

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

829B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 14, 2006

SUBJECT: Ordinance No. 847, An Ordinance of the County of Riverside Regulating Noise.

RECOMMENDED MOTION: That the Board of Supervisors approve Ordinance No. 847, and, refer it to County Counsel for final language for adoption on March 28, 2006.

BACKGROUND: On January 24, 2006 the Board directed that the Planning Department separate the draft Noise Ordinance from the Off Highway Vehicle amendment, and bring it forward to the Board of Supervisors for a separate hearing. The Board further directed the Planning Department to meet with representatives of the County Sheriff, District Attorney, Public Health, and County Counsel to review the draft ordinance language and ensure its applicability and enforcement. Staff of these departments met on 2/7/06 and 2/14/06 to review and make changes to the draft document.

The Board further directed Planning Staff to include language regulating loud parties, vehicle sound systems, and portable and stationary stereo systems. The ordinance language before you today includes provisions regulating these noise sources.

CHANGES: The following changes have been made to the draft ordinance originally presented to the Board on January 24, 2006.

1. Intent---The language in this section became more definite and focused.
2. Exemptions---The exemptions section has been revised to more clearly state those uses that are exempt from the provisions of the ordinance.
3. Definitions – The definitions section has been revised to limit the terms to those

Mark F. Balysor
 Robert C. Johnson
 Planning Director

MB:mfb

Continued on next page

REVIEWED BY EXECUTIVE OFFICE
James J. Knight
 DATE 3/8/06

Departmental Concurrence

Policy
 Policy

Consent
 Consent

Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.

District:
 Countywide

Agenda Number:

only found in the ordinance itself.

4. Sound Level Standards--- Table 1 associated with this section has been replaced with a table that establishes maximum sound levels for each general plan land use category for daytime and nighttime activities.
5. Sound Measurement Methodology---This section has not been substantially changed.
6. Duty to Cooperate---This section has not been substantially changed.
7. Special Noise Sources – This section has been revised as follows:
 - a. Vehicles
 - i. Off Highway Vehicles—Sound standards have been limited to the measurement of sound by the J-1287 test, and compliance with the California Vehicle Code. Property line standards have been eliminated and the use will need to meet the provisions of Table 1 in the sound Level Section.
 - ii. Sound Systems--- This new section provides that no vehicle sound system may be operated at a volume so to be audible at a distance greater than 100 feet from the vehicle itself.
 - iii. Vehicle Signaling Devices—This section was deleted since it is enforced through the California Vehicle Code
 - iv. Vehicle Loading and Unloading—Due to potential problems with consistent enforcement this section was deleted. It was felt that loading and unloading activities can best be regulated through conditions of approval on individual land use cases.
 - b. Power Tools & Equipment—This section replaces the section formerly titled as “Vehicle Repairs”. This broader category insures that use of any noise generating power tool must meet the standards, and not just equipment utilized for vehicle repairs. The language provides that power tools may not be utilized between the hours of 10:00 p.m. and 7:00 a.m. of the following day. It also provides that operation of any tool shall not be audible at a distance greater than one-hundred (100) feet from said equipment.
 - c. Radio, Television, Stereo Equipment Noise—This new section provides that these types of electronic equipment may not be operated so as to be audible at a distance greater than 100 feet from the said equipment.
 - d. Amplified Sound or Live Music—This section has not been changed.

- e. Construction Noise---This section is unchanged
 - f. WECS Noise---This section is unchanged.
8. Exceptions---The language in this section has been revised to clearly state, and characterize the requirements and process required for construction-related exceptions, special event exceptions, and continuous exceptions.
 9. Enforcement---This section has been revised to clearly state that the County Sheriff has the primary responsibility for enforcement of this ordinance. Each Sheriff Substation will require one noise meter and existing staff trained to use the equipment.
 10. Violations and Penalties---This section has been revised to provide for an increasing level of penalty for repeated infractions within a 60-day period. A first infraction results in a \$500 fine. A second infraction results in a \$750 fine. Further infractions in a 60-day period would be dealt with as a misdemeanor with a \$1,000 fine and possible jail time or both.

