

ORDINANCE NO. 2021-004

Ordinance to add Chapter 9.65 to the Lassen County Code in order to provide standards for noise analysis and management, informally referenced as the "Noise Ordinance".


The following ordinance, consisting of three sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the 14th day of December, 2021, by the following vote:

AYES: Supervisors Albaugh, Gallagher, Bridges, Hemphill, and Hammond.

NOES: None.

ABSTAIN: None.

ABSENT: None.

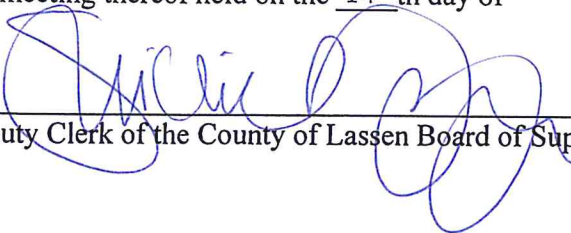
  
AARON ALBAUGH  
Chairman of the Board of Supervisors,  
County of Lassen, State of California

Attest:  
JULIE BUSTAMANTE  
Clerk of the Board

By:   
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the 14th day of December, 2021.



  
Deputy Clerk of the County of Lassen Board of Supervisors

**THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN  
ORDAINS AS FOLLOWS:**

**SECTION ONE:** This ordinance shall take effect thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

**SECTION TWO:** Add Chapter 9.65 of the Lassen County Code to read as follows:

**9.65.010 Purpose**

Disturbing, excessive or offensive noise interferes with a person's right to enjoy life and property and is detrimental to the public health and safety. Every person is entitled to an environment free of annoying and harmful noise. The purpose of this chapter is to regulate noise in the unincorporated area of the County to promote the public health, comfort and convenience of the County's inhabitants and its visitors.

**9.65.020 Definitions**

The following definitions shall apply to this chapter:

- (1) "Ambient noise level" means the composite of existing noise from all sources at a given location and time. Ambient noise is sometimes referred to as background noise.
- (2) "Average sound level" means the level in decibels of the mean-square A-weighted sound pressure during a stated time period, with reference to the square of the standard reference sound pressure of 20 micropascals. The "average sound level" is equivalent to the industry standard  $L_{EQ}$  (also referred to as the equivalent sound level).
- (3) "A-weighted sound level" means the sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network is the network for measuring sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.
- (4) "Community Noise Equivalent Level" (CNEL) means the average A-weighted sound level during a 24-hour day, obtained after addition of 5 decibels to the average hourly sound levels in the evening from 7 p.m. to 10 p.m. and after addition of 10 decibels to the average hourly sound levels during the night between 10 p.m. and 7 a.m.
- (5) "Construction equipment" means tools, machinery or equipment including "special construction equipment" defined in the Vehicle Code, used in a construction operation on any construction site.
- (6) "Constant noise" means noise that continues without pause or interruption, the opposite of intermittent noise.
- (7) "Day/Night Noise Level" ( $L_{dn}$ ) means the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to the hourly average noise levels measured during the night between 10 p.m. and 7 a.m.
- (8) "Decibel" means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to



