

Huntington Beach Charter and Codes

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[MUNICIPAL CODE](#)

[Title 8 HEALTH AND SAFETY](#)

Chapter 8.40 NOISE CONTROL

Note

* **Note:** §§ [8.40.140](#), [8.40.160](#) and [8.40.170](#) repealed by Ord. 3940-7/12.

8.40.010 Declaration of Policy

- A. In order to control unnecessary, excessive and annoying sounds emanating from incorporated areas of the City, it is hereby declared to be the policy of the City to prohibit such sounds generated from all sources as specified in this chapter.
- B. It is determined that certain noise levels are detrimental to the public health, welfare and safety and contrary to public interest; therefore, the City Council does ordain and declare that creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by, or not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such. (2379-7/79)

8.40.020 Definitions

The following words, phrases and terms as used in this chapter 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.

“**Commercial property**” shall mean a parcel of real property which is developed and used either in part or in whole for commercial purposes including, but not limited to, retail and wholesale businesses and professional offices.

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

“**Decibel (db)**” shall mean a unit 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 10 times the logarithm to the base 10 of this ratio.

“**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 to prepare said site for construction or the placement of the 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.

“**Industrial property**” shall mean a parcel of real property which is developed and used in part or in whole for manufacturing purposes including research and development uses.

“**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 20 micropascals (micronewtons per square meter). The unit of measurement shall be designated as db(A).

“**Person**” shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

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

“**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 or motels.

“**Sound pressure level**” of a sound, in decibels, shall mean 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated. (2379-7/79)

8.40.030 Noise Level Measurement Criteria

Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level meter or similar device that accurately measures noise levels and produces data that may be used in administrative or judicial proceedings. The location for measuring noise levels may be at any legally accessible vantage point where a reasonable person would conclude the noise may exceed this chapter’s noise standards. All noise level measurements shall be performed in accordance with the procedures established by the City. (2379-7/79, 3940-7/12)

8.40.040 Designated Noise Zones

The properties hereinafter described, whether within or without the City, are hereby assigned to the following noise zones:

- A. Noise Zone 1. All residential properties.
- B. Noise Zone 2. All professional office and public institutional properties.
- C. Noise Zone 3. All commercial properties with the exception of professional office properties.
- D. Noise Zone 4. All industrial properties. (2379-7/79)

8.40.050 Exterior Noise Standards

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

Exterior Noise Standards

Noise Zone	Noise Level	Time Period
1	55 db(A)	7 a.m. - 10 p.m.
	50 db(A)	10 p.m. - 7 a.m.
2	55 db(A)	Anytime
3	60 db(A)	Anytime
4	70 db(A)	Anytime

The above standard does not apply to the establishment of multifamily residence private balconies and patios. Multifamily developments with balconies or patios that do not meet CNEL standards are required to provide occupancy disclosure notices to all future tenants regarding potential noise impacts.

B. 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 db(A). (2379-8/79, 2788-9/85, 3940-7/12)

8.40.060 Exterior Noise Levels Prohibited

A. It shall be unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured on any residential, public institutional, professional, commercial or industrial property, either within or without the City, to exceed the applicable noise standards:

1. For a cumulative period of more than 30 minutes in any hour;
2. Plus five db(A) for a cumulative period of more than 15 minutes in any hour;
3. Plus 10 db(A) for a cumulative period of more than five minutes in any hour;
4. Plus 15 db(A) for a cumulative period of more than one minute in any hour; or
5. Plus 20 db(A) for any period of time.

B. In the event the ambient noise level exceeds any of the first four 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. (2379-7/79)

8.40.070 Interior Noise Standards

A. The following noise standards, unless otherwise specifically indicated, shall apply to all real property within a designated noise zone:

Interior Noise Standards

Noise Zone	Noise Level	Time Period
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1	55 db(A)	7 a.m. -10 p.m.
	45 db(A)	10 p.m. - 7 a.m.
2, 3, 4	55 db(A)	Anytime

B. 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 db(A). (2379-7/79, 2788-9/85)

8.40.080 Interior Levels of Noise Prohibited

A. It shall be unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured within any other structure on any residential, public institutional, commercial, or industrial property to exceed:

1. The noise standard for a cumulative period of more than five minutes in any hour;
2. The noise standards plus five db(A) for a cumulative period of more than one minute in any hour; or
3. The noise standard plus 10 db(A) for any period of time.