An Ordinance of the County of Riverside Regulating Noise

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SECTION 1. INTENT

At certain levels sound becomes noise and may jeopardize the health, safety, and welfare of Riverside County residents and degrade their quality of life. It is hereby declared to be the policy of Riverside County to regulate noise in the manner described herein pursuant to its police power. This ordinance is intended to work in concert with and supplement all other county ordinances and to establish countywide standards regulating noise.

SECTION 2. EXEMPTIONS

Sound emanating from the following sources and activities are exempt from the provisions of this ordinance:

- A. Residential property maintenance provided said sounds occur between the hours of 7 a.m. and 8 p.m. on any day.
- B. Safety, warning and alarm devices, including but not limited to house and car alarms, and other warning devices that are designed to protect the public health, safety, and welfare.
- C. The operation of public and private schools and school-sponsored activities.
- D. Activities involving the execution of duties of duly authorized governmental personnel including but not limited to sworn peace officers, emergency personnel, public utility personnel.
- E. Agricultural operations on land designated agricultural in the Riverside County General Plan, or classified agricultural in the Riverside County Zoning Ordinance that are carried out in any manner consistent with accepted standards of the agricultural industry. This includes without limitation sound emanating from all equipment, whether stationary or mobile.

1 F. The discharge of firearms consistent with all state laws.

2
3 G. Any vehicle, other than an off highway vehicle, that is operated upon any public
4 highway, street, or right-of-way. This exception does not include any sound emanating from a
5 vehicle sound system.

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7 H. Work on capital improvements, or repairs on public property by employees or contractors
8 of the County of Riverside.

9
10 SECTION 3. DEFINITIONS

11 The following words, phrases and terms as used in this ordinance shall have the following
12 meanings:

13 A. **“Commercial purpose”** The use, operation, or maintenance of any sound amplifying
14 equipment for the purpose of advertising any business, goods, or services, or for the purpose
15 of attracting the attention of the public to, advertising for, or soliciting patronage or
16 customers to or for any business performance, show, entertainment, exhibition, or event, or
17 for the purpose of demonstrating such sound equipment.

18 B. **“Decibel (dB)”** A unit for measuring the relative amplitude of a sound equal
19 approximately to the smallest difference normally detectable by the human ear, whose range
20 includes approximately one hundred thirty (130) decibels on a scale beginning with zero
21 decibels for the faintest detectable sound. Decibels are measured on a sound level meter and
22 as defined below:

23 **“A-weighting (dBA)”** means the standard A-weighted frequency response of a sound
24 level meter, which de-emphasizes low and high frequencies of sound in a manner similar
25 to the human ear for moderate sounds.

26 **“C-weighting (dBC)”** means the standard C-weighted frequency response of a sound
27 level meter, which de-emphasizes high frequencies of sound in a manner similar to the
28 human ear for relatively loud sounds.

29 **“Maximum Sound level (L_{max})”** means the maximum sound level measured on a sound
30 level meter

31 C. **“Land Use permit”** A discretionary permit issued by the county pursuant to the
32 Riverside County Land Use Ordinance

33 D. **“Motor vehicle”** Any vehicle that is propelled by other than human or animal power on

1 Land.

2 E. **“Noise”** Any loud discordant or disagreeable sound or sounds.

3 F. **Noncommercial purpose”** The use, operation, or maintenance of any sound equipment
4 for other than a “commercial purpose”. It includes, but is not limited to, philanthropic,
5 political, patriotic, and charitable purposes.

6 G. **Off Highway Vehicle”** A motor vehicle designed to travel over any terrain as defined
7 and governed in Division 16.5 (Sections 38000—38506) of the California Vehicle
8 Code

9 H. **“Public property”** Any property owned by a public agency and held open to the public,
10 Including but not limited to parks, streets, sidewalks, and alleys.

11 I.. **“Residential property”** A parcel of real property that is designated within the Riverside
12 County General Plan for residential use, and has consistent zoning for residential use.

13 J. **“School”** Public and Private Institutions conducting regular academic instruction at
14 Preschool, kindergarten, junior high school, high school, or colleges.

