

Costa Mesa Zoning Code
CHAPTER XIII. NOISE CONTROL

Sec. 13-277. PURPOSE

It is the City's purpose to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health, comfort, safety, peace and enjoyment and welfare of the citizenry, and in the public interest shall be regulated and systematically proscribed.

Sec. 13-278. DEFINITIONS

The following words, phrases and terms as used in this chapter shall have the meaning indicated below:

Cumulative period. An additive period of time composed of individual time segments which may be continuous or interrupted.

Decibel (dB). A unit which denotes the ratio between 2 quantities which are proportional to power: The number of decibels corresponding to the ratio of 2 amounts of power is 10 times the logarithm to the base 10 of this ratio.

Emergency machinery, vehicle or work. 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.

Exterior residential noise environment. The exterior environs of a residential development which include private yard of single-family residence, multi-family private patio or balcony which is served by means of exit from inside the dwelling, private balconies greater than 6 feet in depth, and common open space areas containing resident-serving amenities (i.e. pool, spa, tennis courts). Exception: For multi-family residential development or live/work units approved pursuant to a Master Plan in a Mixed-Use Overlay District where the base zoning district is nonresidential, the exterior residential noise environment does not include the following areas: private balconies or patios regardless of size, private or community roof decks/roof terraces, internal courtyards and landscaped walkways that do not include resident-serving, active recreational uses such as community pool, spa, tennis courts, barbeque, and picnic areas.

Fixed noise source. 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. Any excavating or filling of earth material, or any combination thereof, conducted at a site to prepare the site for construction or other improvements.

Impact noise. The noise produced by the collision of one mass in motion with a second mass, which may be either in motion, or at rest.

Interior residential noise environment. The interior environs of a residential dwelling unit or live/work unit, which includes all interior spaces such as, but not limited to, bathrooms, closets, corridors, kitchen, living room/family room, bedrooms, playroom, and office.

Mobile noise source. Any noise source other than a fixed noise source.

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

Person. A person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

Residential property. A lot 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. A noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

Sound pressure level of a sound, in decibels. 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

Sec. 13-279. EXCEPTIONS

The provisions of this chapter shall not apply to the following:

- (a) Emergency machinery, vehicles, or work; or
- (b) Construction equipment, vehicles, or work between the following approved hours, provided that all required permits for such construction, repair, or remodeling have been obtained from the appropriate City departments:

HOURS FOR CONSTRUCTION ACTIVITIES

7:00 a.m. through 7:00 p.m.	Mondays through Fridays
9:00 a.m. through 6:00 p.m.	Saturdays
Prohibited all hours	Sundays and the following specified Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day

- (c) **Waiver Procedure.** An applicant may request approval of a minor modification for a temporary waiver for construction equipment, vehicles, or work outside these permitted hours. The minor modification may be granted by the Development Services Director or his/her designee. Any temporary waiver shall take into consideration the unusual circumstances requiring construction activity outside the permitted hours and the short-term impacts upon nearby residential and business communities.

Minor modification findings shall indicate whether or not the extended construction hours will be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the construction site.

Unless a temporary waiver is approved, construction activity outside the permitted hours shall still be subject to the City's noise regulations.

Sec. 13-280. EXTERIOR NOISE STANDARDS

- (a) The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within the City:

RESIDENTIAL EXTERIOR NOISE STANDARDS

Noise Level	Time Period
55 dB(A)	7:00 a.m.- 11:00 p.m.
50 dB(A)	11:00 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 5 dB(A).

- (b) It shall be unlawful for any person at any location within 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, when the foregoing causes the noise level, when measured on any other residential property, either within or outside the City, to exceed:
 - (1) The noise standard for a cumulative period of more than 30 minutes in any hour;
 - (2) The noise standard plus 5 dB(A) for a cumulative period of more than 15 minutes in any hour;
 - (3) The noise standard plus 10 dB(A) for a cumulative period of more than 5 minutes in any hour;
 - (4) The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour; or
 - (5) The noise standard plus 20 dB(A) for any period of time.

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- (c) 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.
- (d) The exterior noise standards shown in subsection (a) shall not apply to the following exterior areas of multi-family residential development or live/work units located within a Mixed-Use Overlay District where the base zoning district is nonresidential, approved pursuant to a Master Plan, and subject to the land use regulations of an Urban Plan:
 - (1) Private balconies or patios regardless of size;
 - (2) Private or community roof decks/roof terraces;
 - (3) Internal courtyards and landscaped walkways that do not include resident-serving, active recreational uses such as community pool, spa, tennis courts, barbeque, and picnic areas.
- (e) In high-rise residential developments in the North Costa Mesa Specific Plan, the exterior noise standards shown in subsection (a) shall only apply to the common outdoor recreational amenity areas located on the ground level. Recreational amenity areas located above the ground level and private balconies and patios shall be exempt from this standard.

