

ORDINANCE NO. 11916  
(New Series)

SEP 22 1976

ORDINANCE AMENDING CHAPTER V OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING, RENUMBERING, AMENDING AND ADDING TO ARTICLE 9.5 RELATING TO NOISE ABATEMENT AND CONTROL.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 9.5 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 59.5.0103, 59.5.0206, 59.5.0207, 59.5.0401, 59.5.0402, 59.5.0404, 59.5.0405, 59.5.0410, 59.5.0411, 59.5.0412, 59.5.0413, 59.5.0603, Division 7, and Section 59.5.0701, as follows:

SEC. 59.5.0103	SOUND LEVEL MEASUREMENT
SEC. 59.5.0206	ADMINISTRATOR'S GUIDELINES
SEC. 59.5.0207	AMENDMENT TO OTHER ORDINANCES
SEC. 59.5.0401	FIXED AND NONSTATIONARY SOURCES
SEC. 59.5.0402	VEHICLE AND NONSTATIONARY SOURCE REPAIRS
SEC. 59.5.0404	URBAN TRANSIT BUSES
SEC. 59.5.0405	POWERED MODEL VEHICLES
SEC. 59.5.0410	CONTAINERS AND CONSTRUCTION MATERIAL
SEC. 59.5.0411	EXTERIOR NOISE ISOLATION STANDARDS
SEC. 59.5.0412	TRAIN HORNS AND WHISTLES - EXCESSIVE SOUND PROHIBITED

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SEC. 59.5.0413 SIGNAL DEVICE FOR FOOD TRUCKS  
 SEC. 59.5.0603 ENFORCEMENT  
 DIVISION 7 EXEMPTIONS  
 SEC. 59.5.9701 NONAPPLICABILITY

Section 2. That Chapter V, Article 9.5 of the San Diego Municipal Code be and the same is hereby amended by renumbering Sections 59.5.0104, 59.5.0208, 59.5.0403, 59.5.0407, 59.5.0408 and 59.5.0409 as follows:

<u>Existing Section Number</u>	<u>Renumbered Section Number</u>
59.5.0104	59.5.0607
59.5.0208	59.5.0207
59.5.0403	59.5.0402
59.5.0407	59.5.0403
59.5.0408	59.5.0404
59.5.0409	59.5.0405

Section 3. That Chapter V, Article 9.5 of the San Diego Municipal Code be and the same is hereby amended by amending the titles of Divisions 4 and 5, and by amending Sections 59.5.0101, 59.5.0102, 59.5.0201, 59.5.0202, 59.5.0203, 59.5.0204, 59.5.0205, 59.5.0207, 59.5.0301, 59.5.0402, 59.5.0403, 59.5.0404, 59.5.0405, 59.5.0406, 59.5.0501, 59.5.0502, 59.5.0503, 59.5.0602, 59.5.0606 and 59.5.0607 to read as follows:

SEC. 59.5.0101 PURPOSE AND INTENT

The Council of The City of San Diego finds and declares that:

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A. Inadequately controlled noise presents a growing danger to the health and welfare of the residents of the City of San Diego;

B. The making and creating of disturbing, excessive, or offensive noises within the jurisdictional limits of the City of San Diego is a condition which has persisted, and the level and frequency of occurrences of such noises continue to increase;

C. The making, creation, or continuance of such excessive noises, which are prolonged or unusual in their time, place, and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of San Diego;

D. Every person is entitled to an environment in which the noise is not detrimental to his or her life, health, or enjoyment of property; and

E. The necessity, in the public interest, for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the City of San Diego and its inhabitants.

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SEC. 59.5.0102 DEFINITIONS

Whenever the following words and phrases are used in this article, they shall have the meaning ascribed to them in this section:

A. Average Sound Level - a sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in American National Standard Specifications for Sound Level Meters S1.4-1971. Average sound level is also called equivalent continuous sound level.

B. , Community Noise Equivalent Level - an average sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and after addition of ten (10) decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

C. Construction Equipment - any tools, machinery, or equipment used in connection with construction operations, including all types of "special construction" equipment as defined in the pertinent sections of the California Vehicle Code when used in the construction process on any construction site, regardless of whether such construction site be located on-highway or off-highway.

