

ORDINANCE NO.

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

...

7.10.210 Supplementary definitions of technical terms.”

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

“Section 7.10.010 Definitions generally.

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

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

“Section 7.10.015 A-weighted sound level.

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

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

“Section 7.10.035 Construction.

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

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

“Section 7.10.036 Community & Economic Development Director.

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

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

“Section 7.10.050 Decibel (db).

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

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

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

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

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

6 **“Section 7.10.125 Noise disturbance.**

7 "Noise disturbance" means any sound which, as judged by a City police officer or code enforcement
8 officer, annoys or disturbs a reasonable person of normal sensitivities or exceeds a standard set forth
9 in this Title.”

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.**

13 "Sound pressure level” means twenty times the logarithm to the base ten of the ratio of the pressure of
14 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.”

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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 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 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 5 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 5 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, it shall be unlawful for
16 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 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 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
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
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, the exterior noise level when measured

1 at the property line shall not exceed sixty dBA for units installed before 1-1-80 and 55 dBA for
2 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 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. It is unlawful for any person to make, continue, or cause to be made or continued
24 any noise disturbance. The factors which should be considered in determining whether a violation
25 of this Section exists, include the following:

- 26 1. The sound level of the objectionable noise.
- 27 2. The sound level of the ambient noise.
- 28 3. The proximity of the noise to dwelling units, hospital, hotels and the like.
4. The zoning of the area.

- 1 5. The population density of the area.
- 2 6. The time of day or night.
- 3 7. The duration of the noise.
- 4 8. Whether the noise is recurrent, intermittent, or constant.
- 5 9. Whether the noise is produced by a commercial or noncommercial activity.
- 6 10. Whether the nature of the noise is usual or unusual.
- 7 11. Whether the noise is natural or unnatural.

8 B. It is unlawful for any person to make, continue, or cause to be made or continued

9 any noise disturbance.

10 C. Any noise plainly audible through partitions common to two dwelling units within a

11 building shall be prohibited.”

12 Section 25: Section 7.35.020 of the Riverside Municipal Code is hereby amended to read

13 as follows:

14 **“Section 7.35.020 Exemptions.**

15 ...

16 B. School events. Sanctioned school activities conducted on public or private school

17 grounds including but not limited to school athletic and entertainment events are exempted from the

18 provisions of this Chapter conducted between the hours of 7:00 a.m. and 11:00 p.m.

19 ...

20 G. Construction. Noise sources associated with construction, repair, remodeling, or

21 grading of any real property; provided a permit has been obtained from the City as required; and

22 provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on

23 weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday

24 or a federal holiday.

25 H. Warning Devices. Warning devices necessary for the protection of public safety, as

26 for example fire, police, and ambulance sirens, including the testing of such devices, are exempted

27 from the provisions of this Title.

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1 I. Agriculture. Any agricultural activity, operation, or facility, or appurtenances
2 thereof (e.g., wind machines), conducted or maintained for commercial purposes, and in a manner
3 consistent with proper and accepted customs and standards as allowed under California Civil Code
4 Section 3482 as amended from time to time.”

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

7 **“Section 7.40.010 Variance procedure.**

8 A. The Community & Economic Development Director is authorized to grant variances
9 for exemption from any provision of this title, and may limit area of applicability, noise levels,
10 time limits, and other terms and conditions determined appropriate to protect the public health,
11 safety, and welfare. The provisions of this Section shall in no way affect the duty to obtain any
12 permit or license required by law for such activities.

13 B. Any person seeking a variance pursuant to this Section shall file an application with
14 the Community & Economic Development Director. The application shall be signed by the
15 property owner or owner's representative using forms supplied by the Community & Economic
16 Development Department-Planning Division. The application shall contain information which
17 demonstrates that bringing the source of the sound or activity into compliance with this title would
18 constitute an unreasonable hardship to the applicant, the community, or other persons. The
19 Community & Economic Development Director may require additional information if it is
20 necessary to make a determination regarding the variance request. The application shall be
21 accompanied by a fee established by resolution of the City Council.

22 C. A separate application shall be filed for each noise source; provided, however,
23 several mobile sources under common ownership or several fixed sources on a single property may
24 be combined into one application. Any person who claims to be adversely affected by the allowance
25 of the variance may file a statement with the Community & Economic Development Director
26 containing any information to support his claim. If the Community & Economic Development
27 Director determines that a sufficient controversy exists regarding a variance application, the
28 variance may be set for public hearing before the Planning Commission.

1 D. Public notice of the consideration of a proposed variance from the standards of this
2 Title shall be provided by the Community & Economic Development Director by mailing such
3 notice to property owners within 300 feet of the exterior boundaries of the property under
4 consideration. The notice shall invite interested persons to notify the Planning Division of any
5 concerns or comments within ten days of the date of the notice.

6 E. In determining whether to grant or deny the application, the Community &
7 Economic Development Director or the Planning Commission shall consider comments received
8 from property owners within 300 feet, hardship on the applicant, the community, or other persons
9 affected and property affected and any other adverse impacts. The requested variance may be
10 granted in whole or in part and upon such terms and conditions as it deems necessary if, from the
11 facts presented on the application, the Community & Economic Development Director or the
12 Planning Commission finds that:

13 ...

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

19 ...

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

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

26 **“Section 7.40.020 Appeals.**

27 Any person aggrieved by the approval or disapproval of a variance, may appeal the decision of the
28 Community & Economic Development Director or Planning Commission to the City Council within

1 ten days after the date of such approval or disapproval. The City Council shall hold a hearing thereon,
2 upon notice to the applicant, considering the same criteria presented to the Community & Economic
3 Development Director.”

4 Section 28: The City Council has reviewed the matter and, based upon the facts and
5 information contained in the staff reports, administrative record, and written and oral testimony,
6 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)
7 and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter
8 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the
9 environment nor have a significant impact on the environment.

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

14 ADOPTED by the City Council this _____ day of _____, 2019.

15 _____
16 WILLIAM R. BAILEY, III
17 Mayor of the City of Riverside

18 Attest:

19 _____
20 COLLEEN J. NICOL
21 City Clerk of the City of Riverside
22
23
24
25
26
27
28

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

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

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

12 _____
13 City Clerk of the City of Riverside
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CA 18-0449; 10/23/19