

[Article 4 PUBLIC WELFARE, MORALS AND POLICY](#)

Chapter 4.12 NOISE

Note

* Prior history: Ord. No. 1406CCS, adopted 3/24/87; Ord. No. 1431CCS, adopted 1/12/88; Ord. No. 1458CCS, adopted 10/25/88; Ord. No. 1601CCS §§ 1 and 2, adopted 9/10/91, prior code §§ 4301—4322, Ord. No. 1638CCS, adopted 7/28/92, and Ord. No. 1813CCS, adopted 9/12/95.

[4.12.010 Declaration of policy.](#)

The City Council finds and declares:

(a) In order to control unnecessary, excessive, and annoying noise and vibration in the City of Santa Monica, it is hereby declared to be the policy of the City to prohibit such noise and vibration generated from or by all sources as specified in this Chapter.

(b) It is determined that certain noise levels and vibration are detrimental to the public health, welfare, and safety, and contrary to public interest and, therefore, the City Council of the City of Santa Monica does ordain and declare that creating, maintaining, causing or allowing to be created, caused, or maintained, any noise or vibration in a manner prohibited by, or not in conformity with, the provisions of this Chapter, is a public offense and shall be punishable as such. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

[4.12.020 Definitions.](#)

The following words and phrases as used in this Chapter shall have the following meanings:

(a) Ambient Noise Level. 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.

(b) A-Weighted Sound Level. The level in decibels of sound as measured with a sound level meter with a reference pressure of twenty micro-pascals using the A-weighted network (scale) at a slow response. The unit of measurement shall be designated as dBA.

(c) Community Event. Any event that has obtained a Community Event Permit pursuant to Santa Monica Municipal Code Chapter [4.68](#).

(d) Community Noise Officer. The person designated by the City Manager to administer the provisions of this Chapter.

(e) Construction Activity. Shall mean the following:

(1) The operation of any tool, machine or equipment including, but not limited to, vehicles and helicopters being used by the City, public utilities, contractors or subcontractors and their employees to carry out any work for which a building permit is required, including, but not limited to, demolition, grading, excavating, or construction;

(2) Performing any construction, maintenance, or repair on buildings, structures, or utilities or any work preparing the site for construction or repair including, but not limited to, staging, grading, excavation, and demolition;

(3) Any painting using motorized equipment or any painting that is part of the construction activity for

which a building permit has been issued;

(4) The loading or unloading of construction equipment, materials, or supplies from vehicles at or near the site of the construction activity;

(5) The staging or idling, at or near the site of construction activity, of any construction vehicle or any vehicles bringing construction equipment, materials or supplies to the site of the construction;

(6) The staging or idling, at or near the site of construction activity, of any food services vehicle providing food services to persons working at a site of construction activity or the use of a horn or other device by a food services vehicle to alert customers that the vehicle has arrived.

(f) Decibel (dB). 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 ten times the logarithm to the base ten of this ratio.

(g) Emergency Machinery, Vehicle, Work or Alarm. Any machinery, vehicle, work or alarm used, employed, performed or operated in an effort to protect, provide or restore safety conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service or work repairing public infrastructure.

(h) Equivalent Noise Level (Leq). The equivalent noise level as measured using the A-weighted sound level decibel scale. The measurement of equivalent noise level shall be in accordance with International Electrotechnical Commission (IEC) International Standard 61672 (Part 1), "Electroacoustics—Sound Level Meters," Section 3.9, "Equivalent Continuous Sound Level," or most recent revision thereof.

(i) Fixed Noise Source. A stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial or commercial machinery, equipment, pumps, fans, compressors, air conditioners, construction, or refrigeration equipment.

(j) Grading. 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.

(k) Hertz (Hz). The unit that describes the frequency of a function periodic in time, which is the reciprocal of the period.

(l) Health Care Institution. Any hospital, convalescent home or other similar facility, excluding residential care facilities which provide health care, medical treatment, room, board or other services for the ill, retarded or convalescent.

(m) Impulsive Noise. A noise of short duration usually less than one second and of high intensity, with an abrupt onset and rapid decay.

(n) Intruding Noise Level. The total sound level, expressed in the A-weighted sound level decibel scale, created, caused, maintained or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

(o) Maximum Instantaneous A-weighted, Slow Sound Pressure Level. The highest level that was observed during the measurement using the A-weighting and slow response settings on the sound level meter.

(p) Mechanical Equipment. Equipment such as pool pumps, spa pumps, air conditioners and accessory equipment such as generators, ducts and vents.

