

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,  
AMENDING TITLE 7 OF THE RIVERSIDE MUNICIPAL CODE (NOISE  
CONTROL) BY CLARIFYING AND SIMPLYING NOISE  
DISTURBANCES.

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 7.05.010 of the Riverside Municipal Code is hereby amended to read  
as follows:

**“Section 7.05.010 Policy and intent.**

**It shall be the policy of the City to maintain and preserve the quiet atmosphere of the City, to  
implement programs aimed at retaining ambient noise levels throughout the City, and to  
mitigate noise conflicts.**

It is determined that certain noise levels are detrimental to the public health, safety and welfare  
and are contrary to the public interest. Therefore, the City Council declares that creating,  
maintaining, causing or allowing to create, maintain or cause any noise in a manner not in  
conformity with the provisions of this ~~chapter~~Title, is a public nuisance and shall be punishable as  
such.

In order to control unnecessary, excessive and/or annoying noise in the City, it is declared to be  
the policy of the City to prohibit such noise generated by the sources specified in this ~~chapter~~Title.  
It shall be the goal of the City to minimize noise levels and mitigate the effects of noise to provide  
a safe and healthy living environment.”

Section 2: The Table of Contents of Chapter 7.10 of the Riverside Municipal Code entitled  
“Definitions” is hereby amended to read as follows:

**“Chapter 7.10 Definitions.**

**Sections**

**7.10.010 Definitions generally.**

...

**7.10.036 Community & Economic Development Director.**

...

**7.10.110 Muffler or sound dissipative device.**

...

**7.10.140 Non-urban land use category.**

...

1 **7.10.210 Supplementary definitions of technical terms.”**

2 Section 3: Section 7.10.010 of the Riverside Municipal Code is hereby amended to read  
3 as follows:

4 **“Section 7.10.010 Definitions generally.**

5 For the purposes of this Title, the words and phrases defined in this Chapter shall have the  
6 meanings respectively ascribed to them by this Chapter.”

7 Section 4: Section 7.10.015 of the Riverside Municipal Code is hereby amended to read  
8 as follows:

9 **“Section 7.10.015 A-weighted sound level.**

10 "A-weighted sound level" means the sound pressure level in decibels as measured on a sound-  
11 level meter using the A-weighing network. The level is designated dB(A) or dBA.”

12 Section 5: Section 7.10.035 of the Riverside Municipal Code is hereby amended to read  
13 as follows:

14 **“Section 7.10.035 Construction.**

15 "Construction" means any site preparation including grading, building, fabricating, assembly,  
16 substantial repair, alteration, ~~or blasting, jack hammering, pile drivers and the like similar action.~~”

17 Section 6: Section 7.10.036 of the Riverside Municipal Code is hereby added as follows:

18 **“Section 7.10.036 Community & Economic Development Director.**

19 **“Community & Economic Development Director” means the duly appointed and acting head of the**  
20 **Community & Economic Development Department and/or his/her designee.”**

21 Section 7: Section 7.10.050 of the Riverside Municipal Code is hereby amended to read  
22 as follows:

23 **“Section 7.10.050 Decibel (db).**

24 "Decibel (dB)" means a unit for measuring amplitude of a sound, equal to ~~twenty20~~ times the  
25 logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure,  
26 which is ~~twenty 20~~ micro-pascals (~~twenty20~~ micronewtons per square meter).”

27 Section 8: Section 7.10.110 of the Riverside Municipal Code is hereby amended to read  
28 as follows:

**“Section 7.10.110 Muffler or sound dissipative device.**

1 "Muffler" or "sound ~~dissapative~~dissipative device" means a device for abating the sound of escaping  
2 gases from an internal combustion engine."

