

ORDINANCE NO. 1067

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BEAUMONT, CALIFORNIA
AMENDING CHAPTER 9.02 "NOISE CONTROL"**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT,
RIVERSIDE COUNTY, STATE OF CALIFORNIA AS FOLLOWS:

Section 1: Chapter 9.02, entitled "Noise Control", is hereby amended to the
Beaumont Municipal Code to read as more specifically provided for in Exhibit "A", which
Exhibit is attached hereto and made a part hereof.

Section 2: This Ordinance shall take effect as provided by law.

Section 3: If any provision, clause, sentence or paragraph of this ordinance or
the application thereof to any person or circumstances shall be held invalid, such
invalidity shall not affect the other provisions of this ordinance which can be given effect
without the invalid provision or application, and to this end, the provisions of this
ordinance are hereby declared to be severable.

Section 4: This ordinance shall take effect thirty (30) days after its adoption.

MOVED AND PASSED upon first reading this 5th day of January, 2016, by the following
roll call vote:

AYES: Mayor Lara, Mayor Pro Tem White, Council Members Knight and Orozco
NOES: None
ABSTAIN: None
ABSENT: None

MOVED, PASSED AND ADOPTED this 19th day of January, 2016, upon second
reading by the following roll call vote:

AYES: Mayor Lara, Mayor Pro Tem White, Council Members Knight and Orozco
NOES: None
ABSTAIN: None
ABSENT: None

Mayor



ORDINANCE NO. 1067

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BEAUMONT, CALIFORNIA
AMENDING CHAPTER 9.02 "NOISE CONTROL"**

Continued

Attest:


Julio Martinez, City Clerk

Approved as to form:


John O. Pinkney, Interim City Attorney

ORDINANCE NO. 1067

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BEAUMONT, CALIFORNIA
AMENDING CHAPTER 9.02 "NOISE CONTROL"**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT,
RIVERSIDE COUNTY, STATE OF CALIFORNIA AS FOLLOWS:

Section 1: Chapter 9.02, entitled "Noise Control", is hereby amended to the
Beaumont Municipal Code to read as more specifically provided for in Exhibit "A", which
Exhibit is attached hereto and made a part hereof.

Section 2: This Ordinance shall take effect as provided by law.

Section 3: If any provision, clause, sentence or paragraph of this ordinance or
the application thereof to any person or circumstances shall be held invalid, such
invalidity shall not affect the other provisions of this ordinance which can be given effect
without the invalid provision or application, and to this end, the provisions of this
ordinance are hereby declared to be severable.

Section 4: This ordinance shall take effect thirty (30) days after its adoption.

MOVED AND PASSED upon first reading this 5th day of January, 2016, by the
following roll call vote:

AYES: Mayor Lara, Mayor Pro Tem White, Council Members Knight and Orozco
NOES: None
ABSTAIN: None
ABSENT: None

MOVED, PASSED AND ADOPTED this 19th day of January, 2016, upon second
reading by the following roll call vote:

AYES: Mayor Lara, Mayor Pro Tem White, Council Members Knight and Orozco
NOES: None
ABSTAIN: None
ABSENT: None

ATTEST:

City Clerk



Mayor

EXHIBIT A

Chapter 9.02 **NOISE CONTROL**

Sections:

- 9.02.010 - Purpose.
- 9.02.020 - Findings.
- 9.02.030 - Definitions.
- 9.02.040 - Noise level measurement criteria.
- 9.02.050 - Base ambient noise level.
- 9.02.060 - Exterior noise level measurement.
- 9.02.070 - Maximum residential noise levels.
- 9.02.080 - Maximum interior noise levels.
- 9.02.090 - Maximum nonresidential noise levels.
- 9.02.100 - Exemptions.
- 9.02.110 - Special provisions.
- 9.02.120 - Exception permits.
- 9.02.130 - Application between zones.
- 9.02.140 - Penalty for violation.
- 9.02.150 - Additional remedy—Injunction.
- 9.02.160 - No mandatory duty created.

9.02.010 **Purpose.** The purpose of this Chapter is to establish criteria and standards for the regulation of noise levels within the City and to implement the noise provisions contained in the City's General Plan.

9.02.020 **Findings.** It is hereby found and declared that:

- A. The making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City; and
- B. The necessity for the provisions and prohibitions hereinafter contained and enacted is hereby declared as a matter of legislative determination and public policy. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City.