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D. Decibel (dB) - a unit measure of sound (noise) level.

E. Emergency Work - work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger of damage, or work by public or private utilities when restoring utility service.

F. Motor Vehicles - any and all self-propelled vehicles as defined in the California Vehicle Code, specifically including but not limited to "mini-bikes" and "go-carts."

G. Noise Level - the same as "sound level." The terms may be used interchangeably herein.

H. Person - a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private.

I. Sound Level - in decibels, that quantity measured with a sound level meter as defined herein, by use of the "A" frequency weighting and "fast" time averaging unless some other time averaging is specified.

J. Sound Level Meter - an instrument for the measurement of sound, including a microphone, an amplifier, an attenuator, networks at least for the standardized frequency weighting A, and an indicating instrument having at least the standardized dynamic characteristic "fast," as specified.

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in American National Standard Specifications for Sound Level Meters S1.4-1971 or its successor.

K. Sound Amplifying Equipment - equipment as specified in Section 33.0203b of the San Diego Municipal Code.

L. Disturbing, Excessive or Offensive Noise - any sound or noise conflicting with the criteria or levels set forth in this article.

M. Supplementary Definitions of Technical Terms - definitions of technical terms not defined herein shall be obtained from American National Standard Acoustical Terminology, S1.1-1960 (R-1976).

SEC. 59.5.0201 ESTABLISHMENT OF NOISE ABATEMENT  
AND CONTROL ADMINISTRATOR

There is hereby established within the Building Inspection Department of The City of San Diego the function of Noise Abatement and Control Administration which shall be administered by the Noise Abatement Officer (hereinafter referred to as the "Administrator"). In the performance of such duties as may be established, the Administrator shall be required to possess sufficient background and ability as is set forth in the Manual of Class Specifications for The City of San Diego.

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SEC. 59.5.0202 DUTIES AND RESPONSIBILITIES  
OF THE ADMINISTRATOR

A. The Administrator and his staff have the responsibility of regulating and controlling the emission of all excessive or offensive noises within the City of San Diego and shall take such action, subject to the provisions of this article, as is reasonable and necessary to abate noise. The Administrator shall coordinate the activities of all City departments relating to noise control and reduction in those activities carried out by the various departments, including the Environmental Impact Report review process relating to noise pollution. The Administrator may exercise or delegate any of the functions, powers and duties vested in his office or in the administration of his office.

B. The Administrator is expressly charged:

1. To make any necessary investigations, inspections, or studies which, in his opinion, are necessary for the purpose of enforcing the provisions of this article or controlling or abating a disturbing, excessive or offensive noise. Information derived from noise studies shall be made available to the public upon request.

2. To institute necessary proceedings to prosecute violations of this article and to compel the prevention and abatement of disturbing, excessive, or

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offensive noise, and as further set forth in Division 6 of this article.

3. To grant or issue variances, permits, notices, or other matters required under the provisions of this article as will not be contrary to its intent or detrimental to the public health, safety, and general welfare of the citizens of the City of San Diego, when, due to special conditions, strict and literal interpretation and enforcement of the provisions of this article would result in unusual difficulties or unnecessary hardship or be inconsistent with the general purposes of this article. In granting any such variance or permit, the Administrator shall hold hearings and may impose such conditions as he deems necessary or desirable to protect the public health, safety, and general welfare in accordance with this article.

4. To do any and all other acts which may be necessary for the successful prosecution of the purposes of this article and such other acts as may be specifically enumerated herein as duties.

C. The Administrator may present to the Board for Abatement and Control of Noise (hereinafter referred to as the "Board"), as defined in Section 59.5.0207 of this article, for review and comment reports with specific

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recommendations for amendments to existing legislation, or for new legislation that is required to assure to the residents of the City of San Diego a quiet environment in accordance with this article.