15 K. **“Sensitive receptor”** A land use that is sensitive to noise. Such uses include single-
16 Family and multi-family residential uses, schools, hospitals, churches rest homes,
17 Cemeteries, public libraries and other sensitive uses a defined within the Noise
18 Element of the Riverside County general Plan. Measurement of sound for a sensitive
19 Receptor shall occur at the property line closest to the sound source.

20 L. **“Sound level meter”** An instrument meeting American National Standard Institute
21 Standard S1.4A1985 for Type 1 or Type 2 sound level meters or an instrument and the
22 associated recording and analyzing equipment that will provide equivalent data.

23 SECTION 4. SOUND LEVEL STANDARDS

24 A. It is unlawful for any person to create any sound, or to allow the creation of any sound,
25 on property owned, leased, occupied or otherwise controlled by such person that causes the
26 exterior-sound levels on any other property to exceed the sound level standards as set forth in
27 Table 1.

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TABLE 1 SOUND LEVEL STANDARDS (Db L _{max})					
	LANDUSE DESIGNATION	LANDUSE DESIGNATION NAME	DENSITY	MAXIMUM DECIBEL LEVEL	
				7am-10pm	10pm-7am
Community Development	EDR	Estate Density Residential	2 AC	55	45
	VLDR	Very Low density Residential	1 AC	55	45
	LDR	Low Density Residential	1/2 AC	55	45
	MDR	Medium Density Residential	2--5	55	45
	MHDR	Medium High Density Residential	5--8	55	45
	HDR	High Density Residential	8--14	55	45
	VHDR	Very High Density Residential	14-20	55	45
	H'TDR	Highest Density Residential	20+	55	45
	CR	Retail Commercial		65	55
	CO	Office Commercial		65	55
	CT	Tourist Commercial		65	55
	CC	Community Center		65	55
	LI	Light Industrial		75	55
	HI	Heavy Industrial		75	75
BP	Business Park		65	45	
PF	Public Facility		65	45	
Rural Community	EDR	Estate Density Residential	2 ac	55	45
	VLDR	Very Low Density Residential	1 ac	55	45
	LDR	Low Density Residential	1/2 ac	55	45
Rural	RR	Rural Residential	5 ac	55	45
	RM	Rural Mountainous	10 ac	55	45
	RD	Rural Desert	10 ac	55	45
Agriculture	AG	Agriculture	10 AC	45	45
Open Space	C	Conservation		45	45
	CH	Conservation Habitat		45	45
	REC	Recreation		45	45
	RUR	Rural	20 AC	45	45
	W	Watershed		45	45
	MR	Mineral Resources		75	45

1 SECTION 5. SOUND MEASUREMENT METHODOLOGY

2 A. Exterior sound levels shall be measured at the property line of any affected property or at
3 any location within the affected property. Where practical, the microphone of the sound
4 level meter shall be positioned three to five feet above the ground and away from
5 reflective surfaces. The actual location of the sound measurements shall be at the
6 discretion of the enforcement officer.

7
8 B. Sound measurement shall be made with a sound level meter using the A-weighting
9 network at slow meter response, except that a fast meter response shall be used for impulsive
10 type sounds.

11
12 C. Calibration of the sound level meter utilizing an acoustical calibrator meeting American
13 National Standards Institute (ANSI) Type 1 or Type 2 standard shall be performed
14 immediately prior to recording any sound data. Following any sound measurement the
15 calibration of the noise meter shall be reverified. Calibration equipment shall be certified
16 annually.

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18 SECTION 6. DUTY TO COOPERATE

19 No person shall refuse to cooperate with or to obstruct any county official or designee in
20 enforcing the provisions of this ordinance. Such Cooperation shall include, but is not limited
21 to, the shutting off or quieting of any sound source so that a determination can be made
22 whether the noise source is in violation of the standards set forth in this ordinance.