(q) Mobile Noise Source. Any noise source other than a fixed noise source.

(r) Noise Sensitive Land Use. Public or private schools, places of worship, cemeteries, libraries, hospitals and similar health care institutions.

(s) Person. A person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

(t) Simple Tone Noise. A noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished. If measured, simple tone noise shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by: five dB for frequencies of five hundred Hz and above; by eight dB for frequencies between one hundred sixty and four hundred Hz; and, by fifteen dB for frequencies less than or equal to one hundred twenty-five Hz.

(u) Sound Level Meter. An instrument meeting International Electrotechnical Commission (IEC) International Standard 61672 (Parts 1 and 2) "Electroacoustics—Sound Level Meters," or most recent revision thereof, for a Type 1 sound level meter or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(v) Sound Pressure Level. Twenty times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure which shall be explicitly stated. The term "noise level" used in this Chapter is the sound pressure level.

(w) Vibration. Any movement of the earth, ground or other similar surface created by a temporal and spatial oscillation of displacement, velocity or acceleration in any mechanical device or equipment located upon, attached or affixed to, or in conjunction with that surface. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.025 General regulation.

It shall be unlawful for any person to make, produce, maintain, cause or permit to be made any noises or sounds in such manner so as to unreasonably disturb the peace, quiet and comfort of persons of normal sensitivity within the area of audibility or which are so harsh or prolonged or unnatural or unusual in their use, time or place as to cause physical discomfort to any person of normal sensitivity within the area of audibility.

The factors to be considered in determining whether a violation of this Section has occurred shall include, but are not limited to, the following:

- (1) The volume of the noise;
- (2) The intensity and duration of the noise;
- (3) Whether the noise is constant, recurrent or intermittent;
- (4) The nature and zoning of the area within which the noise emanates;
- (5) The proximity of the noise to noise-sensitive land uses, such as hospitals, schools, recovery facilities, or any facility that regularly accommodates a person or persons who may be sleeping;
- (6) The volume and intensity of the background noise;
- (7) The density of the land uses of the area within which the noise emanates; and
- (8) The time of day or night the noise occurs. (Added by Ord. No. 2480CCS § 1, adopted 2/24/15)

4.12.030 Exemptions.

(a) The following activities shall be exempt from the provisions of this Chapter, except for Section [4.12.025](#) or unless otherwise expressly identified in any section of this Chapter:

- (1) Activities conducted on public or private school grounds including, but not limited to, school athletic and school entertainment events;

- (2) Community events;
- (3) Activities conducted on public property that is generally open to the public, including, but not limited to, streets, sidewalks, alleys, parkways, parks, and beaches.

(b) The following activities shall be exempt from the provisions of this Chapter unless otherwise expressly identified in any section of this Chapter:

- (1) Any alarm or emergency device, apparatus or equipment regulated by Municipal Code Sections 3.56.010 through 3.60.010;
- (2) Activities undertaken by governmental agencies to protect public health, safety or welfare;
- (3) Any activity regulated by Santa Monica Municipal Code Section 10.04.04.010 et seq. (Aircraft Noise Abatement Code);
- (4) Any activity to the extent regulation thereof has been preempted by State or Federal law. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04; amended by Ord. No. 2480CCS § 2, adopted 2/24/15)

4.12.040 Exterior equivalent noise level measurement methodology.

Any noise level measurements made pursuant to the provisions of this Chapter shall be based on a reference sound pressure of twenty micro-Pascals as measured with a sound level meter using the A-weighted network (scale) at slow response. Equivalent noise level measurements may be taken at any location on the exterior of any property impacted by the noise, as selected at the discretion of the Community Noise Officer or designee. A violation of this Chapter shall occur if the noise standards set forth in this Chapter are exceeded for the noise zone where the measurement is taken. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.050 Designated noise zones.

The properties hereinafter described are hereby assigned to the following noise zones:

Noise Zone I. All property in any residential district established by Municipal Code Subchapter 9.04.04 or any revisions thereto. In addition, property zoned Low Density Multiple Residential Beach District (R2B), Medium Density Multiple Family Coastal Residential District (R3R), Ocean Park Single Family Residential District (OP1), OP Duplex Ocean Park Duplex Residential District (OP-Duplex) OPD, Ocean Park Low Multiple Residential District (OP2), Ocean Park Medium Multiple Residential District (OP3), and Ocean Park High Multiple Residential District (OP4) shall be included in this noise zone. The Santa Monica Pier shall be excluded from this noise zone.