3 Section 9: Section 7.10.125 of the Riverside Municipal Code is hereby amended to read  
4 as follows:

5 **"Section 7.10.125 Noise disturbance.**

6 "Noise disturbance" means any sound which, as judged by a City police officer or code enforcement  
7 officer, endangers or injures the safety or health of humans or animals, or annoys or disturbs a  
8 reasonable person of normal sensitivities or exceeds a standard set forth in this Title."~~or endangers or~~  
9 ~~injures personal or real property.~~

10 Section 10: Section 7.10.205 of the Riverside Municipal Code is hereby amended to read  
11 as follows:

12 **"Section 7.10.205 Sound pressure level ~~in decibels~~.**

13 "Sound pressure level" ~~in decibels~~ means twenty~~20~~ times the logarithm to the base ten of the ratio of  
14 the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated."

15 Section 11: Section 7.15.005 of the Riverside Municipal Code is hereby amended to read  
16 as follows:

17 **"Section 7.15.005 Administration and enforcement.**

18 ...

19 B. It shall be the responsibility of the Code Enforcement Division and/or the Riverside  
20 Police Department to enforce the provisions of this title and to perform all other functions required  
21 by this Title. Such duties shall include, but not be limited to investigating potential violations,  
22 issuing warning notices and citations, and providing evidence to the City Attorney for legal action.  
23 ..."

24 Section 12: The Table of Contents of Chapter 7.15 of the Riverside Municipal Code  
25 entitled "Administration and Enforcement" is hereby amended to read as follows:

26 **"Sections**

27 **7.15.005 Administration and enforcement.**

28 **7.15.010 Fines and Penalties.**

**7.15.015 Responsible Parties."**

1           Section 13:   Section 7.15.010 of the Riverside Municipal Code is hereby added as follows:  
2   **“Section 7.15.010   Fines and penalties.”**

3           A.   Any violation of this Title shall be subject to fines as set forth in Chapter 1.17 of the  
4   Riverside Municipal Code.

5           B.   The civil fines and criminal penalties imposed shall be in addition to any other fines  
6   and/or penalties imposed for violation of local, State, and/or Federal law.”

7           Section 14:   Section 7.15.015 of the Riverside Municipal Code is hereby added as follows:  
8   **“Section 7.15.015   Responsible parties.”**

9   Persons responsible for violations of this Title shall include the person, persons, entity, or entities  
10   responsible for the noise disturbance including, but not limited to, the property owner, business  
11   operations, renters, or lessees on whose premises the noise originates.”

12           Section 15:   Section 7.20.010 of the Riverside Municipal Code is hereby amended to read  
13   as follows:

14   **“Section 7.20.010   Sound level measurement.**

15   Except as provided by Chapter 17.35, General Noise Regulations, any sound or noise level  
16   measurement made to enforce this title shall be measured with a sound level meter using the A-  
17   weighting scale at slow response. The exterior noise level shall be measured at the position or positions  
18   along the complainant's property line closest to the noise source or where the noise level is highest. If  
19   the complaint concerns an interior source, noise measurements shall be made at a point at least four  
20   feet from the wall, ceiling or floor nearest the noise source with windows opened or closed as would  
21   be normal for the season.”

22           Section 16:   The title of Chapter 7.23 entitled “Ambient Noise Levels” is hereby amended  
23   to read as follows: Ambient ~~Noise~~Sound Levels.”

24           Section 17:   Section 7.23.010 of the Riverside Municipal Code is hereby amended to read  
25   as follows:

26   **“Section 7.23.010   Ambient sound levels.**

27   Title 7 - Noise Control of the Riverside Municipal Code shall be consistent with Title 24 of the  
28   California Code of Regulations ~~Health and Safety Code of the State of California~~ as may be amended  
from time to time.”

1        Section 18:    Section 7.23.020 of the Riverside Municipal Code is hereby amended to read  
2 as follows:

3        **“Section 7.23.020    Mixed use development.**

4        Where a new development proposal includes a mix of residential and nonresidential uses within the  
5 same project, the interior ambient noise standard for the residential component of the project may be  
6 increased by ~~five~~ five decibels.”