23
24 SECTION 7. SPECIAL SOUND SOURCES—TIME PLACE AND MANNER
25 RESTRICTIONS

26 A. Vehicles

27 1. Off-Highway Vehicles

28 a. Any off highway vehicle operated within the County of Riverside
29 shall be equipped with a USDA Qualified Spark Arrester as listed
30 on the USFS website, and also with a muffler as defined within
31 section 27150 of the California Vehicle Code. No person shall
32 operate a motor vehicle unless it is so equipped with a USDA
33 spark arrester and a muffler as defined above.

1 b. Pursuant to section 38370(h) (1) of the California Vehicle Code
2 noise emissions from any off-highway vehicle shall be limited to
3 not more than 96 dBA if manufactured on or after 1-1-1986 and
4 not more than 101 dBA if manufactured prior to 1-1-1986 when
5 measured from a distance of 20 inches from the tailpipe using test
6 procedures established by the Society of Automotive Engineers
7 under Standard J-1287.

8 2. Sound Systems

9 a. No person in control of or operating a motor vehicle shall permit
10 sound from the motor vehicle sound system, including but not
11 limited to a radio, tape player, compact disc player, mp3 player,
12 I-POD, or other musical device, whether or not affixed to the
13 vehicle, to be operated at a volume so as to be audible at a
14 distance greater than one-hundred (100) feet from the vehicle
15 itself.

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17 B. Power Tools and Equipment

18 1. No person shall within any residential property or within 500-feet thereof
19 operate any power tools or equipment between the hours of 10:00 p.m. 7:00 a.m.
20 of the following day in such a manner that the tool or equipment is audible to the
21 human ear at a distance of one-hundred (100) feet.

22 C. Radio, Television, Stereo Equipment

23 1. No person in control or operation of a radio, television, portable
24 stereo system or other portable musical or radio or television signal receiver to
25 be operated at a volume so as to be audible at a distance greater than one
26 hundred (100) feet from said equipment

27
28 D. Amplified sound or live music

29 1. No person other than permittees with approved land use permit(s) duly
30 authorized to use the same shall (1) have a live band or (2) install, use, or
31 operate a loudspeaker or sound amplifying equipment in a fixed or
32 moveable position or mounted upon any sound truck for the purposes of
33 giving instructions, directions, talks, addresses, lectures, or transmitting

1 music to any persons or assemblages of persons in or upon any public
2 street, alley, sidewalk, park, or place, or other public property except
3 when installed, used, or operated in compliance with the following
4 provisions.

- 5 a. In all residential zones no live band or sound amplifying
6 equipment shall be installed, operated or used for commercial
7 purposes at any time.
- 8 b. The operation or use of a live band or sound amplifying equipment
9 for noncommercial purposes in all residential zones except when
10 used for regularly scheduled operative functions by any school or
11 for the customary purposes of any church, is prohibited between
12 the hours of 10:00 p.m. and 8:00 a.m. of the following day.
- 13 c. In all other zones the operation or use of a live band or sound
14 amplifying equipment for commercial or noncommercial purposes
15 shall not occur:
 - 16 (a) Between the hours of 10:00 p.m. and 8:00 a.m. of the
17 following day.
- 18 d. The only sounds permitted shall be either music, human speech or
19 both.
- 20 e. Sound emanating from a live band or sound amplifying equipment
21 shall be limited in volume, tone, and intensity as follows:
 - 22 (a) The sound shall not be audible at a distance in excess of
23 200 feet from the sound equipment.

- 24 2. Except as provided in (2) above, no live band or sound amplifying equipment
25 shall be operated upon any property adjacent to and within 200 feet of any
26 hospital grounds, or school, or church building while in use.

27 E. Construction Noise

- 28 1. Whenever a construction site is within one-quarter ($\frac{1}{4}$) of a mile of an occupied
29 residence or residences, no construction activities shall be undertaken between the
30 hours of 6:00 p.m. and 6:00 a.m. during the months of June through September,
31 and between the hours of 6:00 p.m. and 7:00 a.m. during the months of October
32 through May.
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2 F. Wind Energy Conversion Systems (WECS)

- 3 1. Noise due to WECS shall comply with the provisions set forth within Riverside
4 County Land Use Ordinance

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6 SECTION 8. EXCEPTIONS

7 An exception may be requested from any provision of this ordinance. Requests for exceptions
8 shall be made on forms provided by the County. Exceptions may be characterized as (1)
9 construction-related exceptions, (2) special event exceptions, or (3) continuous exceptions.

