

TITLE 9

DIVISION 7: NOISE ABATEMENT AND CONTROL

- [CHAPTER 1: GENERAL](#)
- [CHAPTER 2: LIMITS](#)
- [CHAPTER 3: PUBLIC NUISANCE NOISE](#)

CHAPTER 1 GENERAL

- § 90700.00 PURPOSE AND INTENT
- § 90701.01 DEFINITIONS

§ 90700.00 PURPOSE AND INTENT

The County of Imperial Board of Supervisors finds and declares that:

- A. Inadequately controlled noise presents a danger to the health and welfare of the residents of the County of Imperial;
- B. The making and creating of disturbing, excessive, or offensive noises within the jurisdictional limits of the County of Imperial is a condition which has persisted, and the level and frequency of occurrences of such noises continue to increase;
- C. The making, creating, or continuing of such noises, which are prolonged or unusual in their time, place and use affect and are a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the County of Imperial;
- D. Every person is entitled to an environment in which the noise is not detrimental to his or her life, health, or enjoyment of property; and
- E. The necessity, in the public interest, for the provisions and prohibitions herein after contained and enacted is declared to be a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions herein after contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the County of Imperial and its inhabitants.

§ 90701.00 DEFINITIONS

Whenever the following words and phrases are used in this article, they shall have the meaning ascribed to them in this section:

- A. Average Sound Level (ASL). A sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in American National Standard Specifications for Sound Level Meters S1. 4-1971. Average sound level is also called equivalent continuous sound level.
- B. Community Noise Equivalent Level (NEL or CNEL). An average sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and after addition of ten (10) decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

- C. Construction Equipment. Any tools, machinery, or equipment used in connection with construction operations, including all types of "special construction: equipment as defined in the pertinent sections of the California Vehicle Code when used in the construction process on any construction site, regardless of whether such construction site be located on-highway or off-highway.
- D. Decibel (dB). A unit measure of sound (noise) level.
- E. Emergency Work. Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger of damage, or work by public or private utilities when restoring utility service.
- F. Motor Vehicles. Any and all self-propelled vehicles as defined in the California Vehicle Code, specifically including but not limited to "mini-bikes" and "go-carts."
- G. Noise Level. The same as "sound level." The terms may be used interchangeable herein.
- H. Person. A person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private.
- I. Sound Level. In decibels, that quantity measured with a sound level meter as defined herein, by use of the "A" frequency weighting and "slow" time averaging unless some other time averaging is specified.
- J. Sound Level Meter. An instrument for the measurement of sound, including a microphone, and amplifier, an attenuator, networks at least for the standardized frequency weighting A, and an indicating instrument having at least the standardized dynamic characteristic "fast," as specified in American National Standard Specifications for Sound Level Meters S1.4-1971 or its successor.
- K. Disturbing, Excessive or Offensive Noise. Any sound or noise conflicting with the criteria or levels set forth in this article.
- L. Supplemental Definitions of Technical Terms. Definitions of technical terms not defined herein shall be obtained from American National Standard Acoustical Terminology, S1.1-1960 (R-1976).

THIS SPACE INTENTIONALLY LEFT BLANK

TITLE 9

DIVISION 7: NOISE ABATEMENT AND CONTROL

CHAPTER 2: LIMITS

- § 90702.00 SOUND LEVEL LIMITS
- § 90702.01 MOTOR VEHICLES
- § 90702.02 WATER CRAFT
- § 90702.03 REFUSE VEHICLES

§ 90702.00 SOUND LEVEL LIMITS.

A. It shall be unlawful for any person to cause noise by any means to the extent that the applicable one-hour average sound level set out in the following table is exceeded, at any location in the County of Imperial on or beyond the boundaries of the property on which the noise is produced.

TOTAL OF APPLICABLE LIMITS

	Land Use Zone	Time of Day	One Hour Average Sound Level (decibels)
1.	Residential: All R-1	7 a.m. to 10 p.m.	50
		10 p.m. to 7 a.m.	45
2.	All R-2	7 a.m. to 10 p.m.	55
		10 p.m. to 7 a.m.	50
3.	R-3, R-4 & all Other Residential	7 a.m. to 10 p.m.	55
		10 p.m. to 7 a.m.	50
4.	All Commercial	7 a.m. to 10 p.m.	60
		10 p.m. to 7 a.m.	55
5.	Manufacturing, all other Industrial, including Agricultural & Extraction Industry	(anytime)	70
6.	General Industrial	(anytime)	75

- B. The Sound Level limit between two zoning districts (different land uses) shall be measured at the property line between the properties.
- C. Fixed-location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of Part A. of this Section, measured at or beyond six feet from the boundary of the easement upon which the equipment is located.
- D. This section does not apply to firework displays authorized by permit from the Fire Department, or other Regulatory Agency.
- E. This section does not apply to noise generated by helicopters at heliports or helistops authorized by a conditional use permit.

- F. This section does not apply to noise generated by standard agricultural field operating practices such as planting and harvesting of crop. The County of Imperial has a Right to Farm Ordinance (1031) which serves as recognition to agricultural practices to new development. Agricultural/Industrial operations shall comply with the noise levels prescribed under the General Industrial Zones.
- G. This section shall not apply to any activity performed by a City or the County in the discharge of a governmental function or responsibility provided that such City or the County has applied reasonable noise mitigation.