7        Section 19:    Section 7.23.030 of the Riverside Municipal Code is hereby amended to read  
8 as follows:

9        **“Section 7.23.030    Infill single-family residential development.**

10        Where a new development proposal includes an infill single-family residential use, the interior  
11 ambient noise standard for the proposal may be increased by ~~five~~ five decibels.”

12        Section 20:    Section 7.25.010 of the Riverside Municipal Code is hereby amended to read  
13 as follows:

14        **“Section 7.25.010    Exterior sound level limits.**

15            A.        Unless a variance has been granted as provided in this ~~Title~~chapter, it shall be  
16 unlawful for any person to cause or allow the creation of any noise which exceeds the following:

17                    1. The exterior noise standard of the applicable land use category, up to five decibels,  
18 for a cumulative period of more than ~~thirty~~30 minutes in any hour; or

19                    2. The exterior noise standard of the applicable land use category, plus five decibels,  
20 for a cumulative period of more than ~~fifteen~~15 minutes in any hour; or

21                    3. The exterior noise standard of the applicable land use category, plus ten decibels,  
22 for a cumulative period of more than five minutes in any hour; or

23                    4. The exterior noise standard of the applicable land use category, plus ~~fifteen~~15  
24 decibels, for the cumulative period of more than one minute in any hour; or

25                    5. The exterior noise standard for the applicable land use category, plus ~~twenty~~20  
26 decibels or the maximum measured ambient noise level, for any period of time.

27            ...

28            D.        Where the intruding noise source is an air-conditioning unit or refrigeration system  
which was installed prior to the effective date of this ~~Title~~chapter, the exterior noise level when

1 measured at the property line shall not exceed ~~sixty60~~ dBA for units installed before 1-1-80 and 55  
2 dBA for units installed after 1-1-80.”

3 Section 21: Table 7.25.010A of Title 7 of the Riverside Municipal Code entitled “Exterior  
4 Noise Standards” is hereby amended as shown in Exhibit “A,” attached hereto and incorporated by  
5 reference.

6 Section 22: Section 7.30.015 of the Riverside Municipal Code is hereby amended to read  
7 as follows:

8 **“Section 7.30.015 Interior sound level limits.**

9 ...

10 B. If the measured interior ambient noise level exceeds that permissible within the first  
11 two noise limit categories in this ~~s~~Section, the allowable noise exposure standard shall be increased  
12 in five decibel increments in each category as appropriate to reflect the interior ambient noise level.  
13 In the event the interior ambient noise level exceeds the third noise limit category, the maximum  
14 allowable interior noise level under said category shall be increased to reflect the maximum interior  
15 ambient noise level.

16 ...”

17 Section 23: Table 7.30.015 of Title 7 of the Riverside Municipal Code entitled “Interior  
18 Noise Standard” is hereby amended as shown in Exhibit “B,” attached hereto and incorporated by  
19 reference.

20 Section 24: Section 7.35.010 of the Riverside Municipal Code is hereby amended to read  
21 as follows:

22 **“Section 7.35.010 General noise regulations.**

23 A. ~~Notwithstanding the sound level meter standards described in this ordinance, it~~ It is  
24 ~~nonetheless~~ unlawful for any person to make, continue, or cause to be made or continued any noise  
25 disturbance. ~~disturbing, excessive or offensive noise which causes discomfort or annoyance to~~  
26 ~~reasonable persons of normal sensitivity.~~ The factors which should be considered in determining  
27 whether a violation of this ~~s~~Section exists, include the following:

- 28 1. The sound level of the objectionable noise.
2. The sound level of the ambient noise.

1 3. The proximity of the noise to dwelling units, hospital, hotels and the like. ~~residential~~  
2 ~~sleeping facilities.~~

3 4. The zoning of the area.

4 5. The population density of the area.

5 6. The time of day or night.

6 7. The duration of the noise.

7 8. Whether the noise is recurrent, intermittent, or constant.