10 1. Construction-related Exceptions

11 a. No construction-related exception shall be approved unless the applicant can
12 show to the satisfaction of the Director of Building and Safety that immediate
13 compliance with the requirements of this ordinance would be impractical or
14 unreasonable, due to the temporary nature or short duration of construction
15 activity and its location in relation to sensitive receptors, a permit to allow
16 exception from the provisions contained in all or a portion of this ordinance may
17 be issued. Construction-related noise exceptions shall terminate by 10:00 p.m. in
18 all cases. However, construction activities due to emergency situations may
19 extend later provided that property owners within 600 feet are notified. In the
20 event the exception is approved, reasonable conditions may be imposed to
21 minimize the public detriment and may include, but not be limited to, restrictions
22 on sound level, sound duration and operating hours

23 2. Special Event Exceptions

24 a. No special event related exception shall be approved unless the applicant can
25 show to the satisfaction of the Planning Director that the characteristics of a
26 special event indicate that immediate compliance with the requirements of this
27 ordinance would be impractical due to the type of event or unreasonable due to its
28 temporary nature or short duration and its location in relation to sensitive
29 receptors a permit to allow exception from the provisions contained in all or a
30 portion of this ordinance may be issued. In the event that the exception is
31 approved, reasonable conditions may be imposed to minimize the public
32 detriment and may include, but not be limited to, restrictions on sound level,
33 sound duration and operating hours.

1 3. Continuous Exceptions

2 a. No continuous exception can be approved unless the applicant can show to the
3 satisfaction of the Planning Commission that the characteristics of the subject
4 land use indicate that immediate compliance with the requirements of this
5 ordinance would be impractical due to (1) the type of use or the circumstances of
6 the requested exception,(2) that it would not create a hazardous condition or
7 nuisance and (3) its location in relation to sensitive receptors a permit to allow
8 exception from the provisions contained in all or a portion of this ordinance may
9 be issued. In the event that the exception is approved, reasonable conditions may
10 be imposed to minimize the public detriment and may include, but not be limited
11 to, restrictions on sound level, sound duration and operating hours.

12 Where a request for exception is associated with a discretionary permit, the
13 exception shall be processed concurrently with the discretionary permit, or as a
14 revision to a previously approved discretionary permit.

15 Public notice for an application for a continuous exception shall include the
16 Notice of time, date and place of the hearing, the identity of the hearing body and
17 a general description of the location of the real property, which is the subject of
18 the hearing, shall be given at least ten days prior to the hearing by all of the
19 following procedures:

20 (1) Publication once in a newspaper of general circulation in the County.

21 (2) Mailing or delivering to the owner of the subject real property or the owner's
22 duly authorized agent, and to the project applicant.

23 (3) Mailing or delivering to all owners of real property which is located within
24 600 feet of the exterior boundaries of the subject property, as such owners are
25 shown on the last equalized assessment roll and any update.

26 (4) Mailing by first class mail to any person who has filed a written request with
27 the Planning Department and has provided the Department with a self-addressed
28 stamped envelope for that purpose.

1 (5) If the number of owners to whom notice would be mailed or delivered
2 pursuant to paragraphs (2) or (3) herein is greater than 1,000, in lieu of mailed or
3 delivered notice, notice may be provided by placing a display advertisement of at
4 least one-eighth page in at least one newspaper of general circulation at least 10
5 days prior to hearing.

6 (6) The Planning Director may require additional notice of the hearing be given in
7 any other manner deemed necessary or desirable.

8 SECTION 9. ENFORCEMENT

9 The Riverside County Sheriff shall have the primary responsibility for the enforcement of this
10 ordinance provided, however, that the Sheriff may be assisted by the Public Health Department.
11 Violations of these regulations shall be prosecuted in the same manner as other misdemeanor
12 violations of the County Code; however, nothing in these regulations shall prevent the Sheriff or
13 the Department of Public Health from efforts to obtain voluntary compliance by way of warning,
14 notice, or educational means.

