

ORDINANCE NO. 847
(AS AMENDED THROUGH 847.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 847 REGULATING NOISE

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. INTENT. At certain levels, sound becomes noise and may jeopardize the health, safety or general welfare of Riverside County residents and degrade their quality of life. Pursuant to its police power, the Board of Supervisors hereby declares that noise shall be regulated in the manner described herein. This ordinance is intended to establish countywide standards regulating noise. This ordinance is not intended to establish thresholds of significance for the purpose of any analysis required by the California Environmental Quality Act and no such thresholds are hereby established.

Section 2. EXEMPTIONS. Sound emanating from the following sources is exempt from the provisions of this ordinance:

- a. Facilities owned or operated by or for a governmental agency.
- b. Capital improvement projects of a governmental agency.
- c. The maintenance or repair of public properties.
- d. Public safety personnel in the course of executing their official duties, including, but not limited to, sworn peace officers, emergency personnel and public utility personnel.
This exemption includes, without limitation, sound emanating from all equipment used by such personnel, whether stationary or mobile.
- e. Public or private schools and school-sponsored activities
- f. Agricultural operations on land designated Agriculture in the Riverside County General Plan, or land zoned A-1 (Light Agriculture), A-P (Light Agriculture With Poultry), A-2 (Heavy Agriculture), A-D (Agriculture-Dairy) or C/V (Citrus/Vineyard), provided such operations are carried out in a manner consistent with accepted industry standards. This exemption includes, without limitation, sound emanating from all equipment used during such operations, whether stationary or mobile.
- g. Wind Energy Conversion Systems (WECS), provided such systems comply with the WECS noise provisions of Riverside County Ordinance No. 348.
- h. Private construction projects located one-quarter (1/4) of a mile or more from an inhabited dwelling.
- i. Private construction projects located within one-quarter (1/4) of a mile from an inhabited dwelling, provided that:
 1. Construction does not occur between the hours of 6:00 p.m. and 6:00 a.m. during the months of June through September; and
 2. Construction does not occur between the hours of 6:00 p.m. and 7:00 a.m. during the months of October through May.
- j. Property maintenance, including, but not limited to, the operation of lawnmowers, leaf blowers, etc., provided such maintenance occurs between the hours of 7 a.m. and 8 p.m.
- k. Motor vehicles, other than off-highway vehicles. This exemption does not include sound emanating from motor vehicle sound systems

- l. Heating and air conditioning equipment.
- m. Safety, warning and alarm devices, including, but not limited to, house and car alarms, and other warning devices that are designed to protect the public health, safety, and welfare.
- n. The discharge of firearms consistent with all state laws.

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

- a. Audio Equipment. A television, stereo, radio, tape player, compact disc player, mp3 player, I-POD or other similar device.
- b. Decibel (dB). A unit for measuring the relative amplitude of a sound equal approximately to the smallest difference normally detectable by the human ear, the range of which includes approximately one hundred thirty (130) decibels on a scale beginning with zero decibels for the faintest detectable sound. Decibels are measured with a sound level meter using different methodologies as defined below:
 - 1. A-weighting (dBA) means the standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequencies of sound in a manner similar to the human ear for moderate sounds.
 - 2. Maximum Sound level (L_{max}) means the maximum sound level measured on a sound level meter.
- c. Governmental Agency. The United States, the State of California, Riverside County, any city within Riverside County, any special district within Riverside County or any combination of these agencies.
- d. Land Use Permit. A discretionary permit issued by Riverside County pursuant to Riverside County Ordinance No. 348.
- e. Motor Vehicle. A vehicle that is self-propelled.
- f. Motor Vehicle Sound System. A stereo, radio, tape player, compact disc player, mp3 player, I-POD or other similar device.
- g. Noise. Any loud, discordant or disagreeable sound.
- h. Occupied Property. Property upon which is located a residence, business or industrial or manufacturing use.
- i. Off-Highway Vehicle. A motor vehicle designed to travel over any terrain.
- j. Public Property. Property owned by a governmental agency or held open to the public, including, but not limited to, parks, streets, sidewalks, and alleys.
- k. Public or Private School. An institution conducting academic instruction at the preschool, elementary school, junior high school, high school, or college level.
- l. Sensitive Receptor. A land use that is identified as sensitive to noise in the Noise Element of the Riverside County General Plan, including, but not limited to, residences, schools, hospitals, churches, rest homes, cemeteries or public libraries.
- m. Sound Level Meter. An instrument meeting the standards of the American National Standards Institute for Type 1 or Type 2 sound level meters or an instrument that provides equivalent data.
- n. Sound Amplifying Equipment. A loudspeaker, microphone, megaphone or other similar device.