SEC. 59.5.0203      ISSUANCE OF PERMITS OR  
VARIANCES BY ADMINISTRATOR

The Administrator shall evaluate all applications for permits or variances from the requirements of this article and may grant said variances with respect to time for compliance, subject to such terms, conditions, and requirements as he or she may deem reasonable to achieving compliance with the provisions of this article. Each such variance shall set forth in detail the approved method of achieving compliance and a time schedule for its accomplishment. If in the judgment of the Administrator the time for compliance cannot be reasonably determined, a permit to cause the noise may be issued for a period not to exceed three (3) years. In determining the reasonableness of the terms of any proposed permit or variance, said Administrator shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, operations carried on under existing nonconforming rights or conditional use permits or zone variances, the time factors related to study, design, financing and

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construction of remedial work, the economic factors related to age and useful life of the equipment and the general public interest and welfare.

A nominal fee shall be charged to each applicant for processing permits or variances. Fee schedules shall be approved by Council resolution. A report of permits and variances shall be prepared monthly and be available for public review.

SEC. 59.5.0204 APPEALS

Any person directly affected by the noise and/or the applicant who is aggrieved by approval or disapproval of a variance or permit by the Administrator may appeal in writing to the Board. In the case of a permit denial, the Board shall meet as soon as feasibly practical in order to consider the matter. All other appeals shall be scheduled in the Board's regular course of business. The Board may take such action as is set forth in Section 59.5.0207 of this article.

SEC. 59.5.0205 INSPECTION BY ADMINISTRATOR

A. The Administrator may inspect, at any reasonable time and in a reasonable manner, any device or mechanism (1) which is intended to, or which actually does produce sound and (2) which creates or may create any disturbing noise,

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including, but not limited to, the premises where such device or mechanism is used.

B. If entry to premises is denied or refused, the Administrator shall obtain an inspection warrant from a court of competent jurisdiction.

SEC. 59.5.0207 BOARD FOR ABATEMENT AND CONTROL OF NOISE

A. Creation of Membership

There is hereby created a Board for Abatement and Control of Noise which shall consist of eleven (11) members; one (1) shall be qualified by training and experience in the field of acoustics; one (1) shall be qualified by training, experience and registration in the field of mechanical engineering; one (1) shall be qualified by training, experience and licensing in the field of architecture; one (1) shall be a qualified physician by training, experience and licensing in the field of physiological effects of noise; one (1) shall be a qualified audiologist by training, experience and licensing; one (1) construction industry contractor; one (1) electronics engineer; one (1) economist; and three (3) general members of the public. The members shall be appointed by the Mayor and confirmed by the Council. Appointments shall be made for two-year terms, with the initial appointments to include four (4) appointments for one (1) year each, ending January 1, 1975; four (4)

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appointments for two (2) years each, ending January 1, 1976, and three (3) appointments for one (1) year each. Vacancies shall be filled for the unexpired term of the member whose place becomes vacant. The Mayor shall designate a chairman during January of each year. In the absence of such designation, the Board shall, on or after February 15, select from among its members a chairman. Such members shall serve without compensation and shall serve until his or her successor is duly appointed.

B. 1. Meetings

The Board shall meet regularly once a month, or more often if necessary, for the transaction of business. It shall establish its own rules and procedures necessary or convenient for the conduct of business.

2. Six (6) members of the Board shall constitute a quorum. The affirmative vote of not less than five (5) members shall be necessary for any action of the Board.

C. Powers and Duties

1. The Board shall hear and determine appeals from the rulings and determinations of the Noise Abatement and Control Administrator. Such Board may affirm, modify, or overrule the Administrator's rulings and determinations and shall be guided by the same considerations as set forth in Section 59.5.0203 and

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Division 4 of this article. A decision of the Administrator to refer a matter to the City Attorney for criminal action shall not be appealable to the Board.

2. The Board shall consult with and assist the Administrator in the performance of his duties and responsibilities as set forth herein.

3. The Director of Building Inspection Department shall act as Secretary to the Board. The Secretary shall cause minutes of each meeting of the Board to be kept accurately and distributed promptly. He shall cause appropriate written notice of each forthcoming meeting to be given to all members of the Board and to persons who have business with the Board. He shall procure, prepare, and distribute to member of the Board information which the Board, or any of its members, may require for transaction of business of the Board.