8 9. Whether the noise is produced by a commercial or noncommercial activity.

9 10. Whether the nature of the noise is usual or unusual.

10 11. Whether the noise is natural or unnatural.

11 B. It is unlawful for any person to make, continue, or cause to be made or continued  
12 any noise disturbance. ~~disturbing, excessive or offensive noise which causes discomfort or~~  
13 ~~annoyance to reasonable persons of normal sensitivity.~~ The following acts, among others, are  
14 ~~declared to be disturbing, excessive and offensive noises in violation of this section:~~

15 ~~1. Radios, television sets, musical instruments and similar stationary or mobile devices.~~  
16 ~~Operating, playing or permitting the operation or playing of any radio, television set, audio~~  
17 ~~equipment, drum, musical instrument, or similar device which produces or reproduces sound in~~  
18 ~~such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of~~  
19 ~~normal sensitivity. The operation of any such set, instrument, audio equipment, television set,~~  
20 ~~machine or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be~~  
21 ~~plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located,~~  
22 ~~shall be prima facie evidence of a violation of this section.~~

23 ~~2. Loud speakers (amplified sound) . Using, or operating, or permitting to be used or~~  
24 ~~operated, for any purpose, any loud speaker, loudspeaker system, or similar device between the~~  
25 ~~hours of 10:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across~~  
26 ~~a residential property line, or at any time exceeds the maximum permitted noise level for the~~  
27 ~~underlying land use category, except for any non-commercial public speaking, public assembly or~~  
28 ~~other activity for which a variance has been issued.~~

1           ~~3. *Animals and birds* . Owning, possessing, or permitting to be harbored any animal or bird~~  
2 ~~which frequently or for a continued duration howls, barks, meows, squawks, or makes other sounds~~  
3 ~~which create a noise disturbance across a residential or commercial property line.~~

4           ~~4. *Loading and unloading* . Loading, unloading, opening, closing or other handling of~~  
5 ~~boxes, crates, containers, building materials, garbage cans, or similar objects, or permitting these~~  
6 ~~activities between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise~~  
7 ~~disturbance across a residential property line or at any time exceeds the maximum permitted noise~~  
8 ~~level for the underlying land use category.~~

9           ~~5. *Construction* . Operating or causing the operation of any tools or equipment used in~~  
10 ~~construction, drilling, repair, alteration, grading or demolition work between the hours of 7:00 p.m.~~  
11 ~~and 7:00 a.m. on week days and between 5:00 p.m. and 8:00 a.m. on Saturdays or at any time on~~  
12 ~~Sunday or federal holidays.~~

13           ~~6. — *Domestic power tools* . Operating or permitting the operation of any mechanically~~  
14 ~~powered saw, sander, drill grinder, lawn or garden tool, or similar tool between 10:00 p.m. and~~  
15 ~~7:00 a.m. so as to create a noise disturbance across a residential or commercial property line. Any~~  
16 ~~motor, machinery, pump, compressor, generator etc., shall be sufficiently muffled and maintained~~  
17 ~~so as not to create a noise disturbance.~~

18           ~~7. *Powered model vehicles* . Operating or permitting the operation of powered model~~  
19 ~~vehicles between the hours of 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a~~  
20 ~~residential or commercial property line or at any time exceeds the maximum permitted noise level~~  
21 ~~for the underlying land use category.~~

22           ~~8. *Stationary non-emergency signaling devices* . Sounding, or permitting the sounding of~~  
23 ~~any signal from any stationary bell, chime, siren, whistle, or similar device intended primarily for~~  
24 ~~non-emergency purposes, from any place, for more than ten seconds in any hourly period. Houses~~  
25 ~~of worship and the Mission Inn carillons shall be exempt from the operation of this provision.~~  
26 ~~Sound sources covered by this provision and not exempted under this subsection may be exempted~~  
27 ~~by a variance.~~