Section 4. GENERAL SOUND LEVEL STANDARDS. No person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in Table 1.

TABLE 1 SOUND LEVEL STANDARDS (Db Lmax)						
GENERAL PLAN FOUNDATION COMPONENT	GENERAL PLAN LAND USE DESIGNATION	GENERAL PLAN LAND USE DESIGNATION NAME	DENSITY	MAXIMUM DECIBEL LEVEL		
				7am- 10pm	10pm- 7am	
Community Development	EDR	Estate Density Residential	2 AC	55	45	
	VLDR	Very Low density Residential	1 AC	55	45	
	LDR	Low Density Residential	1/2 AC	55	45	
	MDR	Medium Density Residential	2--5	55	45	
	MHDR	Medium High Density Residential	5--8	55	45	
	HDR	High Density Residential	8--14	55	45	
	VHDR	Very High Density Residential	14-20	55	45	
	HTDR	Highest Density Residential	20+	55	45	
	CR	Retail Commercial		65	55	
	CO	Office Commercial		65	55	
	CT	Tourist Commercial		65	55	
	CC	Community Center		65	55	
	LI	Light Industrial		75	55	
	HI	Heavy Industrial		75	75	
	BP	Business Park		65	45	
	PF	Public Facility		65	45	
	SP		Specific Plan-Residential		55	45
			Specific Plan- Commercial		65	55
		Specific Plan-Light Industrial		75	55	
		Specific Plan-Heavy Industrial		75	75	
Rural Community	EDR	Estate Density Residential	2 ac	55	45	
	VLDR	Very Low Density Residential	1 ac	55	45	
	LDR	Low Density Residential	1/2 ac	55	45	
Rural	RR	Rural Residential	5 ac	45	45	
	RM	Rural Mountainous	10 ac	45	45	
	RD	Rural Desert	10 ac	45	45	
Agriculture	AG	Agriculture	10 AC	45	45	
Open Space	C	Conservation		45	45	
	CH	Conservation Habitat		45	45	
	REC	Recreation		45	45	
	RUR	Rural	20 AC	45	45	
	W	Watershed		45	45	
	MR	Mineral Resources		75	45	

Section 5. SOUND LEVEL MEASUREMENT METHODOLOGY. Sound level measurements may be made anywhere within the boundaries of an occupied property. The actual location of a sound level measurement shall be at the discretion of the enforcement officials identified in Section 8 of this ordinance. Sound level measurements shall be made with a sound level meter. Immediately before a measurement is made, the sound level meter shall be calibrated utilizing an acoustical calibrator meeting the standards of the American National Standards Institute. Following a sound level measurement, the calibration of the sound level meter shall be re-verified. Sound level meters and calibration equipment shall be certified annually.

Section 6. SPECIAL SOUND SOURCES STANDARDS. The general sound level standards set forth in Section 4 of this ordinance apply to sound emanating from all sources, including the following special sound sources, and the person creating, or allowing the creation of, the sound is subject to the requirements of that section. The following special sound sources are also subject to the following additional standards, the failure to comply with which constitute separate violations of this ordinance.

- a. Motor Vehicles.
 1. Off-Highway Vehicles.
 - i. No person shall operate an off-highway vehicle unless it is equipped with a USDA qualified spark arrester and a constantly operating and properly maintained muffler. A muffler is not considered constantly operating and properly maintained if it is equipped with a cutout, bypass or similar device.
 - ii. No person shall operate an off-highway vehicle unless the noise emitted by the vehicle is not more than 96 dBA if the vehicle was manufactured on or after January 1, 1986 or is not more than 101 dBA if the vehicle was manufactured before January 1, 1986. For purposes of this subsection, emitted noise shall be measured a distance of twenty (20) inches from the vehicle tailpipe using test procedures established by the Society of Automotive Engineers under Standard J-1287.
 2. Sound Systems. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, between the hours of 10:00 p.m. and 8:00 a.m., such that the sound system is audible to the human ear inside any inhabited dwelling. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, at any other time such that the sound system is audible to the human ear at a distance greater than one hundred (100) feet from the vehicle.
- b. Power Tools and Equipment. No person shall operate any power tools or equipment between the hours of 10:00 p.m. and 8:00 a.m. such that the power tools or equipment are audible to the human ear inside an inhabited dwelling other than a dwelling in which the power tools or equipment may be located. No person shall operate any power tools or equipment at any other time such that the power tools or equipment are audible to the human ear at a distance greater than one hundred (100) feet from the power tools or equipment.