9.02.030 **Definitions.**

"Ambient noise" shall mean the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any intrusive noise.

"Capital Improvement" shall mean major construction, acquisition or maintenance/repair projects. Examples of Capital Improvements include street improvements, park development and construction of public buildings or structures, treatment plants. Structures include lighting, sewer and water pipelines and other related utility structures including treatment plants, gas, electric and other infrastructure, landscaping and drainage facilities and all other public infrastructure. "Acquisitions" include the acquisition of land or interest in land. Major maintenance/repairs may include street resurfacing and modifications to public buildings and structures.

"Commercial purpose" shall mean the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business, goods or services and/or for the purpose of advertising or attracting the attention of the public to or soliciting patronage for any performance, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment.

"Cumulative time period" shall mean a period of time composed of individual time segments which may be continuous or interrupted.

"Decibel (dB)" shall mean a measurement unit of sound pressure level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

"Governmental agency" shall mean the United States (federal government), the State of California, the County of Riverside, the City of Beaumont, the school district and any special district within Riverside County or any combination of these agencies.

"Impact noise" shall mean the sound produced by the impact or collision of one moving object or mass with a second object or mass that is stationary or moving.

"Intrusive noise" shall mean a sound which intrudes over and above the existing ambient noise level at a given location.

"Motor-driven vehicle" shall include, but not be limited to, any automobile, truck, van, bus, motorcycle, minibike, go-cart or other self-propelled vehicle, on or off road, and aircraft.

"Noise" shall mean any sound that is loud or disturbing or that interferes with one's ability to hear some other sound.

"Noise level" shall mean the "A" weighted sound pressure level in decibels audible to humans obtained by using a sound level meter. The unit of noise level measurement shall be designated as dB(A).

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

"Public property" shall mean property that is owned by any governmental agency as indicated in this section or held by the public, including, but not limited to, parks, streets, sidewalks, and alleys.

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

"Sound pressure level of a sound, in decibels" shall mean twenty times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

As used in Section 9.02.110(H), "public nuisance" is defined by Civil Code Section 3479.

9.02.040 Noise level measurement criteria.

- A. Any noise level measurement, made pursuant to the provisions of this Chapter, shall be determined by using a sound level meter that meets the minimum requirements of the American National Standard Institute for sound level meters, or by using an instrument with associated recording and analyzing equipment that will provide equivalent data.

- B. The factors which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:
 - 1. The sound level of the objectionable noise;
 - 2. The sound level of the ambient noise;
 - 3. The proximity of the noise to residential sleeping facilities;
 - 4. The nature and zoning of the area within which the noise emanates;
 - 5. The number of persons affected by the noise source;
 - 6. The time of day or night the noise occurs;
 - 7. The duration of the noise and its tonal, informational or musical content;
 - 8. Whether the noise is produced by a commercial or noncommercial activity.

- C. The above factors shall be considered in addition to the noise levels set forth in this section in determining a violation. However, noises do not necessarily need to exceed those noise level limits to be considered unnecessary or unusual so as to cause discomfort or annoyance to persons in the area.

9.02.050 Base ambient noise level. All ambient noise measurements shall commence at the base ambient noise levels in decibels within the respective times and zones as follows:

Decibels	Time	Zone Use
45 dB(A)	10:00 p.m. — 7:00 a.m.	Residential
55 dB(A)	7:00 a.m. — 10:00 p.m.	Residential
50 dB(A)	10:00 p.m. — 7:00 a.m.	Industrial and Commercial
75 dB(A)	7:00 a.m. — 10:00 p.m.	Industrial and Commercial

Actual decibel measurements exceeding the levels set forth hereinabove at the times and within the zones corresponding thereto shall be employed as the "base ambient noise level" referred to in this Chapter. Otherwise, no ambient noise shall be deemed to be less than the above specified levels.

9.02.060 Exterior noise level measurement. Except as otherwise specifically provided herein, all reference to "exterior noise" or "exterior noise levels" as used in this Chapter shall be as measured at any point relative to the closest point of the source of the noise at the property line of the complaining party. Measurements will not be made during extraordinary times, such as during the movement of a nearby train or airplane.