1       ~~9. Emergency signaling devices . The intentional sounding or permitting the sounding~~  
2 ~~outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency~~  
3 ~~signaling device, except for emergency purposes or for testing. Testing of a stationary emergency~~  
4 ~~signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall only use~~  
5 ~~the minimum cycle test time. In no case shall the test time exceed ten seconds or occur more than~~  
6 ~~once each calendar month.~~

7       ~~10. Vehicle, motorcycle, motorboat or aircraft repair and testing . Repairing, rebuilding,~~  
8 ~~modifying or testing any motor vehicle, motorboat or aircraft, or permitting any these activities, in~~  
9 ~~such a manner as to create a noise disturbance across a residential property line, or at any time~~  
10 ~~exceeds the maximum permitted noise level for the underlying land use category shall not be~~  
11 ~~permitted except where said activities are directly related to officially sanctioned events.~~  
12 ~~underlying land use category.~~

13       ~~11. For other than noise sources identified in 1—10 above, the following noise disturbance~~  
14 ~~shall be prohibited:~~

- 15       ~~a. Plainly audible across property boundaries;~~  
16       ~~b. Plainly audible through partitions common to two residences within a building;~~  
17       ~~c. Plainly audible at a distance of 50 feet in any direction from the source of music or sound~~  
18 ~~between the hours of 7:00 a.m. and 10:00 p.m.; or~~  
19       ~~d. Plainly audible at a distance of 25 feet in any direction from the source of music or sound~~  
20 ~~between the hours of 10:00 p.m. and 7:00 a.m.~~

21       C. Any noise plainly audible through partitions common to two dwelling units within a  
22 building shall be prohibited.”

23       Section 25:   Section 7.35.020 of the Riverside Municipal Code is hereby amended to read  
24 as follows:

25       **“Section 7.35.020   Exemptions.**

26       ...

27       B. *Entertainment events.*——The provisions of this title shall not apply to those reasonable  
28 sounds emanating from authorized school bands, school athletic and school entertainment events and

1 ~~occasional public and private outdoor or indoor gatherings, public dances, shows, bands, sporting and~~  
2 ~~entertainment events conducted between the hours of 7:00 a.m. and 10:00 p.m. School events.~~  
3 Sanctioned school activities conducted on public or private school grounds including but not limited  
4 to school athletic and entertainment events are exempted from the provisions of this Chapter conducted  
5 between the hours of 7:00 a.m. and 11:00 p.m.

6 ...

7 G. Construction. Noise sources associated with construction, repair, remodeling, or  
8 grading of any real property; provided a permit has been obtained from the City as required; and  
9 provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on  
10 weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday  
11 or a federal holiday.

12 H. Warning Devices. Warning devices necessary for the protection of public safety, as  
13 for example fire, police, and ambulance sirens, including the testing of such devices, are exempted  
14 from the provisions of this Title.

15 I. Agriculture. Any agricultural activity, operation, or facility, or appurtenances  
16 thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper  
17 and accepted customs and standards as allowed under California Civil Code Section 3482 as  
18 amended from time to time.”

19 Section 26: Section 7.40.010 of the Riverside Municipal Code is hereby amended to read  
20 as follows:

21 **“Section 7.40.010 Variance procedure.**

22 A. The ~~Zoning Administrator~~ Community & Economic Development Director is  
23 authorized to grant variances for exemption from any provision of this title, and may limit area of  
24 applicability, noise levels, time limits, and other terms and conditions determined appropriate to  
25 protect the public health, safety, and welfare. The provisions of this ~~S~~section shall in no way affect  
26 the duty to obtain any permit or license required by law for such activities.

27 B. Any person seeking a variance pursuant to this ~~s~~Section shall file an application  
28 with the ~~Zoning Administrator~~ Community & Economic Development Director. The application

1 shall be signed by the property owner or owner's representative using forms supplied by the  
2 Community & Economic Development Department-Planning Division. The application shall  
3 contain information which demonstrates that bringing the source of the sound or activity into  
4 compliance with this title would constitute an unreasonable hardship to the applicant, the  
5 community, or other persons. The ~~Zoning Administrator~~Community & Economic Development  
6 Director may require additional information if it is necessary to make a determination regarding  
7 the variance request. The application shall be accompanied by a fee established by resolution of  
8 the City Council.