SEC. 59.5.0301 CONTRACT PROVISIONS

A. Contract

As used in this section, the term "contract" shall mean any written agreement or legal instrument whereby The City of San Diego is committed to expend, or does expend, public funds in consideration for work, labor, services, equipment,

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or any combination of the foregoing, except that the term "contract" shall not include:

1. Contracts for financial or other assistance entered into by The City of San Diego with any federal, state or other local governmental entity or agency.

2. Contracts, resolutions, indentures, declarations of trust, or other legal instruments authorizing or relating to (a) the purchase of insurance, (b) the authorization, issuance, award and sale of bonds, and (c) certificates of indebtedness, notes, or other fiscal obligations of the City.

B. Contract Provisions

No contract shall be awarded or entered into by The City of San Diego unless such contract contains provisions requiring that:

Devices and activities which will be operated, conducted, or constructed pursuant to the contract and which are subject to the provisions of this Code, will be operated, conducted, or constructed without causing a violation of this article.

C. Regulations

The Administrator may, from time to time, recommend to the City's Purchasing Agent and/or other City departments such specifications for the operation or construction of

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devices and activities pursuant to City contracts. The Administrator shall make the recommendations necessary to achieve compliance with the provisions of this section.

D. No person shall cause or permit the operation of a device or conducting of an activity in such a way as to violate any provisions of a contract required by this action.

E. The provisions of this section shall not apply to those contracts awarded prior to three (3) months from the effective date (October 19, 1973) of this article.

#### DIVISION 4 - LIMITS

#### SEC. 59.5.0402 MOTOR VEHICLES

##### A. 1. Off-Highway

Except as otherwise provided for in this 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.

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2. Corrections

The maximum noise level as the off-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:

<u>Distance (feet)</u>	<u>Correction (decibels)</u>
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.

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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.

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.

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,

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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. The provisions of this section shall not apply to emergency work as defined herein, provided that the Administrator shall be notified of such emergency work forthwith.

SEC. 59.5.0405 CONSTRUCTION ACTIVITIES

A. Except as provided in subsection B. hereof, it shall be unlawful for any person, including The City of San

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Diego, to conduct any construction activity so as to cause, at or within the property lines of any property zoned residential, an average sound level greater than seventy-five (75) decibels during the twelve (12) hour period from 7:00 a.m. to 7:00 p.m.

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

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.

DIVISION 5 - PUBLIC NUISANCE NOISE

SEC. 59.5.0501 GENERAL PROHIBITIONS

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

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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 background noise;
5. The proximity of the noise to sleeping facilities;
6. The nature and zoning of the area from which the noise emanates;
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.

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 but said enumeration shall not be deemed to

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be exclusive, namely:

A. Horns, Signaling Devices, etc.

Unnecessary use or operation of horns, signaling devices, etc., on automobiles, motorcycles, or any other vehicle.

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

1. Uses Restricted

The use, operation, or permitting to be played, used, or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speakers and sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitiveness. This provision shall not apply to any participant in a duly-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

The operation of any such set, instrument, phonograph, television set, machine, loud speakers or similar device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at

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a distance of fifty (50) feet from the building, structure, or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

C. Yelling, Shouting, etc.

Loud or raucous yelling, shouting, hooting, whistling or singing on the public streets between the hours of 10:00 p.m. and 8:00 a.m., or at any time or place, is hereby prohibited.

D. 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. Prima Facie Violations

The noise of any such animal or animals that disturbs two (2) or more residents who are in general agreement as to the times and durations of the noise, and who reside in separate residences (including apartments and condominiums) located on property adjacent at any point 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.

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E. Schools, Courts, Churches, Hospitals

The creation of any noise in or adjacent to any school, institution of learning (except recreational areas of schools), church, court, or library without permission of the person in charge while the same are in use; or adjacent to a hospital, rest home, or long-term medical or mental care facility which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, rest home, or long-term medical or mental care facility, provided conspicuous signs are displayed in such streets, sidewalks, or public places indicating the presence of a school, institution of learning, church, court, library, rest home, or long-term medical or mental care facility.

F. Engines and Motor Vehicles

Any unnecessary noises caused by screeching tires, racing, or accelerating the engine of any motor vehicle while moving or not moving, or the wilfull backfiring of any engine and exhaust from the engine, tailpipe, or muffler.