Noise Zone II. All property in any commercial district established by Municipal Code Subchapter 9.04.04 or any revisions thereto. In addition, property zoned Beach Parking District (BPD), Civic Center (CC), Bayside Commercial District (BSCD) and the Santa Monica Pier shall be included in this noise zone.

Noise Zone III. All property in any manufacturing or industrial district as established by Municipal Code Subchapter 9.04.04 or any revisions thereto. In addition, property zoned Light Manufacturing and Studio District (LMSD) shall be included in this noise zone. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.060 Exterior noise standards.

(a) The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated noise zone during the times indicated:

Noise Zone	Time Interval	Allowable Leq	
		15-minute continuous measurement period	5-minute continuous measurement period
I	Monday—Friday		
	10 p.m. to 7 a.m.:	50 dBA	55 dBA
	7 a.m. to 10 p.m.:	60 dBA	65 dBA
	Saturday and Sunday		
	10 p.m. to 8 a.m.:	50 dBA	55 dBA
	8 a.m. to 10 p.m.:	60 dBA	65 dBA
II	All days of Week		
	10 p.m. to 7 a.m.:	60 dBA	65 dBA
	7 a.m. to 10 p.m.:	65 dBA	70 dBA
III	Anytime	70 dBA	75 dBA

(b) For each Noise Zone, the allowable exterior equivalent noise level shall be reduced by five dBA for impulsive or simple tone noise, or for noises consisting of speech or music. If the ambient noise level exceeds the allowable exterior noise level standard, the ambient noise level shall be the standard.

(c) Except as provided for in this Chapter, no person shall at any location within the City create any noise or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes:

(1) The equivalent noise level to exceed the noise standards established in subsection (a) of this Section for the noise zone where the measurement is taken; or

(2) A maximum instantaneous A-weighted, slow sound pressure level to exceed the decibel limits established in subsection (a) of this Section for the noise zone where the measurement is taken plus twenty dBA for any period of time.

(d) If any portion of a parcel is located within one hundred feet of a noise zone with higher noise standards as compared to the noise standards for the noise zone in which the parcel is located, then the maximum allowable exterior equivalent noise level for the entire parcel shall be the average of the noise standards of the two noise zones. However, any noise level measurement must be taken at least twenty-five feet from the parcel line of the source of the noise.

(e) Construction activity shall be subject to the noise standards set forth in Section 4.12.110.

(f) The noise standards established in Section 6.116.030 shall apply on the Third Street Promenade and the Transit Mall. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.070 Vibration.

Notwithstanding other sections of this Chapter, it shall be unlawful for any person to create, maintain or cause any ground vibration that is perceptible without instruments at any point on any property. For the purpose of this Chapter, the perception threshold shall be presumed to be more than 0.05 inches per second RMS velocity. The vibration caused by construction activity, moving vehicles, trains, and aircraft

shall be exempt from this Section. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.080 Noise adjustment procedure.

(a) The owner or operator of a noise or vibration source may file an application with the Community Noise Officer for a noise adjustment from the provisions of this Chapter. The owner or operator shall set forth all information which demonstrates that compliance with this Chapter would create an unreasonable hardship on the applicant and shall indicate all actions taken to comply with the provisions of this Chapter, the reasons why compliance cannot be achieved, a proposed method of achieving compliance to the greatest extent feasible and a proposed time schedule for its accomplishment. A separate application shall be filed for each noise source or activity; provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application.

(b) The Community Noise Officer shall hold a public hearing on the application for a noise adjustment within forty-five days of its receipt by the Community Noise Officer. No later than ten days prior to the hearing, the Community Noise Officer or designee shall give notice of the time, place and purpose of such hearing by causing legal notice to be published at least once in a newspaper of general circulation and by giving written notice of such hearing to every known property owner, tenant or lessee within three hundred feet of the exterior boundaries of the property on which the noise source or activity is located and to residential and commercial tenants of the involved property. The last known name and address of each property owner as contained in the records of the Los Angeles County Assessor shall be used. The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means. The applicant for the adjustment shall be responsible for supplying, at his or her expense, the Community Noise Officer with a list of property owners and tenants within the prescribed area of notification and shall sign an affidavit verifying that the list has been prepared in accordance with the procedure outlined in this Section.

(c) All notices of an application for a noise adjustment shall state the nature of the request, the location of the property, and the manner in which additional information may be received.

(d) An application for an extension of a noise adjustment previously granted shall be subject to this Chapter to the same extent as an initial application for a noise adjustment.