- c. Audio Equipment. No person shall operate any audio equipment, whether portable or not, between the hours of 10:00 p.m. and 8:00a.m. such that the equipment is audible to the human ear inside an inhabited dwelling other than a dwelling in which the equipment may be located. No person shall operate any audio equipment, whether portable or not, at any other time such that the equipment is audible to the human ear at a distance greater than one hundred (100) feet from the equipment.
- d. Sound Amplifying Equipment and Live Music. No person shall install, use or operate sound amplifying equipment, or perform, or allow to be performed, live music unless such activities comply with the following requirements. To the extent that these requirements conflict with any conditions of approval attached to an underlying land use permit, these requirements shall control.
 - 1. Sound amplifying equipment or live music is prohibited between the hours of 10:00 p.m. and 8:00 a.m.
 - 2. Sound emanating from sound amplifying equipment or live music at any other time shall not be audible to the human ear at a distance greater than two hundred (200) feet from the equipment or music.

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

- a. Application and Processing.
 - 1. Construction-Related Exceptions. An application for a construction-related exception shall be made to and considered by the Director of Building and Safety on forms provided by the Building and Safety Department and shall be accompanied by the appropriate filing fee. No public hearing is required.
 - 2. Single Event Exceptions. An application for a single event exception shall be made to and considered by the Planning Director on forms provided by the Planning Department and shall be accompanied by the appropriate filing fee. No public hearing is required.
 - 3. Continuous Events Exceptions. An application for a continuous events exception shall be made to the Planning Director on forms provided by the Planning Department and shall be accompanied by the appropriate filing fee. Upon receipt of an application for a continuous events exception, the Planning Director shall set the matter for public hearing before the Planning Commission, notice of which shall be given as provided in Section 18.26.c. of Riverside County Ordinance No.348. Notwithstanding the above, an application for a continuous events exception that is associated with an application for a land use permit shall be processed concurrently with the land use permit in the same manner that the land use permit is required to be processed.
- b. Requirements for Approval. The appropriate decision making body or officer shall not approve an exception application unless the applicant demonstrates that the activities described in the application would not be detrimental to the health, safety or general welfare of the community. In determining whether activities are detrimental to the health, safety or general welfare of the community, the appropriate decision making body or officer shall consider such factors as the proposed duration of the activities and their location in relation to sensitive receptors. If an exception application is approved, reasonable conditions may be imposed to minimize the public detriment, including, but not limited to, restrictions on sound level, sound duration and operating hours.

- c. Appeals. The Director of Building and Safety's decision on an application for a construction-related exception is considered final. The Planning Director's decision on an application for a single event exception is considered final. After making a decision on an application for a continuous events exception, the appropriate decision making body or officer shall mail notice of the decision to the applicant. Within ten (10) calendar days after the mailing of such notice, the applicant or an interested person may appeal the decision to the Board of Supervisors. Upon receipt of an appeal and payment of the appropriate appeal fee, the Clerk of the Board shall set the matter for hearing not less than five (5) days nor more than thirty (30) days thereafter and shall give written notice of the hearing in the same manner as notice of the hearing was given by the appropriate hearing officer or body. The Board of Supervisors shall render its decision within thirty (30) days after the appeal hearing is closed.
- d. Effect of a Pending Continuous Events Exception Application. For a period of one hundred and eighty (180) days from the effective date of this ordinance, no person creating any sound prohibited by this ordinance shall be considered in violation of this ordinance if the sound is related to a use that is operating pursuant to an approved land use permit, if an application for a continuous events exception has been filed to sanction the sound and if a decision on the application is pending.

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

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

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

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

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

Section 12. SAVINGS CLAUSE. The adoption of this ordinance shall not in any manner affect the prosecution of ordinance violations, which violations were committed prior to the effective date of this ordinance, nor be construed as a waiver of any permit, license, penalty or penal provisions applicable to such violations. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by Riverside County relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

Section 13. EFFECTIVE DATE. This ordinance shall take effect 30 days after its adoption.

Adopted: 847 Item 3.19 of 04/04/2006 (Eff: 05/04/2006)

Amended: 847.1 Item 3.4 of 06/19/2007 (Eff: 07/19/2007)