15
16 SECTION 10. VIOLATIONS AND PENALTIES

17 Any person violating any of the provisions of this ordinance once or twice within a 60-day
18 period shall be deemed guilty of an infraction. Each day such violation is committed or
19 permitted to continue shall constitute a separate offense and shall be punishable as such. Any
20 person violating any of the provisions of this ordinance more than twice within a 60-day period
21 shall be deemed guilty of a misdemeanor. Penalties shall not exceed the following amounts.

22 1. For the first such infraction in a sixty (60) day period the fine shall be a minimum mandatory
23 five hundred dollars (\$500)

24 2. For the second such infraction in a sixty (60) day period the fine shall be a minimum
25 mandatory seven hundred fifty dollars (\$750)

26 3. For any further such violations in a sixty (60) day period the property owner shall be deemed
27 guilty of a misdemeanor and upon conviction thereof shall be fined a minimum mandatory one
28 thousand dollars (\$1,000) or be imprisoned in the County jail for a period not exceeding six (6)
29 months, or by both such fine and imprisonment.

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31 SECTION 11. CONFLICT BETWEEN ORDINANCE REQUIREMENTS

1 If there is any conflict in the requirements of this ordinance or between the requirements of this
2 and any other ordinance, the more stringent requirements shall apply.

3

4 SECTION 12. SEVERABILITY

5 If any provision of this ordinance or the application thereof to any person or circumstance is held
6 invalid, the remainder of the ordinance and application of such provision(s) to other persons or
7 circumstances shall not be affected.

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9 SECTION 13. SAVINGS CLAUSE

10 Neither the adoption of this ordinance nor the repeal of any other ordinance in which violations
11 were committed prior to the effective date hereof, shall be construed as a waiver of any license or
12 penalty or the penal provisions application to any violation thereof. The provisions of the
13 ordinance, insofar as they are substantially the same as ordinance provisions previously adopted
14 by the County relating to the same subject matter, shall be construed as restatements and
15 continuations, and shall not be construed as a new enactment unless substantial revisions or
16 provisions are required by the ordinance.

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18 SECTION 14. SECTION HEADINGS

19 The section headings herein are for convenience only, and shall not be deemed to govern, limit,
20 modify or in any manner affect the scope, meaning or intent of the provisions or language of this
21 ordinance.

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23 SECTION 15. EFFECTIVE DATE

24 This ordinance shall take effect 30 days after the date of adoption.

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American**Motorcyclist** Association

March 13th, 2006

County of Riverside
Board of Supervisors
Riverside County Administration Building
4080 Lemon Street
Riverside, CA 92502-1629

Re: Off Highway Vehicle Ordinance and Sound Ordinance

Dear Supervisors:

The following comments are being submitted on behalf of the more than 30,000 American Motorcyclist Association members whom reside in California. As per our previous communications none of these comments should be considered at the exclusion of those comments that may be submitted by our individual members, clubs or other district organizations. Our members are interested in any action that may affect their enjoyment of off-highway motorcycle or all-terrain vehicle (ATV) recreation. We at the AMA once again applaud the ongoing efforts to address the many challenges facing the Board of Supervisors, and are thankful for the opportunity to participate in the process. None of our comments should in any way be construed as defending criminal activities, such as trespass or illegal use of public lands. These types of behaviors are without a doubt addressed in county statutes already and we fully support law enforcement efforts aimed at curbing or eliminating such behaviors.

This nearly 2-year effort to regulate OHV use on private property is being watched very closely literally throughout the nation and is frequently reported in the enthusiast media (including a recent television interview) as the single most important proposed regulations being faced by the OHV public. The task faced by this board when it comes to balancing the rights of all neighbors cannot be overstated.

The adoption of vague and/or an overly broad ordinance will serve no ones interests and in fact could have the opposite effect by creating additional confusion and conflict between neighboring property owners. Frequently issues such as trespass and diminishing riding opportunities on our nations public land are confused with private property use issues when they should in fact be addressed separately.

