

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

116B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
March 21, 2006

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

RECOMMENDED MOTION: Introduce and adopt on successive weeks Ordinance No. 847, An Ordinance of the County of Riverside Regulating Noise.

BACKGROUND: On March 14, 2006, the Board of Supervisors tentatively approved Ordinance No. 847 and referred it to the Office of County Counsel for preparation of the final language. As directed, the ordinance has been changed to provisionally exempt private construction projects, to reduce the maximum sound level in rural areas to 45 decibels, to provide a one hundred and eighty (180) day grace period for uses operating pursuant to an approved land use permit that have applied for a continuous events exception, to create an appeal procedure for decisions concerning continuous events exceptions and to increase to one hundred and eighty (180) days the time period within which three or more violations constitute a misdemeanor.

In addition, modifications have been made to clarify that the sound level standards are not intended to establish thresholds of significance for the purpose of any analysis required by the California Environmental Quality Act, to clarify that the sound level standards apply to properties designated Specific Plan and to clarify that the sound level standards set maximum decibel levels on occupied rather than vacant properties.

Robert C. Johnson
Planning Director

MB:mfb

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 3/21/06

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref. District: Countywide Agenda Number:

FORM 11B SP LN 1: 05

3.25

- 1 g. Wind Energy Conversion Systems (WECS), provided such systems comply with
2 the WECS noise provisions of Riverside County Ordinance No. 348.
- 3 h. Private construction projects located one-quarter (1/4) of a mile or more from an
4 inhabited dwelling.
- 5 i. Private construction projects located within one-quarter (1/4) of a mile from an
6 inhabited dwelling, provided that:
- 7 1. Construction does not occur between the hours of 6:00 p.m. and 6:00 a.m.
8 during the months of June through September; and
- 9 2. Construction does not occur between the hours of 6:00 p.m. and 7:00 a.m.
10 during the months of October through May.
- 11 j. Property maintenance, including, but not limited to, the operation of lawnmowers,
12 leaf blowers, etc., provided such maintenance occurs between the hours of 7 a.m.
13 and 8 p.m.
- 14 k. Motor vehicles, other than off-highway vehicles. This exemption does not include
15 sound emanating from motor vehicle sound systems
- 16 l. Heating and air conditioning equipment.
- 17 m. Safety, warning and alarm devices, including, but not limited to, house and car
18 alarms, and other warning devices that are designed to protect the public health,
19 safety, and welfare.
- 20 n. The discharge of firearms consistent with all state laws.

21 Section 3. DEFINITIONS. As used in this ordinance, the following terms shall have
22 the following meanings:

- 23 a. Audio Equipment. A television, stereo, radio, tape player, compact disc player,
24 mp3 player, I-POD or other similar device.
- 25 b. Decibel (dB). A unit for measuring the relative amplitude of a sound equal
26 approximately to the smallest difference normally detectable by the human ear, the
27 range of which includes approximately one hundred thirty (130) decibels on a scale
28 beginning with zero decibels for the faintest detectable sound. Decibels are
measured with a sound level meter using different methodologies as defined below:

- 1 1. A-weighting (dBA) means the standard A-weighted frequency response of a
2 sound level meter, which de-emphasizes low and high frequencies of sound
3 in a manner similar to the human ear for moderate sounds.
- 4 2. Maximum Sound level (L_{max}) means the maximum sound level measured on
5 a sound level meter.
- 6 c. Governmental Agency. The United States, the State of California, Riverside
7 County, any city within Riverside County, any special district within Riverside
8 County or any combination of these agencies.
- 9 d. Land Use Permit. A discretionary permit issued by Riverside County pursuant to
10 Riverside County Ordinance No. 348.
- 11 e. Motor Vehicle. A vehicle that is self-propelled.
- 12 f. Motor Vehicle Sound System. A stereo, radio, tape player, compact disc player,
13 mp3 player, I-POD or other similar device.
- 14 g. Noise. Any loud, discordant or disagreeable sound.
- 15 h. Occupied Property. Property upon which is located a residence, business or
16 industrial or manufacturing use.
- 17 i. Off-Highway Vehicle. A motor vehicle designed to travel over any terrain.
- 18 j. Public Property. Property owned by a governmental agency or held open to the
19 public, including, but not limited to, parks, streets, sidewalks, and alleys.
- 20 k. Public or Private School. An institution conducting academic instruction at the
21 preschool, elementary school, junior high school, high school, or college level.
- 22 l. Sensitive Receptor. A land use that is identified as sensitive to noise in the Noise
23 Element of the Riverside County General Plan, including, but not limited to,
24 residences, schools, hospitals, churches, rest homes, cemeteries or public libraries.
- 25 m. Sound Level Meter. An instrument meeting the standards of the American
26 National Standards Institute for Type 1 or Type 2 sound level meters or an
27 instrument that provides equivalent data.
- 28 n. Sound Amplifying Equipment. A loudspeaker, microphone, megaphone or other
 similar device.