G. Playing of Radios on Buses

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

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SEC. 59.5.0503 BURGLAR ALARMS

A. On or after one (1) year from the effective date of this article, no owner of a commercial property, dwelling, or motor vehicle shall have in operation an audible burglar alarm therein unless such burglar alarm shall be capable of terminating its operation within twenty (20) minutes of its 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.

SEC. 59.5.0602 VIOLATIONS: ADDITIONAL  
REMEDIES: INJUNCTIONS

As an additional remedy, the operation or maintenance of any activity, device, instrument, vehicle or machinery in violation of any provision of this article, which operation or maintenance causes discomfort or annoyance to reasonable

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persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SEC. 59.5.0606 FALSE AND MISLEADING STATEMENT: UNLAWFUL REPRODUCTION OR ALTERATION OF DOCUMENTS

A. No person shall knowingly make a false or misleading statement or submit a false or misleading document to the Administrator as to any matter within his jurisdiction.

B. No person shall make, reproduce, alter, or cause to be made, reproduced, or altered, a permit, certificate, or other document issued by the Administrator or required by this article.

SEC. 59.5.0607 SEVERABILITY

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are hereby declared to be severable.

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Section 4. That Chapter V, Article 9.5 of the San Diego Municipal Code be amended by adding Sections 59.5.0206 and 59.5.0401, as follows:

SEC. 59.5.0206 THE SAN DIEGO CITY NOISE MAP

A. The official record of noise levels in the City of San Diego shall be the San Diego City Noise Map. The Administrator shall compile existing records of sound level measurements available to The City of San Diego, and take further sound level measurements as necessary. From these records and measurements, the Administrator shall determine Community Noise Equivalent Levels (CNEL) and prepare the map for The City of San Diego. The map shall be sufficiently detailed to enable a resident to locate his place of residence. Where adequate data are available, the map shall be marked with isograms of Community Noise Equivalent Levels at sixty (60) decibels, and at five (5) decibel intervals above sixty (60) decibels.

B. At least once each year the Administrator shall revise the San Diego City Noise Map, correcting any inadequacies that may have become evident particularly from noise measurements made during the preceding year.

C. Any person may request the Administrator to accept for a location within the City of San Diego, a Community Noise Equivalent Level (CNEL) where none is shown at that location on the San Diego City Noise Map or which differs

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from one shown there, subject to the following requirements. The request shall be accompanied by an estimate of the annual Community Noise Equivalent Level at the place that is based on (1) a survey of noise there that includes essentially continuous measurement of the sound level over a period of at least two (2) weeks, and (2) appropriate information about the noise-making activity in the area during the test period and during the preceding year. These two items shall be such as to support the stated estimate of annual Community Noise Equivalent Level within an accuracy of two (2) decibels. The survey and estimate of annual Community Noise Equivalent Level for the specific date and place shall be made by a qualified acoustical consultant at the expense of the applicant.

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.

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TABLE OF APPLICABLE LIMITS

	<u>Land Use Zone</u>	<u>Time of Day</u>	<u>One-Hour Average Sound Level (decibels)</u>
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 7 a.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 7 a.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 7 a.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 7 a.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 (2) zoning districts is the arithmetic mean of the respective limits for the two (2) districts. Permissible construction noise level limits shall be governed by Sections 59.5.0404 and 59.5.0405 of this article.

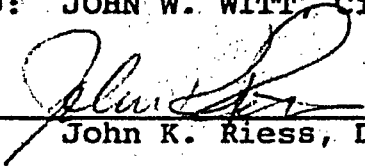
C. Fixed-location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of Part A. of this section, measured at or beyond six (6) feet from the boundary of the easement upon which the equipment is located.

**MICROFILMED**  
MAY 11 1978

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By

  
John K. Riess, Deputy

**MICROFILMED**

**MAY 11 1978**

JKR:cav  
8/12/76  
Or. Dept. Bldg. Insp.  
532

SEP 22 1976

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 8 1976

SEP 22 1976

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

MICROFILMED

MAY 11 1978

RECEIVED  
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CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California

Ordinance  
Number

11916

Adopted

SEP 22 1976

60647