§ 90702.01 MOTOR VEHICLES

- A. Except as otherwise provided for in this article, it shall be unlawful to operate any motor vehicle of any type on any site, other than a public street or highway as defined in the California Vehicle Code, in any manner so as to cause noise in excess of these noise levels permitted for on-highway motor vehicles as specified in the table for "45 mile-per-hour or less speed limits" contained in Section 23130 of the California Vehicle Code, and as corrected for distances set forth in Table 1 below.
- B. Corrections: The maximum noise level as the vehicle passes may be measured at a distance of other than fifty (50) feet from the center line of travel, provided the measurement is further adjusted by adding algebraically the applicable correction, as follows:

TABLE 1

Distance (feet)	Correction (decibels)
25	-6
28	-5
32	-4
35	-3
40	-2
45	-1
50 (preferred distance)	0
56	+1
63	+2
70	+3
80	+4
90	+5
100	+6

- C. A measured noise level thus corrected shall be deemed in violation of this section if it exceeds the applicable noise level as specified above.
- D. Nothing in this section shall apply to authorized emergency vehicles when being used in emergency situations, including the blowing of sirens, and/or horns.

§ 90702.02 WATERCRAFT

Violations for excessive noise of watercraft operating in waters under the jurisdiction of the County of Imperial shall be prosecuted under applicable provisions of the California Harbors and Navigation Code. The County of Imperial shall restrict the operation of watercraft not in compliance with the noise criteria of the Harbors and Navigation Code.

§ 90702.03 REFUSE VEHICLES.

No person shall operate or permit to be operated a refuse compacting, processing or collecting vehicle or parking lot sweeper between the hours or 10:00 p.m. to 5:00 a.m. in any residential area unless an

administrative permit has been applied for and granted by the Planning Department after date of Public Notice.

THIS SPACE INTENTIONALLY LEFT BLANK

TITLE 9

DIVISION 7: NOISE ABATEMENT AND CONTROL

CHAPTER 3 PUBLIC NUISANCE NOISE

- § 90703.00 GENERAL PROHIBITIONS
- § 90703.01 BURGLAR ALARMS
- § 90703.02 DISTURBING, EXCESSIVE, OFFENSIVE NOISE - DECLARATION OF CERTAIN ACTS CONSTITUTING

§ 90703.00 GENERAL PROHIBITIONS.

A. It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of Imperial County, any disturbing, excessive, or offensive noise which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

B. It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of Imperial County, to play a radio, phonograph, or other sound production or reproduction device in a public park or beach area or public parking lot or street adjacent thereto, over 60 CNEL.

The operation of any radio, phonograph, television set, or any other sound production or reproduction device in any public park or on any public beach or any public parking lot or street adjacent to such park or beach, without the prior written approval of the Director of Parks and Recreation, in such a manner that such a radio, phonograph, television set or sound production or reproduction device emits a sound level exceeding 60 dB at any point fifty (50) feet or more from the noise source is prohibited.

C. It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of Imperial County, any noise adjacent to a hospital, school, library, rest home, or long-term medical or mental care facility, which noise unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys occupants in said institutions.

D. The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should 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 of ambient noise;
5. The proximity of the noise to sleeping facilities;
6. The nature and zoning of the area from which the noise emanates and the area where it is received;
7. The time of day or night the noise occurs;
8. The duration of the noise; and
9. Whether the noise is recurrent, intermittent, or constant.

§ 90703.01 BURGLAR ALARMS

A. Audible burglar alarms for structures or motor vehicles shall be capable of being terminated within 20 minutes of being activated.

B. Notwithstanding the requirements of this provision, any member of the Sheriff Department of Imperial County shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm installed in any building, dwelling, or motor vehicle at any time during the period of its activation. On or after thirty (30) days from the effective date of this article, any building, dwelling or

motor vehicle upon which a burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such building, dwelling, or motor vehicle.

§ 90703.02 DISTURBING, EXCESSIVE, OFFENSIVE NOISES - DECLARATION OF CERTAIN ACTS CONSTITUTING

The following activities are declared to cause disturbing, excessive or offensive noise in violation of this section but said enumeration shall not be deemed to be exclusive:

A. Horns, Signaling Devices, etc.

Unnecessary use or operation of horns, signaling devices, etc., on automobiles, motorcycles, or any other vehicle.

B. Radios, Television Sets, Phonographs, Loud Speaking Amplifiers and Similar Devices

1. Uses Restricted

The use, operation, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drum phonograph, television set, loud speakers and sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitivity in any residential or public area is prohibited. This provision shall not apply to any participant in a duly-licensed parade, or to any person who has been otherwise duly authorized by Imperial County to engage in such conduct.

2. Prime Facie Violations

The operation of any such device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

C. Animals

1. The keeping or maintenance or the permitting to be kept or maintained upon any premises owned, occupied, or controlled by any person of any animal or animals which by any frequent or long-continued noise, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity.

2. The noise from any such animal or animals that disturbs two or more residents residing in separate residences adjacent to any part of the property on which the subject animal or animals are kept or maintained, or three or more residents residing in separate residences in close proximity to the property on which the subject animal or animals are kept or maintained shall be prima facie evidence of a violation of this section.