

**CITY OF OJAI**

**ORDINANCE NO. 887**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF OJAI, CALIFORNIA, AMENDING CHAPTER 11  
("NOISE STANDARDS AND REGULATIONS") OF TITLE 5  
("SANITATION AND HEALTH") OF THE OJAI  
MUNICIPAL CODE**

WHEREAS, Chapter 11 of the City of Ojai's Municipal Code currently regulates noise to ensure City residents are protected from excessive and unhealthful levels of noise; and

WHEREAS, Chapter 11 does not currently provide a means for determining a violation without the aid of a decibel meter;

WHEREAS, the City is therefore limited in its ability to keep noise within acceptable limits to protect its residents because Chapter 11 does not provide for other means of enforcement;

WHEREAS, the noise ordinance was last updated in 1999; and

WHEREAS, the City finds that updates to the noise ordinance are necessary to conform to changes in case law to provide for more objective standards when the use of a decibel meter is impractical to enable more effective enforcement.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The City Council hereby determines that the foregoing findings are true and correct, and incorporates them herein by reference.

**SECTION 2. Code Amendment.** Chapter 11 of Title 5 of the Ojai Municipal Code is amended to read in its entirety as follows. Additions are denoted by underlined text and deletions are denoted by struck-through text.

**Chapter 11 NOISE STANDARDS AND REGULATIONS**

**Section 5-11.01. Purpose.** The purpose of this chapter is to maintain a quiet and comfortable living environment and to protect residents from ~~unhealthful levels of noise through the control of unnecessary, annoying and excessive~~ unreasonably disturbing sound.

**Section 5-11.02. Definitions.**

“Ambient noise” is the normal or existing level of environmental noise at a given location. It is the composite of all noise from sources near and far, excluding the alleged intrusive noise source.

“A-weighted sound level” means the sound level as measured on a sound level meter using the “A” weighting network. The level so read is designated in units of db(A).

“Decibel (db)” is a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base of ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) microPascals.

“Impulsive noise” means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level (such as might be produced by the impact of a pile driver) typically with one second or less duration.

“Leaf blower” is any mechanical device used, designed or operated to produce a current of air by fuel, electricity or other means to push, propel, or blow cuttings, refuse or debris.

“Noise level limit” means the maximum noise level acceptable under this article for the stated period of time.

“Plainly audible” means any sound that can be clearly heard by a person with normal hearing using ordinary auditory senses without artificial enhancement.

“Sound amplifying equipment” means any machine or device used for amplification of the human voice, music or other sound regardless of location, including such things as radios, stereos and compact disc players.

“Sound level meter” means an instrument used to measure sound levels which meets the standards of the American National Standards Institute.

**Section 5-11.03. General noise regulations.**

- (a) It is unlawful for any person to make or permit to be made any noise which unreasonably disturbs the peace and quiet of any neighborhood ~~which causes physical discomfort to any reasonable person of normal sensitivity in the area.~~ Except as otherwise provided herein, no permit may be issued for any activity that may violate this section.
- (b) The factors which may be considered in determining whether a violation exists include, but are not limited to, the following:

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- (1) The sound level of the objectionable noise;
- (2) The sound level of the ambient noise;
- (3) The proximity of the noise to residential sleeping facilities;
- (4) The nature and zoning of the area within which the noise emanates;
- (5) The number of persons affected by the noise sources;
- (6) The time of day or night the noise occurs;
- (7) The duration of the noise and its tonal, informational or musical content;
- (8) Whether the noise is continuous, recurrent or intermittent;
- (9) Whether the noise is produced by a commercial or non-commercial activity;
- (10) Whether the noise is plainly audible by an enforcement officer at a distance of 50' feet from the source of the noise;

**Section 5-11.04. Noise standards and limits.**

(a) Exterior noise standards.

- (1) The following exterior noise standards apply to residential and commercial/industrial zones within the City:

	Time Period	Noise Level
Residential Zone (includes Village Mixed Use)	7:00 a.m. to 10:00 p.m.	55 db
	10:00 p.m. to 7:00 a.m.	45 db
Commercial/ Industrial Zone	7:00 a.m. to 10:00 p.m.	65 db
	10:00 p.m. to 7:00 a.m.	55 db

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- (2) It is unlawful for any person at any location within the City to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, when the foregoing causes the noise level, when measured on any other residential or commercial/industrial property, to exceed the following noise levels measured in decibels on a cumulative basis per hour:

Zones	Noise Standard		15 Minutes Duration/Hour		Five Minutes Duration/Hour		One Minute Duration/Hour	
	Day	Night	Day	Night	Day	Night	Day	Night
Residential (includes Village Mixed Use)	55 db	45 db	60 db	50 db	65 db	55 db	70 db	60 db
Commercial/Industrial	65 db	55 db	70 db	60 db	75 db	65 db	80 db	70 db

(b) Interior noise standards.

- (1) The following interior noise standards apply to all residentially zoned parcels and dwelling units within the City:

Zone	Time Period	Interior Noise Standard
Residential	All hours	45 db

- (2) It is unlawful for any person at any location within the City to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person when the foregoing causes the noise level, when measured within any other dwelling unit on any residential property, to exceed:

- (i) The interior standard for a cumulative period of more than five minutes in any hour;
- (ii) The interior noise standard plus five decibels for a cumulative period of more than one minute in any hour;
- (iii) The interior noise standard plus ten decibels for any period of time.

- (c) Ambient noise level exception. In the event the existing ambient noise level exceeds any of the noise level limits in subsections A and B of this section, the noise level limit shall be increased in five (5) decibel increments as appropriate to encompass or reflect the ambient noise level.



