(e) The Community Noise Officer shall evaluate all applications for noise adjustments and may grant adjustments or extensions subject to such terms, conditions, and requirements as the officer may deem reasonably consistent with the provisions of this Chapter. Each decision on a request for a noise adjustment or extension shall be set forth in writing which shall contain the findings of fact upon which the decision is based. No adjustment or extension shall be granted unless each of the following findings are made:

(1) That strict application of this Chapter would result in unreasonable hardships inconsistent with the general purpose and intent of this Chapter;

(2) That there are exceptional circumstances or conditions applicable to the property, the existing improvements, or the activity involved;

(3) That the granting of a noise adjustment would not be materially detrimental to the persons and property within the affected Noise Zones and to public welfare;

(4) That the noise has been reduced to the greatest extent feasible.

(f) Any violation of the terms of said noise adjustment shall be unlawful.

(g) A noise adjustment may be revoked if the Community Noise Officer makes any one or more of the following findings:

(1) That the noise adjustment was obtained by misrepresentation or fraud;

(2) That one or more of the conditions of the noise adjustment have not been complied with;

(3) That the noise adjustment was issued in contravention of State or Federal law or any ordinance of the City.

The Community Noise Officer shall have the authority to promulgate rules and regulations for the conduct of such public hearings including, but not limited to, the taking of evidence and the hearing of testimony. The owner of an offending noise or vibration source shall remain subject to prosecution under the terms of this Chapter for any violation occurring prior to the granting of a noise adjustment.

(h) Any person aggrieved by a decision of the Community Noise Officer may appeal to the City's Hearing Examiner pursuant to the time limits and procedures of Chapter 6.16 of the Santa Monica Municipal Code. The decision of the Hearing Examiner shall be final except for judicial review and shall not be appealable to the City Council.

(i) The City Council shall establish by resolution fees for the filing and processing of any application or appeal established by this Section. These fees may be revised from time to time by resolution of the City Council. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.090 Noisy animals.

No person shall permit or allow any animal under his or her ownership, custody or control to bark, yell or cry for more than five minutes in any one hour period. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.100 Restrictions in public parks, beaches, or recreational facilities.

(a) No person shall play any audio or electronic device including, but not limited to, any radio, tape player, compact disc, electronic keyboard or any other musical instrument after ten p.m. or before eight a.m. in or upon any public park, beach or recreational facility owned or maintained by the City of Santa Monica unless this device is only audible through headphones or earphones.

(b) This Section shall not prohibit any individual or group from playing any musical instrument, or any other audio or electronic device if granted permission by the City to play or perform in or upon a public park, beach or other recreational facility owned or maintained by the City pursuant to a community event permit. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.110 Restrictions on demolition, excavation, grading, spray painting, construction, maintenance or repair of buildings.

(a) No person shall engage in any construction activity during the following times anywhere in the City:

(1) Before eight a.m. or after six p.m. on Monday through Friday, except that construction activities conducted by employees of the City of Santa Monica or public utilities while conducting duties associated with their employment shall not occur before seven a.m. or after six p.m. on Monday through Friday;

(2) Before nine a.m. or after five p.m. on Saturday;

(3) All day on Sunday;

(4) All day on New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, as those days have been established by the United States of America.

(b) Except as set forth in subsection (d) of this Section, the noise created by construction activity shall not cause:

(1) The equivalent noise level to exceed the noise standards specified in Section 4.12.060 of this

Chapter, for the noise zone where the measurement is taken, plus twenty dBA; or

(2) A maximum instantaneous A-weighted, slow sound pressure level to exceed the decibel limits specified in Section [4.12.060](#) of this Chapter for the noise zone where the measurement is taken plus forty dBA, for any period of time.

(c) Prior to the issuance of a building permit, all development projects located within five hundred feet of any residential development or other noise sensitive land uses must submit a list of equipment and activities required during construction. In particular, this list shall include the following:

- (1) Construction equipment to be used, such as pile drivers, jackhammers, pavement breakers or similar equipment;
- (2) Construction activities such as twenty-four hour pumping, excavation or demolition;
- (3) A list of measures that will be implemented to minimize noise impacts on nearby residential uses;
- (d) **Any construction that exceeds the noise levels established in subsection (b) of this Section shall occur between the hours of ten a.m. and three p.m., Monday through Friday.**