General Comments

As an initial comment with regards to these Ordinances, timely furnishing of the proposed language has been less than ideal. Once again, only after repeated requests were we provided with the latest proposed language. This, despite attendance at numerous public meeting and previous request to be notified whenever new language is proposed, continues to be a real problem.

rights. riding. racing.

In addition, the issue of grand-fathering of existing uses, which has been repeatedly raised in previous comments, once again has not been addressed. Despite assertions to the contrary, it remains true that any preexisting use was and continues to be legal. Regardless of any changes to county statutes, the future status of existing riding areas, tracks and the like will remain a legitimate, all be it non-conforming, use. Failure to address their status will likely result in costly litigation for both the county and those property owners seeking to preserve their currently enjoyed rights and may in fact result in the entire effort being overturned and force to begin anew.

The Noise Ordinance

The current language in the proposed Noise Ordinance in Section 4 refers to the creation of sound that causes exterior-sound levels to exceed those identified on Table 1. Table 1 establishes the "Sound Level Standards" as decibels using an "Lmax" measurement. The Lmax measurement is not correct for this application, as it is a maximum decibel measurement – it measures the highest level of sound for any given moment in time. The Lmax does not take into account any ambient background sounds, which are required in order to establish an average baseline over a certain period of time, which is critical when trying to establish exactly how loud a measured activity is.

For example, the Open Space portions of the Table, in all but the MR category, the Lmax is 45db. With 40db as the commonly accepted sound level of a quiet forest, a gathering of people around a campfire in an Open Space Recreational Area would in fact exceed the Lmax, since normal conversation is generally about 60db. Any additional noise, such as a propeller airplane flying over, a lawn mower, weed eater or a vehicle starting up would easily push the measurable Lmax level beyond 70db.

Taken in the context of OHV use, adoption of an Lmax level of 55db in a Rural Residential area would require an OHV that conforms with current a state and federal requirements (operating at 96db using J1287 test) under Section 6.A.1.b, to maintain anywhere from 600 to 1,320 feet away from all sound receptors to be in compliance. If the compliance officer were to stomp his feet or a vehicle passed by on a nearby road the Lmax would easily spike well above 55db.

Thus, while the Ordinance seeks to create an across the board sound level, in actuality it has the effect of eliminating the ability to ride OHV's on all be extremely large or completely isolated parcels, never mind property maintenance activities such as using a lawn mover or leaf blower, both of which would not be able to meet the 55db Lmax level either.

We recognize that some may point to levels witnessed during the sound tests that were done on area properties last March. What the Board must remember is that those tests were performed using Leq measurements, not an Lmax. What the Board must also understand is that these figures, which are represented in Table 1, are reflective of figures taken from the General Plan Noise Element. As stated in the Noise Capacity Provisions of the Noise Element, "Land uses that emit noise are measured in A-weighted decibels (dba) or Community Noise Equivalent Level (CNEL)." In other words, they are measured on a 24-hour average, and using an Lmax standard.

Under Policy N 1.3, a CNEL in excess of 65 should be discouraged in areas that are the equivalent of sensitive receptors under the proposed Ordinance. We believe this to be reasonable and therefore request that the County revise the Sound Level Standards in Table 1 to be no

stricter than a DbA/15Leq, as opposed to an Lmax, and that the decibel levels in areas designated as 45 and 55 db Lmax be increased to 65dbA/15Leq.

We once again would like to express our appreciation for the opportunity to be involved in the development of these ordinances, and specifically thank staff for their long-term commitment and hard work. Please be sure to review the proposed text of each of the ordinances thoroughly and carefully, if they are not designed to work in tandem they will create nothing but problems down the line. At the very least, the ordinances should be internally consistent, easy to understand and comply with, simple to enforce, and non-discriminatory. Our comments today are intended to ensure that the ordinance meets these minimum requirements.