- the reference pressure, which is 20 micropascals.
- (9) "Disturbing, excessive or offensive noise" means sounds that could annoy a person with normal sensitivity to noise due to the time of occurrence (i.e., nighttime), the level of the sound compared to ambient noise levels (i.e., 10 dBA greater than ambient), the characteristics of the sound (i.e., barking dog, screaming child, air horn, etc.), that could endanger the health or safety of any person (i.e., sustained noise levels exceeding 90 dB), a combination of such characteristics, or noise violating the requirements of section 9.65.050.
  - (10) "Emergency work" means work: (1) necessary to restore property to a safe condition following a public calamity, (2) required to protect a person or property from injury or damage or (3) by a public or private utility to restore utility service and (4) meets the definition of "emergency work" pursuant to the California Building Standards Code (Title 24 of the California Code of Regulations)
  - (11) "Frequency" (Hz) means the number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz.
  - (12) "Intermittent noise" means a noise that is not steady, but starts and stops in a random pattern, the opposite of constant noise.
  - (13) "Maximum sound level" means the highest sound level reached when measuring noise with a sound level meter using the A-weighted network and slow time weighting. The "maximum sound level" is equivalent to the industry standard known as  $L_{MAX}$ .
  - (14) "Motor vehicle" means any self-propelled vehicle as defined in the Vehicle Code and includes a mini-bike and a go-cart.
  - (15) "Noise" means any unwanted sound.
  - (16) "Noise Contour" means a line on a map that represents equal levels of noise exposure, and also the boundary or limit for sound exposure of that level. Noise contours are generally provided in 5 dBA CNEL increments, which means the area between a 60 dBA CNEL contour and a 65 dBA CNEL contour has noise exposure ranging between 60 and 65 dBA CNEL.
  - (17) "Noise control officer" means the Director of Lassen County Department of Planning and Building Services or a person appointed or retained by the Director to perform this function.
  - (18) "Noise Generating Land Uses" means any property where noise may be generated and at such a level that noise beyond its property boundary could exceed established CNEL levels.
  - (19) "Noise Impacted Area" means areas with existing or projected exterior noise levels exceeding either 65 dB Ldn/CNEL.
  - (20) "Noise Sensitive Land Uses" means any property where frequent exterior human use occurs and where a lowered noise level would be beneficial. In Lassen County these are land uses which are designated for residential, recreation, religious worship, schools, libraries, or short-term lodging.
  - (21) "Occupied property" means property on which there is a building which has been legally established for the use, and is occupied in accordance with Title 24 of the California Code of Regulations.
  - (22) "Off-road recreational vehicle" means a motor vehicle that is being operated

other than on a public or private roadway, whether or not the vehicle was designed or intended for off-road use and may include but is not limited to a motorcycle, go-cart, camper, dune buggy, ATV, racecar, automobile, SUV, pick-up truck or truck. A piece of farm equipment or a motor vehicle being used for an agricultural, military, fire, emergency or law enforcement use or by a public or private utility for work on utilities is not an "off-road recreational vehicle."

- (23) "Person with normal sensitivity to noise" means an individual representing the average population with respect to their reaction to various noise sources and levels, who does not possess any medical condition that would increase their sensitivity to noise.
- (24) "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties.
- (25) "Recurrent noise" means a noise that occurs repeatedly over time, as opposed to a single occurrence noise event.
- (26) "Sound amplifying equipment" means any machine or device used to amplify music, the human voice or any sound and does not include a standard automobile radio when used and heard only by the occupants of the vehicle in which it is installed.
- (27) "Sound level" means the weighted sound pressure level obtained using a sound level meter and frequency weighting network as provided in the American National Standards Institute (ANSI) specifications for sound level meters. As used in this chapter, "sound level" means the same as "noise level."
- (28) "Sound level meter" means an instrument for the measurement of sound levels, which meets or exceeds the requirements pertinent for a type 1 or type 2 meter in the ANSI specifications for sound level meters, ANSI S1.4-1983 or its latest revision.
- (29) "Yard" or "Residential Yard" means a 50 foot radius around a residential structure when the lot size exceeds the boundary of such radius.

#### **9.65.030 Sound Level Measurement**

- (a) A sound level measurement made pursuant to this chapter shall be measured with a sound level meter using A-weighting and a "slow" response time, as these terms are used in ANSI S1.1-2013 or its latest revision.
- (b) Each measurement shall be conducted at the boundary line of the property on which the noise source is located or any place on the affected property receiving such noise, but no closer than five feet from the noise source; if a noise source is located closer than 5 feet from the boundary line of the property, the measurement shall be made at the boundary line.
- (c) The sound level meter shall be calibrated and adjusted by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances in the ANSI specifications for sound level meters, ANSI S1.4-1983 or its latest revision. The sound level meter shall be used as provided in the manufacturer's instructions.



- (d) Metrics recorded for the measurement shall include, at a minimum, Leq, Lmax, duration, time, date.

#### 9.65.040 General Sound Level Limits

- (a) Except as provided in sections 050, 060 and 070 of this chapter, it shall be deemed a Public Nuisance (Lassen County Code Chapter 1.18) for any person to cause or allow the creation of any noise, which exceeds the one-hour average sound level limits in Table 1, when the one-hour average sound level is measured at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise. Any person violating any provision of the Lassen County Code, including the generation of noise in excess of the following sound level limits, may be issued an administrative citation by an enforcement officer as provided in this chapter, pursuant to Lassen County Code Chapter 1.20.