(e) A permit may be issued authorizing construction activity during the times prohibited by this Section whenever it is found to be in the public interest. The person obtaining the permit shall provide notification to persons occupying property within a perimeter of five hundred feet of the site of the proposed construction activity prior to commencing work pursuant to the permit. The form of the notification shall be approved by the City and contain procedures for the submission of comments prior to the approval of the permit. Applications for such permit shall be in writing, shall be accompanied by an application fee and shall set forth in detail facts showing that the public interest will be served by the issuance of such permit. Applications shall be made to the Building Officer. No permit shall be issued unless the application is first approved by the Director of Environmental and Public Works Management, the Building Officer, the Chief of Police and the Director of Planning and Community Development. The City Council shall establish by resolution fees for the filing and processing of the application required by this subsection (e) and any required compliance monitoring. This fee may be revised from time to time by resolution of the City Council. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

[4.12.120 Posting of construction signs.](#)

(a) There shall be displayed at every site covered by this Chapter where work activities requiring a City permit are being conducted, a sign in English and Spanish reading substantially as follows: "Attention All Employees and Subcontractors. Santa Monica construction/demolition work times are: Monday through Friday, 8:00 a.m. until 6:00 p.m.; Saturday 9:00 a.m. until 5:00 p.m.; Sundays and holidays, no work permitted." In addition, the sign shall indicate the City telephone numbers where violations of this Section can be reported, the location of the job site, and the permit number issued authorizing the work.

(b) Signs required by this Section shall be continually placed prominently at the primary entrance to the work site so that they are clearly visible to the public and to all employees, contractors, subcontractors and all other persons performing work at the site, so long as activity covered by this Section is occurring.

(c) Each sign required to be displayed pursuant to this Section shall be obtained from the Building and Safety Division. The Building and Safety Division shall charge for each sign a fee equal to the City's cost of printing the sign.

(d) Each Department or agency of the City that is required to inspect the work site is directed only to inspect sites that comply with this Section.

(e) This Section shall apply to construction pursuant to any building permit issued after the effective date of the ordinance codified in this Chapter. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.130 Location, screening and noise measurements of mechanical equipment.

All development project applications must demonstrate compliance with or contain the following information:

(a) A list of all permanent mechanical equipment to be placed outdoors and all permanent mechanical equipment to be placed indoors which may be heard outdoors. All such equipment shall require a noise analysis to demonstrate compliance with Section 4.12.060 prior to the issuance of a building permit for the development project.

(b) Mechanical equipment shall not be located on the side of any building which is adjacent to a residential building on the adjoining lot unless it can be shown that the noise will comply with the requirements of Section 4.12.060. Roof locations may be used when the mechanical equipment is installed within a noise attenuating structure.

(c) Final approval of the location of any mechanical equipment will require a noise test to demonstrate compliance with Section 4.12.060. Equipment for the test shall be provided by the owner or contractor and the test shall be conducted by the owner or contractor. A copy of noise test results on mechanical equipment shall be submitted to the Community Noise Officer for review to ensure that noise levels do not exceed maximum allowable levels for the applicable noise zone. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.140 Nightclubs, bars and establishments with amplified music.

(a) All entrances and exits, except exits which are solely emergency exits, to all nightclubs, bars and establishments with amplified music shall be located only on commercial streets, except that exits can be located on alleys which abut commercial or manufacturing zones.

(b) Entrances and exits, except exits which are solely emergency exits, shall be designed as two-door vestibules, so that only one set of doors is open at a time. Doors shall be of solid core design. Windows shall be constructed with double-paned glass. However, if sound through doors and windows is not sufficiently reduced to comply with Section 4.12.060 of this Chapter, then sound-rated door and window assemblies tested in accordance with ASTM E-90-02, or any successor, shall be installed. Plans of the proposed installation shall be submitted to the Building and Safety Division for approval prior to construction. Final approval of the installation will require the passing of a noise level test and an inspection by the Building and Safety Division and the Fire Department.

(c) This Section shall apply to all nightclubs, bars and establishments with amplified music whose application for this type of use was filed with the City's Planning Division on or after September 1, 1992, or if no application is necessary, to nightclubs, bars and establishments with amplified music constructed or substantially remodeled after September 1, 1992. The replacement, relocation, or addition of a window or exterior exit door in any existing nightclub, bar, and establishment shall also be subject to this Section.

(d) This Section shall not apply to any establishment on the Santa Monica Pier. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.150 Business support operations.