B. In the event the ambient noise level exceeds either of the first two 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 level, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

C. Each of the noise limits specified above shall be reduced by five db(A) for impact or predominant tone noises, or for noises consisting of speech or music.

D. In the event that the noise source and the affected property are within different noise zones, the noise standards of the affected property shall apply. (2379-7/79)

8.40.090 Special Provisions

The following activities shall be exempt from the provisions of this chapter:

- A. School bands, school athletics and school entertainment events, provided such events are conducted on school property or authorized by special permit from the City.
- B. Activities otherwise lawfully conducted in public parks, public playgrounds and public or private school grounds.
- C. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.
- D. Noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the City as provided herein; and 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.

- E. All mechanical devices, apparatus or equipment which are utilized for the protection or harvest of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions.
- F. 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 at any time on Sunday or a federal holiday.
- G. 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.
- H. Noise sources associated with the maintenance of real property provided said activities take place between the hours of 8:00 a.m. and 8:00 p.m. on any day except Sunday or between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or a federal holiday.
- I. Leaf blower shall be governed by Section 8.40.095.
- J. Any activity or equipment to the extent that design regulation thereof has been pre-empted by state or federal laws.
- K. Noise sources associated with temporary public or private events located on private or public property provided a permit has been obtained from the City as provided herein. (2379-7/79, 3131-4/92, 3940-7/12)

8.40.095 Leaf Blowers

- A. **Definitions.** As used in this section, the following terms shall have meanings as set forth below:
1. "Leaf blower" means any machine, however powered, used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces.
 2. "Parcel" means an area of real property with a separate or distinct number or other designation shown on a plat recorded in the office of the County Recorder. Contiguous parcels owned by the same individual or entity shall be considered one parcel for purposes of this section.
- B. **Unlawful to Propel Debris Beyond Parcel Boundary.** It shall be unlawful for any person to use or operate any leaf blower in such a manner as to blow, dispel or make airborne, dust, leaves, grass cuttings, paper, trash or any other type of unattached debris or material, beyond the parcel boundaries of the parcel being cleaned, unless the consent of the adjoining owner or person in possession is obtained. It shall be unlawful for any person to use or operate any leaf blower within the City in such a way as to blow leaves, dirt and other debris onto the public rights-of-way or private property and to allow such debris to remain there in excess of 30 minutes.
- C. **Special Prohibitions.** It shall be unlawful for any person to operate a leaf blower within a residential zone or within 100 feet of a residential zone of the City of Huntington Beach, except under the following conditions:
1. **Time Restriction.** Noise sources associated with the maintenance of real property provided said activities take place between the hours of 8:00 a.m. and 8:00 p.m. on any day except Sunday or between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or a federal holiday.
 2. **Distance Restriction.** Leaf blowers shall not be operated within a horizontal distance of 10 feet of any operable window, door, or mechanical air intake opening or duct.
 3. **Duration of Use Restriction.** Leaf blowers shall not be operated for more than 15 minutes per hour, per day, on parcels less than one-half acre and no more than 30 minutes per hour on parcels greater than one-half acre up to one acre. Leaf blowers shall not be operated for

more than two hours on parcels of one acre or more.

4. **Number Restriction.** No person shall operate more than one leaf blower per parcel on one-half acre, no more than two leaf blowers on parcels greater than one-half acre and no more than three leaf blowers on parcels greater than one acre or more.

5. The maximum decibel level of 70 db(A) as measured 10 feet from the leaf blower shall not be exceeded. (3131-4/92)

8.40.100 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 same is in use, to exceed the noise limits specified for exterior noise standards in this chapter, 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 separate locations within one-tenth of a mile of the institution indicating the presence of a school, hospital or church. (2379-7/79)

8.40.110 Air Conditioning, Refrigeration—Special Provisions

During a one-year period following the effective date of the ordinance codified in this chapter, the noise level standards specified in this chapter shall be increased by five db(A) where the alleged noise source is an air-conditioning apparatus or refrigeration system, which was installed prior to the effective date of this chapter. (2379-7/79)

8.40.111 Prohibited Noises

A. 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 or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

B. 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 the 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 and 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. The duration of the noise;

10. Whether the noise is recurrent, intermittent or constant; and
11. Whether the noise is produced by a commercial or noncommercial activity. (3216-12/93)

