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1 and approximate time at which a comparison with the alleged
2 offensive noise is to be made.

3 (c) *Ambient base noise level.* Ambient base noise
4 level shall mean reasonable and representative ambient noise
5 levels in various land use categories in the City and at various
6 times as established by the City's Community Noise Study of
7 December 1973.

8 (d) *Commercial purpose.* Commercial purpose shall
9 mean and include the use, operation, or maintenance of any sound
10 amplifying equipment for the purpose of advertising any business,
11 or any goods, or any services, or for the purpose of attracting
12 the attention of the public to, or advertising for, or soliciting
13 patronage or customers to or for any performance, show, entertain-
14 ment, exhibition, or event, or for the purpose of demonstrating
15 any such sound equipment.

16 (e) *Decibel.* Decibel (dB) shall mean a unit of
17 level which denotes the ratio between two (2) quantities which
18 are proportional to power; the number of decibels corresponding
19 to the ratio of two (2) amounts of power is ten (10) times the
20 logarithm to the base ten (10) of this ratio.

21 (f) *Emergency work.* Emergency work shall mean
22 work made necessary to restore property to a safe condition fol-
23 lowing a public calamity or work required to protect persons or
24 property from an imminent exposure to danger.

25 (g) *Motor vehicles.* Motor vehicles shall include,
26 but not be limited to, off-road vehicles, mini-bikes and go-
27 carts.

28 (h) *Noncommercial purpose.* Noncommercial purpose
29 shall mean the use, operation, or maintenance of any sound ampli-
30 fying equipment for other than a "commercial purpose." Noncommer-
31 cial purpose shall mean and include, but shall not be limited to,
32 philanthropic, political, patriotic, and charitable purposes.

1 (i) *Person*. Person shall mean a person, firm,
2 association, copartnership, joint venture, corporation, or any
3 entity, public or private in nature.

4 (j) *Sound amplifying equipment*. Sound amplifying
5 equipment shall mean any machine or device for the amplification
6 of the human voice, music, or any other sound. Sound amplifying
7 equipment shall not include standard automobile radios when used
8 and heard only by the occupants of the vehicle in which the auto-
9 mobile radio is installed. Sound amplifying equipment, as used
10 in this chapter, shall not include warning devices on authorized
11 emergency vehicles or horns or other warning devices on any
12 vehicle used only for traffic safety purposes.

13 (k) *Sound level meter*. Sound level meter shall
14 mean an instrument meeting American National Standard Insti-
15 tute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters
16 or an instrument and the associated recording and analyzing
17 equipment which will provide equivalent data.

18 (l) *Sound pressure level*. Sound pressure level in
19 decibels, of a sound shall mean twenty (20) times the logarithm
20 to the base ten (10) of the ratio of the pressure of this sound
21 to the reference pressure, which reference pressure shall be
22 explicitly stated.

23 (m) *Sound truck*. Sound truck shall mean any
24 motor vehicle, or any other vehicle regardless of motive power,
25 whether in motion or stationary, having mounted thereon, or
26 attached thereto, any sound amplifying equipment.

27 SEC. 5-7.103. Noise level enforcement criteria.

28 Enforcement of the provisions of this chapter
29 shall be based on a noise level measurement to establish the
30 noise level. Said measurement shall be taken in accordance with
31 the City's Administrative Instruction concerning noise level
32 measurement procedure.

1 SEC. 5-7.104. Ambient base noise level.

2 Where the ambient noise level is less than desig-
3 nated in this section, the ambient base noise level in this
4 section shall govern.

5 <u>Zone</u>	<u>Ambient Base Noise Level</u>	
	<u>10 p.m. to 7 a.m.</u>	<u>7 a.m. to 10 p.m.</u>
7 R-1 and R-2 and other		
8 residential	45	50
9 Commercial	50	55
10 Manufacturing	60	65

11 Any noise at a level which exceeds the ambient or
12 the ambient base level as set forth in this section, whichever
13 is greater, by more than 5 dB when measured at the adjacent
14 property line shall constitute sufficient proof of a violation.

15 SEC. 5-7.105. Noise level violation.

16 It shall be unlawful for any person to wilfully
17 make or continue, or cause to be made or continued any noise at
18 a level which exceeds by more than 5 dB the ambient or the
19 ambient base level as set forth in Section 5-7.104, whichever
20 is greater, when measured at the adjacent property line of any
21 property within the City.