(a) No business establishment shall engage in the following activities outside of an enclosed building between the hours of eleven p.m. to six a.m. if the property on which the establishment is located is within one hundred feet of a residentially zoned property:

(1) Receipt or delivery of merchandise, goods, food, or any item for use in the operation of the business;

(2) Trash disposal and recycling activities;

- (3) Any maintenance or cleaning of equipment or furnishings;
- (4) Any cleaning of the property with pressurized or mechanical equipment.

(b) No business establishment shall operate outdoor speaker(s) or public address system(s) if the property on which the establishment is located is within one hundred feet of a residentially zoned property except as authorized pursuant to 9.04.14.090 of this Code.

(c) Nightclubs and bars located within one hundred feet of a residentially zoned property shall comply with the following requirements in addition to the requirements of subsection (a) of this Section:

(1) A sign not less than two square feet in size shall be posted over every public exit, except an exit which is used solely as an emergency exit, which contains the following statements:

(i) This establishment is located near residences. Please be courteous to our neighbors and do not disturb their peace and quiet as you leave.

(ii) If you used a valet service to park your car, please ask your passengers to remain inside this establishment until your car is retrieved.

(2) During the thirty minute periods immediately preceding and following the closing of the establishment for business each day, the establishment shall designate an individual whose responsibility both inside and outside the premises shall be to ensure that patrons leaving the property do so promptly and quietly.

(d) Existing business establishments shall comply with this Section within six months of the effective date of Ordinance No. 2115 (CCS). This Section shall not apply to business establishments within the area of the City bounded by the centerline of Ocean Avenue, the centerline of Wilshire, the centerline of Colorado, and the centerline of 7th Court. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.160 Interference with enforcement.

No person shall interfere with or resist the taking of any noise measurement authorized by this Chapter. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.170 Noise reduction in project siting and design.

New development may only be permitted if noise mitigation measures are taken in project siting and design such that exterior noise levels meet equivalent noise level requirements of Section 4.12.060 and the standards contained in the Interior and Exterior Noise Standards Matrix as contained in the Noise Element of the General Plan for any existing noise sources near the project or contained within the project. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.180 Restrictions on gardening or landscaping activities.

(a) No person shall engage in any gardening or landscaping activity by use of any internal combustion, motorized or electromechanical means during the following times anywhere in the City:

(1) Before eight a.m. or after eight p.m. on Monday through Friday, except that gardening or landscaping activities conducted by employees of the City of Santa Monica or public utilities shall not occur before seven a.m. or after eight p.m. on Monday through Friday;

(2) Before nine a.m. or after eight p.m. on Saturday and Sunday, or on New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, as those days have been established by the United States of America.

(b) A permit may be issued authorizing gardening or landscaping activity during the times prohibited

by this Section whenever it is found to be in the public interest. Applications for such permits shall be in writing, accompanied by any applicable fee as the City Council may by resolution establish, and shall set forth in detail facts showing that the public interest will be served by the issuance of the permit. Applications shall be made to the Community Noise Officer, whose decision shall be final and not appealable to the City Council. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

* See Section 4.08.270, Leafblower prohibition, for current regulations concerning leafblowers.

4.12.190 Criminal remedies.

(a) It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements of this Chapter.

(b) It shall be unlawful for any person to interfere with or resist any efforts by law enforcement personnel to enforce any provision of this Chapter, including, but not limited to, the taking of any noise measurement.

(c) Unless otherwise specifically provided, any person violating any of the provisions of this Chapter shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by such person and shall be punishable accordingly. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04; amended by Ord. No. 2480CCS § 3, adopted 2/24/15)

4.12.200 Additional remedies.

(a) The violation of any provision of this Chapter shall be deemed a public nuisance and may be subject to abatement by the City or any aggrieved person in any manner permitted by law including, but not limited to, suit in a court of competent jurisdiction. Each day such condition continues shall be regarded as a new and separate offense.

(b) The violation of any provision of this Chapter may also be grounds for the imposition of administrative fines and penalties in accordance with Chapters [1.09](#) and [1.10](#) of the Code.

(c) The Community Noise Officer may designate qualified city staff in the Planning and Community Development Department and the Police Department to enforce the provisions of this Chapter.

(d) No provision of this Chapter shall be construed to impair or diminish any common law or other statutory cause of action or legal or equitable remedy available to the City or to any person for injury or damage arising from violation of this Chapter or from other law. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04)

4.12.210 Administrative guidelines.

The Community Noise Officer may prepare administrative guidelines to implement this Chapter. (Added by Ord. No. 2115CCS § 1, adopted 2/24/04; amended by Ord. No. 2480CCS § 4, adopted 2/24/15)

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