**TABLE 1**

| <b>ZONE</b>  | <b>TIME</b>       | <b>ONE-HOUR AVERAGE SOUND LEVEL LIMITS (dBA)</b> |
|--|-------------------|--|
| (1) R-1, R-2, R-3, PUD, P-C, R-S, M-R, F-R, I-1, O-C-B, O-D, O-H, E-A, O-S, A-1, A-2, A-3, U-C, U-C-2, A-F. <sup>1,2</sup><br><br>Also any future established residential or agricultural zones. | 7 a.m. to 7 p.m.  | 65   |
|  | 7 p.m. to 10 p.m. | 60   |
|  | 10 p.m. to 7 a.m. | 55   |
| (2) B-P, C-H, C-L, C-G, C-R, C-T, C-1, C-2, Y-C. <sup>2</sup><br><br>Also any future established commercial zones.   | 7 a.m. to 7 p.m.  | 75   |
|  | 7 p.m. to 10 p.m. | 70   |
|  | 10 p.m. to 7 a.m. | 65   |
| (3) M-L, M-1, M-2, M, H-R, T-P-Z.<br><br>Also any future established industrial zones  | 7 a.m. to 7 p.m.  | 90   |
|  | 7 p.m. to 7 a.m.  | 80   |

#### **SOUND LEVEL LIMITS IN DECIBELS (dBA)**

- <sup>1</sup> Within agriculture zones, noise exposure limit is applicable only to residences, at the residential yard boundary.
- <sup>2</sup> These limits also govern the noise exposure level for a legal residence in any zone, applied at the residential yard boundary.

- (b) Where a noise study has been conducted and the noise mitigation measures recommended by that study have been made conditions of approval of a Use Permit, which authorizes the noise-generating use or activity and the decision making body approving the Use Permit determined that those mitigation measures reduce potential noise impacts to a level below significance, implementation and compliance with those noise mitigation measures shall constitute compliance with subsection (a) above.
- (c) If the measured ambient noise level exceeds the applicable limit in Table 1, the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.
- (d) The sound level limit at a location on a boundary between two zones is the lower of the respective limits for the two zones.
- (e) A fixed-location public utility distribution or transmission facility located on or adjacent to a property line shall be subject to the sound level limits of this section measured at or beyond six feet from the boundary of the easement upon which the facility is located, subject to the jurisdictional authority of the County.

#### **9.65.050 General Noise Prohibitions**

In addition to the general limitations on sound levels in section 040, the following additional prohibitions shall apply:

- (a) It shall be deemed a Public Nuisance (Lassen County Code Chapter 1.18) for a person to make, continue or cause to be made or continued a disturbing, excessive or offensive noise, as defined in section 9.65.020(9).
- (b) The following acts, among others as determined by the noise officer or sheriff, are declared to be disturbing, excessive and offensive noises that violate this chapter and are a Public Nuisance (Lassen County Code Chapter 1.18)
  - (1) Unnecessarily using or operating or allowing another person to use or operate a vehicle horn, signaling device or other similar device, other than as regulated by the Vehicle Code.
  - (2) Using, operating, playing or allowing another person to use, operate or play a radio, musical instrument, stereo equipment, television set or other device for the production or reproduction of sound:
    - (A) That disturbs the peace, quiet and comfort of persons of normal sensitivity residing in the area.
    - (B) That exceeds the levels in section 040 when measured at a distance of 25 feet from a device operating in a public right-of-way. OR
    - (C) That exceeds the levels in section 040 when measured at a distance of 25 feet from a device for the production or reproduction of sound operated in a County park unless a permit has been obtained from the County Public Works Department specifying the time, location and other conditions under which amplified sound may be allowed within a County park. A person using, operating or playing a device for the production or reproduction of sound in a County park, however, shall



not exceed a level of 90 decibels when measured 50 feet from the source or exceed the levels in section 040 when measured at the park boundary. Subsection 050(b)(2)(C) shall be enforced by the Public Works Department.