22 SEC. 5-7.106. Violations: Misdemeanors.

23 Any person violating any of the provisions of
24 this chapter shall be deemed guilty of a misdemeanor and upon
25 conviction thereof, shall be fined in an amount not exceeding
26 Five Hundred and no/100ths (\$500.00) Dollars or be imprisoned
27 in the County Jail for a period not exceeding six (6) months,
28 or by both such fine and imprisonment. Each day such violation
29 is committed or permitted to continue shall constitute a separate
30 offense and shall be punishable as such.

31 SEC. 5-7.107. Violations: Additional remedies:
32 Injunctions.

1 As an additional remedy, the operation or main-
2 tenance of any device, instrument, vehicle, or machinery in
3 violation of any provision of this chapter, shall be deemed,
4 and is declared to be, a public nuisance and may be subject to
5 abatement summarily by a restraining order or injunction issued
6 by a court of competent jurisdiction.

7 SEC. 5-7.108. Severability.

8 If any provision, clause, sentence, or paragraph
9 of this chapter, or the application thereof to any person or
10 circumstances, shall be held invalid, such invalidity shall not
11 affect the other provisions or application of the provisions of
12 this chapter which can be given effect without the invalid pro-
13 visions or application and, to this end, the provisions of this
14 chapter are hereby declared to be severable.

15 Article 2. Special Noise Sources

16 SEC. 5-7.201. Radios, television sets, and similar
17 devices.

18 It shall be unlawful for any person within any
19 residential zone of the City to use or operate any radio receiv-
20 ing set, musical instrument, phonograph, television set, or other
21 machine or device for the producing or reproducing of sound in
22 a manner which would constitute a violation of Section 5-7.105.

23 SEC. 5-7.202. Hawkers and peddlers.

24 It shall be unlawful for any person within the
25 City to sell anything by outcry within any area of the City
26 zoned for residential uses. The provisions of this section shall
27 not be construed to prohibit the selling by outcry of merchan-
28 dise, food, and beverages at licensed sporting events, parades,
29 fairs, circuses, and other similar licensed public entertainment
30 events.

31 SEC. 5-7.203. Drums.

32 (a) *Use restricted.* It shall be unlawful for

1 any person to use any drum or other instrument or device of any
2 kind for the purpose of attracting attention by the creation of
3 noise within the City. This section shall not apply to any person
4 who is a participant in a school band or duly authorized parade or
5 who has been otherwise duly authorized to engage in such conduct.

6 SEC. 5-7.204. Schools, hospitals and churches.

7 It shall be unlawful for any person to create any
8 noise on any street, sidewalk, or public place adjacent to any
9 school, institution of learning, or church while the same is in
10 use or adjacent to any hospital, which noise unreasonably inter-
11 feres with the workings of such institution or which would con-
12 stitute a violation of Section 5-7.105, provided conspicuous
13 signs are displayed in such streets, sidewalk, or public place
14 indicating the presence of a school, church, or hospital.

15 SEC. 5-7.205. Animals and fowl.

16 No person shall keep or maintain, or permit the
17 keeping of, upon any premises owned, occupied, or controlled by
18 such person any animal or fowl otherwise permitted to be kept
19 which, by any sound, cry, or behavior, shall cause noise in any
20 residential neighborhood which would constitute a violation of
21 Section 5-7.105.

22 SEC. 5-7.206. Machinery, equipment, fans, and air-
23 conditioning.

24 It shall be unlawful for any person to operate any
25 machinery, equipment, pump, fan, air-conditioning apparatus, or
26 similar mechanical device in any manner so as to create any noise
27 which would cause the noise level at the property line of any
28 property to exceed the ambient noise level or the ambient base
29 level as set forth in Section 5-7.104, whichever is greater, by
30 more than five (5) decibels.

31 Provided, however, this section shall not prevent
32 the reasonable operation of normal household gardening equipment

1 or hobby shop equipment during the hours of 7:00 a.m. to 10:00
2 p.m., Monday through Saturday and 10:00 a.m. to 8:00 p.m. on
3 Sunday.