9.02.070 Maximum residential noise levels. No noise level shall exceed the following for the duration periods specified:

Noise Level Exceeded	Maximum Duration Period
5 dB(A) above BANL	15 minutes any hour
10 dB(A) above BANL	5 minutes any hour
15 dB(A) above BANL	1 minute any hour
20 dB(A) above BANL	Not permitted

9.02.080 Maximum interior noise levels.

A. No person shall operate or cause to be operated, any source of sound which causes the noise level, when measured inside another dwelling unit, school or hospital, to exceed:

Decibels	Time	Land Use
35 dB(A)	10:00 p.m. — 7:00 a.m.	Residential
45 dB(A)	7:00 a.m. — 10:00 p.m.	Residential
45 dB(A)	7:00 a.m. — 10:00 p.m. (while school is in session)	School
45 dB(A)	Anytime	Hospital

- B. No person shall operate or cause to be operated, any source of sound which causes the noise level, when measured inside another dwelling unit, school or hospital, to exceed:

Noise Level Exceeded	Maximum Duration Period
5 dB(A) above interior BANL	5 minutes any hour
10 dB(A) above interior BANL	1 minutes any hour
Over 10 dB(A) above interior BANL	Not permitted

- C. If the measured interior ambient noise level exceeds that permissible within the first two noise limit categories in this section, the allowable noise exposure standard shall be increased in five decibel increments in each category as appropriate to reflect the interior ambient noise level. In the event the interior ambient noise level exceeds the third noise limit category, the maximum allowable interior noise level under said category shall be increased to reflect the maximum interior ambient noise level.

9.02.090 Maximum nonresidential noise levels. Any provision contained herein to the contrary notwithstanding, no exterior noise level shall exceed the base ambient noise levels (BANL) for nonresidential land uses set forth in any development agreement applicable to such development or as otherwise specifically set forth in any development standard which is by its terms enforceable by the City against the noise maker.

9.02.100 Exemptions. Sound emanating from the following sources is exempt from the provisions of this Chapter:

- A. Capital improvement projects of a governmental agency.
- B. Maintenance and repair of public properties by a governmental agency.
- C. Utility and street repairs, street sweepers, garbage services, emergency response warning noises, emergency generators and fire alarm systems are exempt from this Chapter.
- D. Other public/governmental services or operations including, but not limited to trains and railway or airplanes and helicopter machinery, equipment or vehicles.

9.02.110 Special provisions.

- A. Sound Performances and Special Events. Sound performances and special events not exceeding 95 dB measured at a distance of fifty feet from the loudest source are exempt from this Chapter when approval therefore has been obtained from the appropriate governmental entity.
- B. Vehicle Horns. Vehicle horns, back-up warning devices, or other devices primarily intended to create a loud noise for warning purposes, shall be used only when the vehicle is in a situation where life, health or property are endangered or as required by law.

- C. Alarm System. An audible alarm system affixed to a motor vehicle shall be equipped with an automatic shutoff, which shuts off the alarm within a maximum of 15 minutes from the time of activation. Such alarm may not emit a sound similar to the sound emitted by sirens in use on emergency vehicles or to those used for civil defense purposes. For purposes of this section, any variable tone, as opposed to one steady pitch, shall be considered similar to the sound emitted by an emergency vehicle siren. The Police Department is authorized to abate the nuisance of an audible alarm system affixed to a motor vehicle, which sounds beyond 15 minutes by using any means necessary to disconnect the vehicle alarm. The expense of disconnecting the alarm shall be a lien against the motor vehicle and shall be the personal obligation of the owner thereof.
- D. Radios, televisions, stereos, speakers, etc. It shall be unlawful for any person, without special permit or as may otherwise be provided in this Chapter, to play, use, operate or permit to be played, used or operated, any radio, television, musical instrument, stereo equipment, or other machine or device used for producing, reproducing or amplifying sound at such sound levels as to cause the sound level to exceed forty dB(A) as measured within the residence of any complaining person.
- E. Animals, fowl, etc. It shall be unlawful to keep or harbor any animal which emits, between the hours of 11:00 p.m. and 7:00 a.m., any unreasonable sound or cry which disturbs or may disturb the peace and comfort or repose of a reasonable person of normal sensitiveness who resides in the neighborhood or area in which such animal is located or kept. For barking dog, see limitations set forth in Section 6.04.080. This provision shall not apply to farm animals within any zone in which such farm animals are permitted under the Municipal Code.
- F. Construction, landscape, maintenance or repair.
1. It shall be unlawful for any person to engage in or permit the generation of noise related to landscape maintenance, construction including erection, excavation, demolition, alteration or repair of any structure or improvement, at such sound levels, as measured at the property line of the nearest adjacent occupied property, as to be in excess of the sound levels permitted under this Chapter, at other times than between the hours of 7:00 A.M. and 6:00 P.M. The person engaged in such activity is hereby permitted to exceed sound levels otherwise set forth in this Chapter for the duration of the activity during the above described hours for purposes of construction. However, nothing contained herein shall permit any person to cause sound levels to at any time exceed fifty-five dB(A) for intervals of more than fifteen minutes per hour as measured in the interior of the nearest occupied residence or school.
 2. Whenever a construction site is within one-quarter (1/4) of a mile of an occupied residence or residences, no construction activities shall be undertaken between the hours of 6:00 p.m. and 6:00 a.m. during the months of June through September and

