

Lake Forest Municipal Code

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Chapter 11.16 NOISE CONTROL

11.16.010 Declaration of policy.

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

It is determined that certain sound levels are detrimental to the public health, welfare and safety, and contrary to public interest. (Ord. 171 § 1 (Exh. C), 2007)

11.16.020 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.

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

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

“Dwelling unit” shall mean a single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Emergency machinery, vehicle or work” shall mean any machinery, vehicle or work used, employed or per-

formed in an effort to protect, provide or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

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

“Grading” shall mean any excavating or filling of earth material, or any combination thereof, conducted at a site to prepare said site for construction or other improvements thereon.

“Impact noise” shall mean the noise produced by the collision of one (1) mass in motion with a second mass which may be either in motion or at rest.

“Mobile noise source” shall mean any noise source other than a fixed noise source.

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

“Person” shall mean a person, firm, association, copartnership, joint venture, corporation or any entity,

public or private in nature.

“Residential property” shall mean a parcel of real property which is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

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

“Sound level meter” shall mean an instrument meeting American National Standard Institute’s Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

“Sound pressure level” of a sound, in decibels, shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated. (Ord. 171 § 1 (Exh. C), 2007)

11.16.025 Measurement of noise levels.

Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level meter as defined in Section 11.16.020. The location selected for measuring exterior noise levels shall be at any point on the affected property. Interior noise measurements shall be made within the affected dwelling unit. The measurement shall be made at a point at least four (4) feet from the wall, ceiling, or floor nearest the alleged offensive noise source and may be made with the windows of the affected unit open. (Ord. 171 § 1 (Exh. C), 2007)

11.16.030 Designated noise zone.

The entire territory of the City of Lake Forest is hereby designated as “Noise Zone 1.” (Ord. 171 § 1 (Exh. C), 2007)

11.16.040 Exterior noise standards.

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

NOISE STANDARDS

Noise Zone	Noise Level	Time Period
1	55 dBa.	7:00 a.m.—10.00 p.m.
1	50 dBa.	10:00 p.m.—7:00 a.m.

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

B. It shall be unlawful for any person at any location to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level, when measured on any other residential property, to exceed:

1. The noise standard for a cumulative period of more than thirty (30) minutes in any hour; or
2. The noise standard plus five (5) dBa. for a cumulative period of more than fifteen (15) minutes in any hour; or
3. The noise standard plus ten (10) dBa. for a cumulative period of more than five (5) minutes in any hour; or

4. The noise standard plus fifteen (15) dBa. for a cumulative period of more than one (1) minute in any hour; or

5. The noise standard plus twenty (20) dBa., for any period of time.

C. In the event the ambient noise level exceeds any of the first four (4) noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the fifth (5th) noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. (Ord. 171 § 1 (Exh. C), 2007)

11.16.050 Interior noise standards.

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

INTERIOR NOISE STANDARDS

Noise Zone	Noise Level	Time Period
1	55 dBa.	7:00 a.m.—10:00 p.m.
1	45 dBa.	10:00 p.m.—7:00 a.m.

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

B. It shall be unlawful for any person at any location to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level, when measured within any other dwelling unit on any residential property, to exceed:

1. The interior noise standard for a cumulative period of more than five (5) minutes in any hour; or

2. The interior noise standard plus five (5) dBa. for a cumulative period of more than one (1) minute in any hour; or

3. The interior noise standard plus ten (10) dBa. for any period of time.

C. In the event the ambient noise level exceeds either of the first two (2) noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the third noise limit category the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. (Ord. 171 § 1 (Exh. C), 2007)

11.16.060 Exemptions.

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

A. Activities not constituting “special events” conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college.

B. “Special events” as defined in Section 5.05.020 provided said events are conducted pursuant to a special event permit issued as described in Chapter 5.05.

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 said activities do not take place between the hours of eight p.m. and seven 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 salvage 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 eight p.m. and seven a.m. on weekdays, including Saturday, or at any time on Sunday or a Federal holiday.

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.

