

## **DIVISION 4**

### **Limits**

(Added 9-18- 73 by O-11122 NS )  
(Amended 9-22- 76 by O-11916 N.S.; former  
title Noise Level Limits, Standards and Control)

#### **Sec. 59.5.0401 Sound Level Limits**

A. It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in the following table, at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person.

**TABLE OF APPLICABLE LIMITS**

<b>Land Use Zone</b>	<b>Time of Day</b>	<b>One-Hour Average Sound Level (decibels)</b>
1. Residential: All R-1	7 a.m. to 7 p.m.	50
	7 p.m. to 10 p.m.	45
	10 p.m. to 7a.m.	40
2. All R-2	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7a.m.	45
3. R-3, R-4 and all other Residential	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7a.m.	50
4. All Commercial	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
	10 p.m. to 7a.m.	60
5. Manufacturing all other Industrial, including Agricultural and Extractive Industry	any time	75

B. The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts. Permissible construction noise level limits shall be governed by Sections 59.5.0404 of this article.

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.

E. This section does not apply to noise generated by helicopters at heliports or helistops authorized by a conditional use permit, nor to any roller coaster operated on City-owned parkland. (Amended 9-11-89 . by O-17337 NS. )

#### **Sec. 59.5.0402 Motor Vehicles**

##### **A. Off-Highway**

1. Except as otherwise provided for in thin article, it shall be unlawful to operate any motor vehicle of any type on any site, other than on a public street or highway as defined in the California Vehicle Code, in any manner so as to cause noise in excess of those 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 subsection A.2. below.

##### **2. Corrections**

The maximum noise level as the on-highway 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:

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

3. A measured noise level thus corrected shall be deemed in violation of this section if it exceeds the applicable noise-level limit as specified above.

B. Nothing in this section shall apply to authorized emergency vehicles when being used in emergency situations, including the blowing of sirens and/or horns.

(New Sec. 59.5.0402 Motor Vehicles - Added 9-22-76 by O-11916 N.S. - formerly Sec. 59.5.0403.)

#### **Sec. 59.5.0403 Watercraft**

Violations for excessive noise of watercraft operating in waters under the jurisdiction of The City of San Diego shall be prosecuted under applicable provisions of the California Harbors and Navigation Code. Permits issued by The City of San Diego for the operation of watercraft not in compliance with noise criteria of the Harbors and Navigation Code shall be reviewed and approved by the Administrator prior to issuance.

(New Section 59.5.0403 Watercraft, added and amended 9-22- 76 by O-11916 NS. formerly Sec. 59.5.0407 )

#### **Sec. 59.5.0404 Construction Noise**

A. It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.

B. Except as provided in subsection C. hereof, it shall be unlawful for any person, including The City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m.

C. The provisions of subsection B. of this section shall not apply to construction equipment used in connection with emergency work, provided the Administrator is notified within 48 hours after commencement of work

(Amended 1-3-84 by O-16100 N.S. )

**Sec. 59.5.0405 Construction Activities**

(Repealed 1-3-84 by O-16100 N.S.)

**Sec. 59.5.0406 Refuse Vehicles and Parking**

**Lot Sweepers**

No person shall operate or permit to be operated a refuse compacting, processing or collection vehicle or parking lot sweeper between the hours of 7:00 p.m. to 7:00 a.m. in any residential area unless a permit has been applied for and granted by the Administrator. (Sec. 59. 5.0406 Refuse Vehicles - Added 9-18- 73 by O-11122 N.S.; amended 9-22-76 by O-11916 N.S.)

**Sec. 59.5.0407 Watercraft**

(Renumbered 9-22-76 by O-11916N.S., now Sec. 59.5.0403.)

**Sec. 59.5.0408 Construction Noise**

(Renumbered 9-22- 76 by O-11916 N.S., now Sec. 59.50404.)

**Sec. 59.5.0409 Construction Equipment**

(Renumbered 9-22- 76 by O-11916 N.S., now Sec. 59.5.0405.)

**Sec. 59.5.0410 Containers and Construction Material**

(Repealed 9-22-76 by O-11916 N.S.)

**Sec. 59.5.0411 Exterior Noise Isolation Standard**

(Repealed 9-22-76 by O-11916 N.S. )

**Sec. 59.5.0412 Train Horns and Whistles - Excessive Sound Prohibited**

(Repealed 9-22-76 by O-11916 N.S.)

**Sec. 59.5.0413 Signal Device for Food Trucks**

(Repealed 9-22-76 by O-11916 N.S.)