between the hours of 6:00 p.m. and 7:00 a.m. during the months of October through May. Exceptions to these standards shall be allowed only with the written consent of the building official.

23. Construction related noise as defined in subsection (F)(1 and 2) above may take place outside the time period set forth therein and above the relative sound levels in case of urgent necessity in the interest of public health and safety, and then only with the prior permission of the building inspector. Such permit may be granted for a period not to exceed three days or until the emergency ends, whichever is less. The permit may be renewed for periods of three days while the emergency continues.

34. Unless exempted by this Chapter, if the building official should determine that the public health and safety will not be impaired by the construction related noise, the building inspector may issue a permit for construction within the hours of 6:00 P.M. and 7:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work. The building official may place such conditions on the issuance of the permit that are appropriate to maintain the public health and safety, as determined by the building official.

FG. Machinery, equipment, fans and air conditioning. It shall be unlawful for any person to operate, cause to operate or permit the operation of any machinery, equipment, device, pump, fan, compressor, air conditioning apparatus or similar mechanical device, including but not limited to the use of any steam shovel, pneumatic hammer, derrick, steam or electric hoist, blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, or other appliance, in any manner so as to create any noise which would cause the noise level at the property line of the property upon which the equipment or machinery is operated to exceed the base ambient noise level by five dB(A).

GH. Motor driven vehicles. It shall be unlawful for any person to operate any motor driven vehicle within the City that, due to the nature of the operation of the vehicle, or due to the operating condition of the vehicle, or due to any modification made to the vehicle, in such manner as to exceed noise levels set forth in Section 9.02.050 hereof.

1. Exhaust. It shall be unlawful for any person to discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor driven vehicle except through a muffler or other device which will effectively prevent loud or explosive noises ~~therefrom~~there from.

2. No person shall use or operate a stereo system, radio, electronic music device, television or similar device in a vehicle on a public street which is audible to a person of normal hearing sensitivity, more than fifty feet from said vehicle.

HI. 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 creates a public nuisance. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

1. The level of noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level and intensity of the background noise, if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature of the zoning of the area within which the noise emanates;
7. The density of the inhabitation of the area within which the noise emanates;
8. The time of the day and night the noise occurs;
9. Whether the noise is recurrent, intermittent, or constant;
10. The duration of the noise; and
11. Whether the noise is produced by a commercial or noncommercial activity.

9.02.120 **Exception permits.** If the applicant can show to the City manager or designee, that a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements of this Chapter would be impractical or unreasonable, a permit to allow exception from the provisions contained in this Chapter may be issued, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be of as short duration as possible, but in no case for longer than six months. These permits are renewable upon a showing of good cause, and shall be conditioned by a schedule for compliance and details of compliance methods in appropriate cases.

9.02.130 **Application between zones.** In applying the regulations set forth in this Chapter, each source of noise shall be subject only to such regulation as shall apply to the zone, including any designated truck route, within which it is located. A use lying adjacent to a zone with a more restrictive noise requirement hereunder shall not be required to conform to that more restrictive requirement. For purposes of this subsection, "zone" shall be as utilized in Title 17 of the Beaumont Municipal Code.

9.02.140 **Penalty for violation** In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter may be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the foregoing, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of \$1,000.00, or six (6) months in jail, or both

9.02.150 **Additional remedy—Injunction.** As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

9.02.160 **No mandatory duty created.** No section of this Chapter shall impose a mandatory duty on the City, or on any officer, official, agent, employee, board, council, or commission of the City. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall be deemed to invest the City, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section or not to enforce it. A police officer, for example, shall have the discretion to quiet a nuisance without applying standards detailed herein.