9 C. A separate application shall be filed for each noise source; provided, however,  
10 several mobile sources under common ownership or several fixed sources on a single property may  
11 be combined into one application. Any person who claims to be adversely affected by the allowance  
12 of the variance may file a statement with the ~~Zoning Administrator~~Community & Economic  
13 Development Director containing any information to support his claim. If the ~~Zoning Administrator~~  
14 Community & Economic Development Director determines that a sufficient controversy exists  
15 regarding a variance application, the variance may be set for public hearing before the Planning  
16 Commission.

17 D. Public notice of the consideration of a proposed variance from the standards of this  
18 ~~chapter~~Title shall be provided by the ~~Zoning Administrator~~Community & Economic Development  
19 Director by mailing such notice to property owners within 300 feet of the exterior boundaries of  
20 the property under consideration. The notice shall invite interested persons to notify the Planning  
21 Division of any concerns or comments within ten days of the date of the notice.

22 E. In determining whether to grant or deny the application, the ~~Zoning Administrator~~  
23 Community & Economic Development Director or the Planning Commission shall consider  
24 comments received from property owners within 300 feet, hardship on the applicant, the  
25 community, or other persons affected and property affected and any other adverse impacts. The  
26 requested variance may be granted in whole or in part and upon such terms and conditions as it  
27 deems necessary if, from the facts presented on the application, the ~~Zoning Administrator~~  
28 Community & Economic Development Director or the Planning Commission finds that:

1 ...

2 F. A variance shall be granted by a notice to the applicant containing all the necessary  
3 conditions, including any time limits on the permitted activity. The variance shall not become  
4 effective until all the conditions are agreed to by the applicant. Noncompliance with any condition  
5 of the variance shall terminate the variance and subject the person holding it to those provisions of  
6 this ~~chapter~~ Title for which the variance was granted.

7 ...

8 H. In the event the ~~Zoning Administrator~~ Community & Economic Development  
9 Director does not approve an application for a variance within ten days after the application is filed  
10 it shall be placed on the agenda of the next regularly scheduled Planning Commission, unless the  
11 Commission refers the matter to the City Council.”

12 Section 27: Section 7.40.020 of the Riverside Municipal Code is hereby amended to read  
13 as follows:

14 **“Section 7.40.020 Appeals.**

15 Any person aggrieved by the approval or disapproval of a variance, may appeal the decision of the  
16 ~~Zoning Administrator~~ Community & Economic Development Director or Planning Commission to  
17 the City Council within ten days after the date of such approval or disapproval. The City Council shall  
18 hold a hearing thereon, upon notice to the applicant, considering the same criteria presented to the  
19 ~~Zoning Administrator~~ Community & Economic Development Director.”

20 Section 28: The City Council has reviewed the matter and, based upon the facts and  
21 information contained in the staff reports, administrative record, and written and oral testimony,  
22 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)  
23 and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter  
24 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the  
25 environment nor have a significant impact on the environment.

26 Section 29: The City Clerk shall certify to the adoption of this ordinance and cause  
27 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter  
28 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its  
adoption.

1 ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

2

3

4

\_\_\_\_\_  
WILLIAM R. BAILEY, III  
Mayor of the City of Riverside

5

Attest:

6

7

\_\_\_\_\_  
COLLEEN J. NICOL  
City Clerk of the City of Riverside

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13

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote, to wit:

14

Ayes:

15

Noes:

16

Absent:

17

Abstain:

18

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

19

20

21

\_\_\_\_\_  
City Clerk of the City of Riverside

22

23

24

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27

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CA 18-0449; 09/24/19