8.40.112 Loud Noises

It shall be unlawful for any person to:

- A. Use, operate, or permit to be operated any radio, receiving set or device, television set, musical instrument, phonograph, CD, DVD, tape player, juke box, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet, and comfort of other persons.
- B. Make or allow to be made any noise which continues for more than a five-minute period between the hours of 10:00 p.m. and 7:00 a.m. if such noise is audible for 50 feet or more from the source of the noise.
- C. Maintain, manage, or control any business or residential property in violation of subsections A or B of this section.
- D. Own, maintain, control, operate, take care or custody of, or otherwise provide any premises, and allow noise to continue after being informed, anytime within the preceding 30 days by the Police Department, that a violation of this chapter has been committed on said premises.
- E. Violations of this section are hereby declared a nuisance. (3514-12/01)

8.40.120 Manner of Enforcement

- A. The Director of Planning and Building (“director”) or Police Chief and his or her duly authorized representatives are directed to enforce the provisions of this chapter. The director or Police Chief and their duly authorized representatives are authorized pursuant to [Penal Code Section 836.5](#) to arrest any person without a warrant when they have reasonable cause to believe that such person has committed a misdemeanor in their presence.
- B. If the director or Police Chief and their duly authorized representatives conduct db(A) tests or other noise measurement readings for purposes of enforcement, and the noise level is found to exceed those levels stipulated as permissible in this chapter, the owner or operator of the noise source shall be required to pay the cost of the db(A) tests or readings.
- C. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter while such person is engaged in the performance of his or her duty. (2379-7/79, 2533-2/82, 3216-12/93, 3940-7/12)

8.40.130 Permit Process

- A. Applications for a permit to deviate from the provisions herein shall be initiated by submitting an application and data as proscribed by the director and paying the required fee. The application form will be as directed by the director and shall set forth all facts regarding the request for deviation including any actions the applicant took to comply with the provisions of this chapter, the reasons why compliance cannot be achieved and a proposed method of achieving compliance, if such method exists. The applicant must demonstrate, at a minimum, the need to deviate from the noise level produces a greater benefit to the community which outweighs the temporary increase in noise level above the requirements of this

chapter.

- B. Within 10 days after receipt of a complete application, the director will notify affected property owners within 300 feet of the alleged/proposed noise source of the application for a permit to temporarily deviate from this code.
- C. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application.
- D. Upon receipt of said application and fee, the director may approve, conditionally approve or deny the permit upon finding that the above factors as well as factors included in Section [8.40.111](#) of this chapter are satisfied. The permit shall become effective five days after action by the director unless appealed as provided herein.
- E. The director will provide the applicant as well as the affected property owners notice of decision within 24 hours after the decision is made.
- F. An applicant for a permit shall remain subject to prosecution under the terms of this chapter until a permit is granted. (2379-7/79, 3940-7/12)

8.40.150 Appeals

- A. **Notice of Appeal.** A person desiring to appeal the director's decision shall file a written notice of appeal with the director within five days after the director's decision. Notice of appeal shall be accompanied by a fee as set forth in the City's current fee resolution.
- B. **Form of Notice on Appeal.** The notice of appeal shall contain the name and address of the person appealing the action, the decision appealed from and the grounds for the appeal. The director may provide the form of the notice of appeal. A defect in the form of the notice does not affect the validity or right to an appeal.
- C. **Action on Appeal.** The director shall set the matter for hearing before a hearing officer and shall give notice of the hearing on the appeal in the time and manner set forth in California [Government Code](#) Section 65091.
- D. **De Novo Hearing.** The hearing officer shall hear the appeal as a new matter. The original applicant has the burden of proof. The hearing officer may act upon the application, either granting it, conditionally granting it or denying it, irrespective of the precise grounds or scope of the appeal. In addition to considering the testimony and evidence presented at the hearing on the appeal, the hearing officer shall consider all pertinent information from the file as a result of the previous hearings from which the appeal is taken.
- E. **Decision on Appeal.** The hearing officer may reverse or affirm in whole or in part, or may modify the hearing officer's decision that is being appealed. The decision of the hearing officer is final on the date of its decision. (3940-7/12)

8.40.180 Violations—Misdemeanor

Any person violating any of the provisions of this chapter 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 chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law. (2379-7/79)

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