G. Noise sources associated with the maintenance of real property, provided said activities take place between seven a.m. and eight p.m. on any day except Sunday or a Federal holiday, or between the hours of nine a.m. and eight p.m. on Sunday or a Federal holiday.

H. Any activity to the extent regulation thereof has been preempted by State or Federal law.

I. Noise sources associated with solid waste collection and removal, provided such activities take place between six a.m. and six p.m. Monday through Friday where audible in residential areas; or between seven a.m. and six p.m. on Saturdays where audible in residential areas; or between five a.m. and nine p.m. any day where such activity is not audible in residential areas; or as otherwise provided in an approved franchise agreement between a waste hauler and the City. (Ord. 171 § 1 (Exh. C), 2007)

11.16.070 Schools, hospitals and churches; special provisions.

It shall be unlawful for any person to create any noise which causes the noise level at any school, hospital or church while the same is in use to exceed the noise limits as specified in Section 11.16.040 prescribed for the assigned noise zone in which the school, hospital or church is located, or which noise level unreasonably interferes with the use of such institutions or which unreasonably disturbs or annoys patients in the hospital, provided conspicuous signs are displayed in three (3) separate locations within one-tenth (1/10) of a mile of the institution indicating the presence of a school, church or hospital. (Ord. 171 § 1 (Exh. C), 2007)

11.16.080 Motor vehicle racing.

It shall be unlawful to conduct motor vehicle racing, testing, timing or similar noise-producing activities at raceways, speedways, off-road vehicle courses, drag strips or other similar places, including, but not limited to, the operation of midget race cars, drag cars, motorcycles, off-road vehicles, and specialty automobiles, between the hours of eleven-thirty p.m. and eight a.m. (Ord. 171 § 1 (Exh. C), 2007)

11.16.090 Enforcement.

The City's law enforcement personnel, the County Health Officer 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.

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 duty. (Ord. 171 § 1 (Exh. C), 2007)

11.16.100 Variance procedure.

The owner or operator of a noise source which violates any of the provisions of this chapter may file an application with the Health Officer for a variance from the provisions thereof wherein said owner or operator shall set forth all actions taken to comply with said provisions, the reasons why immediate compliance cannot be achieved, a proposed method of achieving compliance, and a proposed time schedule for its accomplishment. Said application shall be accompanied by a fee in the amount of seventy-five dollars (\$75.00). 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 (1) application. Upon receipt of said

application and fee, the Health Officer shall refer it with his recommendation thereon within thirty (30) days to the Noise Variance Board for action thereon in accordance with the provisions of this chapter.

An applicant for a variance shall remain subject to prosecution under the terms of this chapter until a variance is granted. (Ord. 171 § 1 (Exh. C), 2007)

11.16.110 Noise Variance Board.

The City Council shall, by resolution, appoint the Noise Variance Board, which may be composed of the City Council, Planning Commission, or any other members the City Council may select. The City Council may adopt reasonable rules and regulations for procedures to be used by the Board in carrying out its functions under the provisions of this chapter, or may allow the Board to establish such rules and regulations.

The Noise Variance Board shall evaluate all applications for variance from the requirements of this chapter and may grant said variances with respect to time for compliance, subject to such terms, conditions and requirements as it may deem reasonable to achieve maximum compliance with the provisions of this chapter. Said terms, conditions, and requirements may include but shall not be limited to limitations on noise levels and operating hours. Each such variance shall set forth in detail the approved method of achieving maximum compliance and a time schedule for its accomplishment. In its determinations said Board shall consider the magnitude of nuisance caused by the offensive noise; the uses of property within the area of impingement by the noise; the time factors related to study, design, financing and construction of remedial work; the economic factors related to age and useful life of equipment; and the general public interest and welfare. Any variance granted by said Board shall be by resolution and shall be transmitted to the Development Services Department and the Health Officer for enforcement. Any violation of the terms of said variance shall be unlawful.

Meetings of the Noise Variance Board shall be held at such times and locations as said Board shall determine. All such meetings shall be open to the public.

Traveling and other expenses incurred by each Board member in the performance of his or her official duties shall be reimbursed at a rate determined by resolution of the City Council. (Ord. 171 § 1 (Exh. C), 2007)

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