- (3) In a residential zoning district, it shall be deemed a violation of section 050(b)(2)(A) if a device for the production or reproduction of sound that is being operated, used or played that is causing or allowing unreasonably loud or disturbing verbal noise that is offensive or annoying to a person with normal sensitivity to noise at a distance of 50 feet or more from the building or structure in which it is located, or if outdoors on private property is audible within 50 feet of the boundary of the property on which it is located.
- (4) Playing, using, operating or allowing to be played, used or operated any sound production or reproduction device or machine including but not limited to music stereo equipment, musical instruments, loudspeakers and sound amplifiers, for commercial or business advertising purposes in, on, over or across any street, alley, sidewalk, park or public property in a manner as to violate the provisions of this ordinance is prohibited.
- (5) Owning, possessing or harboring an animal which by any frequent or long continued noise causes annoyance or discomfort to a person of normal sensitivity to noise in the vicinity. The written affirmation by three persons as described by Section 8.08.030(b) of the Lassen County Code shall be deemed prima facie evidence of a violation of this section. This subsection does not apply to animal noise emanating from a legally operated animal hospital, humane society, County Department of Animal Services facility, farm or other agricultural facility where keeping animals is allowed.

#### **9.65.060 Noise from Off-Road Recreational Vehicles**

In addition to the general limitations on sound levels in Section 9.65.40 and unless otherwise allowed by an approved Use Permit, no person shall operate or allow the operation of an off-road recreational vehicle on private property that produces a noise when measured 50 feet from an existing occupied residence or any residential zoned property where the noise is received, that exceeds the following maximum sound levels: 82 decibels between the hours of 7 a.m. and 7 p.m., 77 decibels between the hours of 7 p.m. and 10 p.m. and 55 decibels between the hours 10 p.m. and 7 a.m.

#### **9.65.070 Exemptions**

- (a) This chapter shall not apply to:
  - (1) Emergency work, as defined in this chapter, provided that (A) the person performing the work notifies noise control officer in advance, or as soon as practicable after the emergency and (B) any vehicle, device, apparatus or equipment used, related to or connected with the emergency work is designed, modified or equipped to reduce noise produced to the lowest possible level consistent with effective operation of the vehicle, device, apparatus or equipment.
  - (2) Noise reasonably related to authorized school: (A) bands, (B) athletic activities and (C) routine ceremonies.

- (3) Sporting, entertainment and public events which are conducted pursuant to a license or permit issued by the County, within the scope of the license or permit. This section is not intended to excuse the act of an individual not participating in the event who violates this chapter.
- (4) The operation of an emergency generator after a power failure until electrical service by the utility has been restored,
- (5) The reasonable testing of an emergency generator by any person provided that the testing is conducted between the hours of 7 a.m. and 7 p.m.
- (6) Any activity preempted by State or federal law.
- (7) Any noise-producing activities done for agricultural purposes.
- (8) Construction work conducted with a valid building permit between the hours of 7:00 a.m. to 7:00 p.m.
- (9) Use Permits approved prior to the date of adoption for Chapter 9.65, which authorize the noise-generating use or activity and the decision-making body approving the Use Permit provided specific requirements and standards regarding noise level limits.
- (10) Any lawful decision made by a court of law with jurisdiction over the project that modifies, expands, clarifies or otherwise takes action regarding a particular Use Permit or its conditions of approval.
- (11) Noise producing activities associated with yard maintenance and other routine residential activities.

#### **9.65.080 Responsibility for Enforcement**

The Sheriff shall have primary responsibility for enforcing sections 050 and 060. When this chapter requires measurements to enforce these sections, the noise control officer shall assist the Sheriff. The noise control officer shall have primary responsibility for enforcing all other sections of this chapter.

#### **9.65.090 Additional Remedies.**

The noise control officer is specified for this chapter to be the Planning and Building Services Director or designee; these individuals are also granted authority as an enforcement officer under Lassen County Code, Chapter 1.20 (Administrative Citations). The noise control officer or their designee may order a person to cease violating any section of this chapter that the noise control officer enforces. Any person violating any provision of Chapter 9.65 of the Lassen County Code may be issued an administrative citation by an enforcement officer (Lassen County Code, Chapter 1.20). Any act that violates this chapter is also deemed a Public Nuisance (Lassen County Code [LCC] Chapter 1.18), and the noise control officer may alternatively issue a "Notice of Administrative Order to Show Cause" (LCC 1.18.060) or to summarily abate such a public nuisance (LCC 1.18.200). The resolution of the identified public nuisance relating to a violation of this chapter shall be in accordance with LCC Chapter 1.18.

**SECTION THREE:** If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of



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Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.