1 procedures established by the Society of Automotive Engineers
2 under Standard J-1287.

3 2. Sound Systems. No person shall operate a motor vehicle sound system,
4 whether affixed to the vehicle or not, between the hours of 10:00 p.m. and
5 8:00 a.m., such that the sound system is audible to the human ear inside any
6 inhabited dwelling. No person shall operate a motor vehicle sound system,
7 whether affixed to the vehicle or not, at any other time such that the sound
8 system is audible to the human ear at a distance greater than one hundred
9 (100) feet from the vehicle.

10 b. Power Tools and Equipment. No person shall operate any power tools or
11 equipment between the hours of 10:00 p.m. and 8:00 a.m. such that the power tools
12 or equipment are audible to the human ear inside an inhabited dwelling other than a
13 dwelling in which the power tools or equipment may be located. No person shall
14 operate any power tools or equipment at any other time such that the power tools or
15 equipment are audible to the human ear at a distance greater than one hundred
16 (100) feet from the power tools or equipment.

17 c. Audio Equipment. No person shall operate any audio equipment, whether
18 portable or not, between the hours of 10:00 p.m. and 8:00 a.m. such that the
19 equipment is audible to the human ear inside an inhabited dwelling other than a
20 dwelling in which the equipment may be located. No person shall operate any
21 audio equipment, whether portable or not, at any other time such that the equipment
22 is audible to the human ear at a distance greater than one hundred (100) feet from
23 the equipment.

24 d. Sound Amplifying Equipment and Live Music. No person shall install, use or
25 operate sound amplifying equipment, or perform, or allow to be performed, live
26 music unless such activities comply with the following requirements. To the extent
27 that these requirements conflict with any conditions of approval attached to an
28 underlying land use permit, these requirements shall control.

- 1 1. Sound amplifying equipment or live music is prohibited between the
- 2 hours of 10:00 p.m. and 8:00 a.m.
- 3 2. Sound emanating from sound amplifying equipment or live music at
- 4 any other time shall not be audible to the human ear at a distance
- 5 greater than two hundred (200) feet from the equipment or music.

6 Section 7. EXCEPTIONS. Exceptions may be requested from the standards set forth in
7 Sections 4. or 6. of this ordinance and may be characterized as construction-related, single event or
8 continuous events exceptions.

9 a. Application and Processing.

- 10 1. Construction-Related Exceptions. An application for a
- 11 construction-related exception shall be made to and considered by
- 12 the Director of Building and Safety on forms provided by the
- 13 Building and Safety Department and shall be accompanied by the
- 14 appropriate filing fee. No public hearing is required.
- 15 2. Single Event Exceptions. An application for a single event
- 16 exception shall be made to and considered by the Planning Director
- 17 on forms provided by the Planning Department and shall be
- 18 accompanied by the appropriate filing fee. No public hearing is
- 19 required.
- 20 3. Continuous Events Exceptions. An application for a continuous
- 21 events exception shall be made to the Planning Director on forms
- 22 provided by the Planning Department and shall be accompanied by
- 23 the appropriate filing fee. Upon receipt of an application for a
- 24 continuous events exception, the Planning Director shall set the
- 25 matter for public hearing before the Planning Commission, notice of
- 26 which shall be given as provided in Section 18.26.c. of Riverside
- 27 County Ordinance No. 348. Notwithstanding the above, an
- 28 application for a continuous events exception that is associated with

1 an application for a land use permit shall be processed concurrently
2 with the land use permit in the same manner that the land use permit
3 is required to be processed.

