within one-tenth of a mile of the institution indicating the presence of a school, church or hospital.

(Ord. No. 2700, § 1, 9-19-73)

Sec. 4-6-8.1. - Motor vehicle racing.

It shall be unlawful to conduct motor vehicle racing, testing, timing or similar noise-producing activities at raceways, speedways, off-road vehicle courses, drag strips or other similar places, including, but not limited to, the operation of midget race cars, drag cars, motorcycles, off-road vehicles, and specialty automobiles, between the hours of 11:30 p.m. and 8:00 a.m.

(Ord. No. 3093, § 1, 10-24-78)

Sec. 4-6-9. - Air conditioning and refrigeration; special provisions.

During ~~the five-year period~~ a one-year period following the effective date of this article, the noise standards enumerated in sections 4-6-5 and 4-6-6 shall be increased five (5) ~~eight (8)~~ db(A) where the

alleged offensive noise source is an air conditioning apparatus or refrigeration system; or ~~associated~~ equipment associated with such, which was installed prior to the effective date of this article.

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2715, § 1, 11-13-73)

Sec. 4-6-10. - Noise level measurement.

The location selected for measuring exterior noise levels shall be at any point on the affected property. Interior noise measurements shall be made within the affected dwelling unit. The measurement shall be made at a point at least four (4) feet from the wall, ceiling, or floor nearest the alleged offensive noise source and may be made with the windows of the affected unit open.

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2870, § 1, 10-1-75)

Sec. 4-6-11. - Manner of enforcement.

The Orange County Sheriff, the County Health Officer, the County Building Official, the OC Public Works Director, and their duly authorized representatives are directed to enforce the provisions of this article. ~~The Orange County Sheriff, the County Health Officer, the County Building Official and their duly authorized representatives are authorized,~~ pursuant to Penal Code Section 836.5, and to arrest any person without a warrant when they have reasonable cause to believe that such person has committed a misdemeanor in their presence.

No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this article while such person is engaged in the performance of his duty.

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2715, § 1, 11-13-73; Ord. No. 3961, § 1, 4-2-96)

Secs. 4-6-12—4-6-14. - Reserved.

**Editor's note**— Ord. No. 04-008, § 2, adopted June 8, 2004, repealed sections 4-6-12—4-6-14 in their entirety. Former sections 4-6-12—4-6-14 pertained to the variance procedure; noise variance board; and appeals, respectively, and derived from Ord. No. 2700, § 1, adopted Sept. 19, 1973; Ord. No. 2715, § 1, adopted Nov. 13, 1973; Ord. No. 2870, § 1, adopted Oct. 1, 1975.

Sec. 4-6-15. - Violations; misdemeanors.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this article shall not be construed as permitting conduct not prescribed herein and shall not affect the enforceability of any other applicable provisions of law.

(Ord. No. 2700, § 1, 9-19-73; Ord. No. 2715, § 1, 11-13-73)

Sec. 4-6-16. - Reserved.

**Editor's note**— Ord. No. 98-16, § 1, adopted December 8, 1998, amended the Code by repealing § 4-6-16 in its entirety. Former § 4-6-16 pertained to delay in implementation, and derived from Ord. No. 2700, adopted September 19, 1973; and Ord. No. 2715, adopted November 13, 1973.

Sec. 4-6-17. – Prohibited Noises

- (a) Notwithstanding any other provisions of this article and in addition to, it shall be unlawful for any person to willfully create, cause, or maintain any loud and unusual or unnecessary noise which disturbs the reasonable peace, quiet, comfort and enjoyment of a neighborhood.
- (b) The standard which may be considered in the determination of a violation of this section may include, but not be limited to, the following:
  - (1) Noise level;
  - (2) Whether the nature of the noise is usual or unusual;
  - (3) Whether the source or origin of the noise is natural or unnatural;
  - (4) Intensity level of background noise, if present;
  - (5) Proximity of the noise to neighboring residential sleeping areas;
  - (6) Nature of the noise and the zoning of the area in which the source of the noise is located;
  - (7) Day and time during which the noise occurs;
  - (8) Duration of the noise;
  - (9) Whether the noise is recurrent, intermittent or constant;
  - (10) Whether the noise is generated from a commercial or noncommercial activity; and
  - (11) Whether the activity resulting in and location of the noise has been previously permitted and approved by the County.