Sincerely,



Nicholas Haris
Western States Representative
American Motorcyclist Association

**DPS Inc.**

1160 Dewey Way, Suite D, Upland, CA 91786

(909) 981-5228 Tel (909) 982-3747 Fax

website: www.chemhelp.comE-mail: Chrisreal@aol.comor Creak@chemhelp.com

Technical Consulting - Field Services
 Vehicle Sound Measurement Education
 Regulatory Compliance - Specialty Products

M e m o

To: Riverside County	From: Chris Real, CLS
Fax:	Pages: 2
Phone:	Date: 3/11/2006
Re: Ordinance 847	CC: AMA, ORBA, BRC

For Review

Members of the community & planning office:

I am sending this letter to you as a resident of the community as well as a recognized member of the transportation & motorcycle technical community, and to inform you that I have reviewed the draft of Ordinance 847.

Ladies & gentlemen, the draft surprises me, as many people including myself have dedicated countless hours of work providing technical education and assistance to the community members and members of the County of Riverside Departments' of Law Enforcement, Planning, Building, Safety, and Code Enforcement to develop an ordinance that properly addresses the subject of vehicle operation on private property, as well as problem on-road vehicle noise control.

The community actions that have been done to assist Riverside County have included providing qualified experts to answer questions to provide guidance in the resolution of the community vehicle noise problem, holding private meetings with Riverside County Planning & Code Enforcement to discuss the technical aspects of vehicle noise control, and public educational field sessions to demonstrate sound mitigation and management solutions to both the user groups as well as residents and planning officers.

These ongoing actions have clearly demonstrated significant commitment that the responsible members of the motorized transportation community are actively working toward the development of scientifically accurate, understandable, enforceable regulations.

5000 NY 13 6W 5:00
 LIBRARY OF THE COUNTY OF RIVERSIDE

March 11, 2006

The vehicle sound ordinance drafts of the past year and a half, and the latest draft of 3/1/06 indicates that the County has invested significant resources and has either not understood the concept of properly addressing the noise control issue, or has purposely acted in a manner that will not resolve the true vehicle sound issue, and if adopted will place an unreasonable, technically flawed and unobtainable burden upon the residents of the county, as well as being potentially burdensome to the judicial & law enforcement community.

By this letter I am stating that I am personally and professionally in favor of reasonable sound level limits and enforcement of regulations on vehicles, but am very much opposed to this draft of the proposed ordinance.

Sincerely,

Chris F. Real, CLS

MARCH 7, 2006

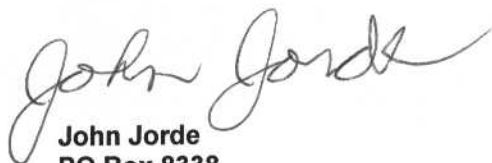
**Board of Supervisors
Attn: Clerk of the Board
4080 Lemon Street, 5th Floor,
Riverside, CA 92501**

The purpose of this letter is to express my support for the OHV and Sound ordinances that the Planning Commission submitted to you on January 24th, These proposals are the result of 16 months of work by the AMA, ORBA and other OHV advocacy groups, area residents, and environmental organizations. These ordinances are fair to both riders throughout the county who want to recreate responsibly on their own property and to residents who have valid complaints regarding excessive sound and trespass.

The off-road user community is very aware of the problems excessive sound creates with neighbors and surrounding communities. Residents who have been subjected to excessive sound levels have a legitimate concern that requires a workable solution. I believe the solution to these problems was in fact adequately addressed in the draft OHV ordinance put before you on January 24th and am surprised and discouraged by your refusal to consider them as written. The ordinances, if enforced as written, would address many if not all of the concerns of those with legitimate complaints, while protecting the rights of the vast majority of OHV riders who use their property in a responsible and considerate manner.

Please reconsider your recommendations that the proposed OHV draft ordinance be re-written once again. OHV use on private property must not be banned throughout the county due to the actions of a few renegade riders, many of whom will not be effected by the proposed regulations. I am a law-abiding, tax-paying citizen that wants to recreate responsibly on my own property in a considerate manner, and request that my rights are given equal consideration during this process.

Thank you for your time & consideration.



**John Jorde
PO Box 8338
Scottsdale, AZ 85252**