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**DIVISION 5**

**Public Nuisance Noise**

(Added 9-18-73 by O-11122 N.W.; Ammended 9-22-76 by O-11916 N.S. which changed the title to Pubfic Nuisance Noise-formerly General Noise Regulations.)

**Sec. 59.5.0501 General Prohibition**

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

B. 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 the 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.
- (Amended 1-3-84 by O-16100 N.S. )

## **Sec. 59.5.0502 Disturbing, Excessive, Offensive Noises - Declaration of Certain Acts Constituting**

The following activities, among others, are declared to cause disturbing, excessive or offensive noises in violation of this section and are unlawful, namely:

### **A. Horns, signaling Devices, etc.**

Unnecessary use or operation of horns, Signaling devices, or other similar devices, on automobiles, motorcycles, or any other vehicle.

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

#### **1. Uses Restricted**

The use or operation of any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speakers and sound amplifier or other similar machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, or comfort of any reasonable person of normal sensitivity in any area of the City is prohibited. This provision shall not apply to any participant in a licensed parade, or to any person who has been otherwise duly authorized by The City of San Diego to engage in such conduct.

#### **2. Prima Facie Violations**

Any of the following shall constitute evidence of a prima facie violation of this section:

(a) The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker and sound amplifier or similar machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building structure, or vehicle in which it is located.

(b) The operation of any sound amplifier, which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of fifty (50) feet and when operated in such a manner as to cause a person to be aware of vibration accompanying the sound at a distance offihy (50) feet from the source.

#### **3. Enforcement of Prima Facie violations**

(a) Any person who is authorwed to enforce the provisions of this Article and who encounters evidence of a prima facie violation of this section is empowered to confiscate and impound as evidence, any or all of the components ampifying or transmitting the sound.

(b) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of the Penal Code, who encounters evidence of a prima facie violation of this section whereby the component(s) amplifying or transmitting the sound are attached to a vehicle may, in accordance with the provisions of California Vehicle Code section 22655.5, impound the vehicle, as containing evidence of a criminal offense, when the amplifying and/or transmitting component(s) cannot be readily removed from the vehicle without damaging the component(s) or vehicle.

### **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.

**D. Hospitals, Schools Libraries, Rest Homes, Long-Term Medical or Mental Care Facilities**

To make 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.

**E. Playing of Radios on Buses and Trolleys**

The operation of any radio, phonograph, or tape player on an urban transit bus or trolley so as to emit noise that is audible to any other person in the vehicle is prohibited.

**F. Playing of Radios, Phonographs, and Other Sound Production or Reproduction Devices in Public Parks and Beach Areas and Public Parking Lots and Streets Adjacent Thereto.**

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 City Manager or the Administrator, in such a manner that such radio, phonograph, television set or sound production or reproduction device emits a sound level exceeding those found in the following table at any point ten (10) feet or more from the noise source is prohibited:

**TABLE OF APPLICABLE LAWS**

Time of Day	Sound Level Limit
7 a.m. to 7 p.m.	65 decibels
7:01 p.m. to 6:59 a.m.	55 decibels

**G. Leaf Blowers**

1. A "leaf blower" means any portable, hand held or back pack, engine powered device with a nozzle that creates a directable airstream which is capable of and intended for moving leaves and light materials.
2. No person shall operate a leaf blower in any residential zoned area between the hours of 7 p.m. and 8 a.m. on weekdays and 5 p.m. and 9 p.m. on weekends or on legal holidays specified in section 21.04 of this Code.
3. After October 9, 1991 and through June 30, 1993, no person may operate any leaf blower at a sound level in excess of 70 decibels measured at a distance of 50 feet or greater from the point of noise origin. Beginning on July 1, 1993, no person may operate any leaf blower at a sound level in excess of 65 decibels measured at a distance of 50 feet or greater from the point of noise origin.
4. Beginning on July 1, 1993, leaf blowers shall be equipped with functional mufflers and an approved sound limiting device required to ensure that the leaf blower is not capable of generating a sound level exceeding any limit prescribed in this section.
5. All litter and debris generated by leaf blower operation shall be cleaned up and disposed of in accordance with Chapter IV, Article 4, of this Code. (Amended 9-9-91 by O-17676N.S.)

**Sec. 59.5.0503 Burglar Alarms**

A. Audible burglar alarms for structures or motor vehicles are prohibited unless the operation of such burglar alarm can be terminated within 20 minutes of being activated.

B. Notwithstanding the requirements of this provision, any member of the Police Department of the City of San Diego 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.  
(Amended 1-3-84 by O-16100 N.S.)