- 4 b. Requirements for Approval. The appropriate decision making body or officer shall
5 not approve an exception application unless the applicant demonstrates that the
6 activities described in the application would not be detrimental to the health, safety or
7 general welfare of the community. In determining whether activities are detrimental to
8 the health, safety or general welfare of the community, the appropriate decision making
9 body or officer shall consider such factors as the proposed duration of the activities and
10 their location in relation to sensitive receptors. If an exception application is approved,
11 reasonable conditions may be imposed to minimize the public detriment, including, but
12 not limited to, restrictions on sound level, sound duration and operating hours.
- 13 c. Appeals. The Director of Building and Safety's decision on an application for a
14 construction-related exception is considered final. The Planning Director's decision on
15 an application for a single event exception is considered final. After making a decision
16 on an application for a continuous events exception, the appropriate decision making
17 body or officer shall mail notice of the decision to the applicant. Within ten (10)
18 calendar days after the mailing of such notice, the applicant or an interested person
19 may appeal the decision to the Board of Supervisors. Upon receipt of an appeal and
20 payment of the appropriate appeal fee, the Clerk of the Board shall set the matter for
21 hearing not less than five (5) days nor more than thirty (30) days thereafter and shall
22 give written notice of the hearing in the same manner as notice of the hearing was
23 given by the appropriate hearing officer or body. The Board of Supervisors shall
24 render its decision within thirty (30) days after the appeal hearing is closed.
- 25 d. Effect of a Pending Continuous Events Exception Application. For a period of one
26 hundred and eighty (180) days from the effective date of this ordinance, no person
27 creating any sound prohibited by this ordinance shall be considered in violation of this
28 ordinance if the sound is related to a use that is operating pursuant to an approved land

1 use permit, if an application for a continuous events exception has been filed to
2 sanction the sound and if a decision on the application is pending.

3 Section 8. ENFORCEMENT. The Riverside County Sheriff shall have the
4 primary responsibility for enforcing this ordinance; provided, however, the Sheriff may be assisted by the
5 Public Health Department. Violations shall be prosecuted as described in Section 10. of this ordinance,
6 but nothing in this ordinance shall prevent the Sheriff or the Department of Public Health from engaging
7 in efforts to obtain voluntary compliance by means of warnings, notices, or educational programs.

8 Section 9. DUTY TO COOPERATE. No person shall refuse to cooperate with, or
9 obstruct, the enforcement officials identified in Section 8. of this ordinance when they are engaged in the
10 process of enforcing the provisions of this ordinance. This duty to cooperate may require a person to
11 extinguish a sound source so that it can be determined whether sound emanating from the source violates
12 the provisions of this ordinance.

13 Section 10. VIOLATIONS AND PENALTIES. Any person who violates any
14 provision of this ordinance once or twice within a one hundred and eighty (180) day period shall be guilty
15 of an infraction. Any person who violates any provision of this ordinance more than twice within a one
16 hundred and eighty (180) day period shall be guilty of a misdemeanor. Each day a violation is committed
17 or permitted to continue shall constitute a separate offense and shall be punishable as such. Penalties shall
18 not exceed the following amounts.

- 19 a. For the first violation within a one hundred and eighty (180) day period the
20 minimum mandatory fine shall be five hundred dollars (\$500).
- 21 b. For the second violation within a one hundred and eighty (180) day period the
22 minimum mandatory fine shall be seven hundred and fifty dollars (\$750).
- 23 c. For any further violations within a one hundred and eighty (180) day period the
24 minimum mandatory fine shall be one thousand dollars (\$1,000) or imprisonment
25 in the County jail for a period not exceeding six (6) months, or both.

26 Section 11. SEVERABILITY. If any provision of this ordinance, or the application
27 thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remainder of the
28 ordinance or the application of such provision(s) to other persons or circumstances.