4 Article 3. Construction

5 SEC. 5-7.301. Construction of buildings and projects.

6 It shall be unlawful for any person within a resi-
7 dential zone, or within a radius of 500 feet therefrom, to operate
8 equipment or perform any outside construction or repair work on
9 buildings, structures, or projects or to operate any pile driver,
10 steam shovel, pneumatic hammer, derrick, steam or electric hoist,
11 or other construction type device in such a manner that noise is
12 produced which would constitute a violation of Section 5-7.105,
13 unless beforehand a permit therefor has been duly obtained from
14 the Director of Building. Such activity shall be unlawful without
15 a permit during all hours on Sunday. No permit shall be required
16 to perform emergency work as defined in Article 1 of this chapter.

17 Article 4. Vehicles.

18 SEC. 5-7.401. Vehicle repairs.

19 It shall be unlawful for any person within any
20 residential area of the City to repair, rebuild, or test any
21 motor vehicle thereby producing noise which would constitute a
22 violation of Section 5-7.105.

23 SEC. 5-7.402. Motor driven vehicles.

24 It shall be unlawful for any person to operate any
25 motor driven vehicle within the City in such a manner producing
26 noise which would constitute a violation of Section 5-7.105.

27 Article 5. Amplified Sound

28 SEC. 5-7.501. Purpose.

29 The Council enacts this legislation for the sole
30 purpose of securing and promoting the public health, comfort,
31 safety, and welfare for its citizenry. While recognizing that
32 the use of sound amplifying equipment for certain purposes is

1 protected by the constitutional rights of freedom of speech and
2 assembly, the Council nevertheless feels obligated to reasonably
3 regulate the use of sound amplifying equipment in order to pro-
4 tect the correlative constitutional rights of the citizens of
5 this community to privacy and freedom from public nuisance of
6 loud and unnecessary noise.

7 SEC. 5-7.502. Commercial use prohibited.

8 It shall be unlawful for any person to install,
9 use, or operate within the City for commercial purposes a loud-
10 speaker or sound amplifying equipment in a fixed or movable
11 position or mounted upon any sound truck.

12 SEC. 5-7.503. Registration: Required.

13 It shall be unlawful for any person, other than
14 personnel of law enforcement or governmental agencies, to in-
15 stall, use, or operate within the City for noncommercial pur-
16 poses a loudspeaker or sound amplifying equipment in a fixed or
17 movable position or mounted upon any sound truck for the purposes
18 of giving instructions, directions, talks, addresses, lectures,
19 or transmitting music to any persons or assemblages of persons
20 in or upon any street, alley, sidewalk, park, place, or public
21 property without first filing a registration statement and ob-
22 taining approval thereof as set forth in this article.

23 SEC. 5-7.504. Registration: Requirements and duties.

24 (a) *Registration statements: Filing.*

25 Every user of sound amplifying equipment for
26 noncommercial purposes shall file a registration statement with
27 the Chief of Police ten (10) days prior to the date on which the
28 sound amplifying equipment is intended to be used, which state-
29 ment shall contain the following information:

30 (1) The name, address and telephone number
31 of both the owner and user of the sound amplifying equipment;

32 (2) The maximum sound producing power of the

1 sound amplifying equipment which shall include the wattage to be
2 used, the volume in decibels of sound which will be produced, and
3 the approximate distance for which sound will be audible from the
4 sound amplifying equipment;

5 (3) The license and motor number if a sound
6 truck is to be used;

7 (4) A general description of the sound
8 amplifying equipment which is to be used; and

9 (5) The nature of the use of the sound
10 amplifying equipment proposed to be used for noncommercial
11 purposes.

12 (b) *Registration statement: Approval.*

13 The Chief of Police shall return to the
14 applicant an approved certified copy of the registration state-
15 ment unless he finds that:

16 (1) The conditions of the motor vehicle
17 movement are such that in the opinion of the Chief of Police,
18 use of the equipment would constitute a detriment to traffic
19 safety; or

20 (2) The conditions of pedestrian movement
21 are such that use of the equipment would constitute a detriment
22 to traffic safety; or

23 (3) The registration statement required
24 reveals that the applicant would violate the provisions set
25 forth in Section 5-7.601 of this article or any other pro-
26 visions of this Code.

27 (c) *Disapproval.*

28 In the event the registration statement is
29 disapproved, the Chief of Police shall endorse upon the state-
30 ment his reasons for disapproval and return it forthwith
31 to applicant.