Sec. 13-281. INTERIOR NOISE STANDARDS

- (a) The following interior noise standards, unless otherwise specifically indicated, shall apply to all residential property within the City:

RESIDENTIAL INTERIOR NOISE STANDARDS

Noise Level	Time Period
55 dB(A)	7:00 a.m.- 11:00 p.m.
45 dB(A)	11:00 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 5 dB(A).
- (b) It shall be unlawful for any person at any location within 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, when the foregoing causes the noise level when measured within any other dwelling unit on any residential property, either within or outside the City, to exceed:
 - (1) The interior noise standard for a cumulative period of more than 5 minutes in any hour;
 - (2) The interior noise standard plus 5 dB(A) for a cumulative period of more than one minute in any hour; or
 - (3) The interior noise standard plus 10 dB(A) for any period of time.
 - (c) In the event the ambient noise level exceeds either of the first 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.

Sec. 13-282. NOISE NEAR SCHOOLS, HOSPITALS, CHURCHES

It shall be unlawful for any person to create, maintain or cause to be created or maintained any noise or sound which:

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- (a) Exceeds the noise standards specified in Section 13-280 EXTERIOR NOISE STANDARDS, near any school, hospital or church while it is in use, regardless of the zone within which it is located; or
- (b) The noise level unreasonably interferes with the working of such installations or which disturbs or unduly annoys patients in a hospital, provided conspicuous signs are displayed in 3 separate locations within one-tenth of a mile indicating the presence of a school, church or hospital.

Sec. 13-283. LOUD, UNNECESSARY NOISE

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and 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, regardless of whether the noise level exceeds the standards specified in Section 13-280 EXTERIOR NOISE STANDARDS and Section 13-281 INTERIOR NOISE STANDARDS. 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:

- (a) The level of noise;
- (b) Whether the nature of the noise is usual or unusual;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background noise, if any;
- (e) The proximity of the noise to residential sleeping facilities;
- (f) The nature and zoning of the area within which the noise emanates;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) The time of the day and night the noise occurs;
- (i) The duration of the noise;
- (j) Whether the noise is recurrent, intermittent or constant;
- (k) Whether the noise is produced by a commercial or noncommercial activity; and
- (l) The density of the inhabitation of the area affected.

Sec. 13-284. NOISE LEVEL MEASUREMENT

- (a) Any noise level measurement shall be performed using a sound level meter 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.
- (b) Exterior measurements: The location selected for measuring exterior noise levels shall be at any point on the affected property.
- (c) Interior measurements: Interior noise measurements shall be made within the affected dwelling unit. The measurement shall be made at a point at least 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.

Sec. 13-285. VARIANCE PROCEDURE

- (a) The owner or operator of a noise source which violates any provision of this chapter may file an application with the Development Services Director for a variance from the provisions of this chapter. Variance applications shall be processed according to procedures set forth in CHAPTER III PLANNING APPLICATIONS. The application shall set forth all actions taken to comply with this chapter, the reasons immediate compliance cannot be achieved, a proposed method and time schedule for achieving compliance, and any other information requested by the Director.

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- (b) An applicant shall remain subject to prosecution under the terms of this chapter until a variance is granted.
- (c) All applications shall be evaluated with respect to time for compliance, subject to any conditions deemed reasonable to achieve maximum compliance with this chapter. Each variance granted shall set forth the approved method and time schedule for achieving compliance. Evaluation of the variance request shall include consideration of the magnitude of the noise nuisance; the uses of property affected 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.

Sec. 13-286. VIOLATIONS

- (a) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$1,000.00 and/or be imprisoned in the County jail for a period not exceeding 6 months. Each violation may instead be charged as an infraction.
- (b) Each time an offensive noise exceeds any one of the standards set forth in this chapter shall constitute a separate offense and be punishable as such.

Sec. 13-287. NUISANCE DECLARED

It is determined that certain noise levels are detrimental to the public health, welfare and safety and contrary to public interest, and therefore the City Council does ordain and declare that the creating or maintaining or causing or allowing to be created or maintained any noise in a manner prohibited by or not in conformity with the terms of this chapter is a public nuisance and shall be punishable as such and may be subject to abatement pursuant to CHAPTER I GENERAL, ARTICLE 4 ENFORCEMENT.