32 SEC. 5-7.505. Appeals.

1 Any person aggrieved by disapproval of a regis-
2 tration statement may appeal by complying with the provisions
3 of Sections 1-4.01 through 1-4.03 of this Code relating to
4 appeals.

5 SEC. 5-7.506. Regulations.

6 The noncommercial use of sound amplifying equip-
7 ment shall be subject to the following regulations:

8 (a) The only sound permitted shall be either
9 music or human speech, or both.

10 (b) The operation of sound amplifying equipment
11 shall only occur between the hours of 8:00 a.m. and 6:00 p.m.
12 each day except on Sundays and legal holidays. The operation
13 of sound amplifying equipment on Sundays and legal holidays
14 shall only occur between the hours of 10:00 a.m. and 6:00 p.m.

15 (c) No sound emanating from sound amplifying
16 equipment shall exceed fifteen (15) dB above the ambient as
17 measured at any property line.

18 (d) Notwithstanding the provisions of subsection
19 (c) of this section, sound amplifying equipment shall not be
20 operated within 200 feet of churches, schools, hospitals, or
21 City or County buildings.

22 (e) In any event, the volume of sound shall be
23 so controlled that it will not be unreasonably loud, raucous,
24 jarring, disturbing, or a nuisance to reasonable persons of
25 normal sensitiveness within the area of audibility.

26 Article 6. Excessive Sound--Train Horns and Whistles

27 SEC. 5-7.601. Excessive sound prohibited.

28 It shall be unlawful for any person to operate or
29 sound, or cause to be operated or sounded any source of sound,
30 including a train horn or train whistle, which creates a noise
31 in excess of eighty-nine (89) dB(A) at any place or point
32 300 feet or more distant from the source of such sound.

1 Article 7. General Noise Regulations

2 SEC. 5-7.701. Excessive noise prohibited.

3 Notwithstanding any other provision of this
4 chapter, and in addition thereto, it shall be unlawful for any
5 person to wilfully make or continue, or cause to be made or
6 continued, any loud, unnecessary, or unusual noise which dis-
7 turbs the peace or quiet of any neighborhood.

8 SEC. 5-7.702. Standards.

9 The standards which may be considered in determin-
10 ing whether a violation of the provisions of this chapter exists
11 shall include, but not be limited to, the following:

- 12 (a) The loudness of the noise;
- 13 (b) The intensity of the noise;
- 14 (c) Whether the nature of the noise is usual or
15 unusual;
- 16 (d) Whether the origin of the noise is natural
17 or unnatural;
- 18 (e) The loudness and intensity of the background
19 noise, if any;
- 20 (f) The proximity of the noise to residential
21 sleeping facilities;
- 22 (g) The nature and zoning of the area within
23 which the noise emanates;
- 24 (h) The density of the inhabitation of the area
25 within which the noise emanates;
- 26 (i) The time of the day or night the noise
27 occurs;
- 28 (j) The duration of the noise;
- 29 (k) Whether the noise is recurrent, intermittent,
30 or continuous; and
- 31 (l) Whether the noise is produced by a commer-
32 cial, industrial, or residential activity.

1 SEC. 5-7.703. Exclusions.

2 The provisions of this ordinance shall not
3 apply to:

4 (a) Sound produced by motor vehicles as regu-
5 lated by sound limitation provisions of the California Vehicle
6 Code when such vehicle is located or operated on any public
7 street, right of way or highway.

8 (b) Aircraft operated in conformity with federal
9 law.

10 (c) Activities of the federal, state, or local
11 government.

12 SECTION 2. This ordinance shall go into effect and be
13 in full force and operation from and after thirty days after its
14 final passage and adoption.

15 SECTION 3. The City Clerk shall certify to the passage
16 and adoption of this ordinance; shall enter the same in the book
17 of original ordinances of said City; shall make a minute of the
18 passage and adoption thereof in the records of the proceedings
19 of the City Council at which the same is passed and adopted;
20 and shall within fifteen days from the passage and adoption
21 thereof cause the same to be published once in the Manhattan
22 Beach News, a weekly newspaper of general circulation, publish-
23 ed and circulated within said City of Manhattan Beach and which
24 is hereby designated for that purpose.

25 PASSED, APPROVED AND ADOPTED this 7th day of May, 1974.

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Mayor of the City of Manhattan Beach,
California

ATTEST:

Acting City Clerk

(SEAL)