



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: February 15, 2011

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: Proposed Changes to the City's Noise and Other Regulations to Address Nighttime Social Gatherings

Attachments: Beverly Hills Municipal Code Noise Regulations
Draft Amended Noise Ordinance
General Plan Noise Element Sections

INTRODUCTION

This report responds to the City Council's request that staff meet with a City Council Ad Hoc Committee regarding the issue of City noise regulations as related to nighttime social gatherings and return with ideas as to how to potentially allow limited nighttime parties while protecting residential neighborhoods.

BACKGROUND

Pursuant to a request from Mayor Delshad, staff presented, at the City Council's November 30, 2010 study session, information about the City's noise regulations, current enforcement of loud social gatherings, and options to potentially allow limited nighttime parties. The City Council expressed support for reviewing the City's noise ordinance, expanding the evening curfew for amplified music beyond the current 6:00 p.m. limit, and appointing a City Council Ad Hoc Committee to further discuss the issues.

The Mayor appointed Vice Mayor Brucker and Councilmember Krasne to an Ad Hoc Committee that met with staff on January 5, 2011. The Ad Hoc Committee discussed the following issues:

1. Desire for clear, objective noise standards including hours for amplified music;
2. Feasibility of instituting a special events permit process for residential parties;
3. Enforcement including consideration of a "social host" ordinance; and,
4. The need for a community education component.

Each issue is discussed in further detail below.

DISCUSSION

Objective Noise Standards

The City's noise regulations are located in Title 5 of the Municipal Code and regulate noise based on general standards regarding disturbance of the peace (BHMC Section 5-1-104) and specific noise sources (BHMC Section 5-1-201). These regulations were adopted in 1962 except for restrictions on construction activity which were last updated in 1990. The Ad Hoc Committee agreed that some of the regulations, such as the 6:00 p.m. daily curfew on amplified sound, are outdated and do not reflect the community today. Attached is a copy of the City's current noise regulations and a draft ordinance showing amendments as proposed by staff pursuant to the Ad Hoc Committee's discussion. The regulations address different types of noise in different ways, in part because of the difficulty in measuring certain types of noise:

- **Machine/mechanical noise** – This type of noise, such as generated by air conditioning units, is usually consistent and ongoing and can therefore be measured using instruments that measure sound in decibels. The City's current noise regulations include decibel measurements for such sound (BHMC Sections 5-1-103 and 5-1-202), and the City has decibel meters that Code Enforcement officers use to address complaints. Such enforcement has been effective and no changes are contemplated to these Code sections at this time.
- **Amplified sound** – The current Code has two sections that address amplified sound (BHMC Sections 5-1-201 and 5-1-205). Pursuant to City Council direction and Ad Hoc Committee discussion, staff has drafted amended noise regulations (attached) that consolidate the two Code sections regarding amplified sound and would extend the existing citywide amplified music curfew of 6:00 p.m. to 10:00 p.m. on weekdays to correspond with City Code and policies that recognize 10:00 p.m. as the normal curfew for louder noise. The Ad Hoc Committee also suggested that the City Council consider extending the evening curfew for amplified music to 11:00 p.m. for Friday and Saturday nights and to 11:00 p.m. for evenings before designated public holidays to allow additional flexibility for evening social gatherings (see BHMC Section 5-1-206, attached, for a list of holidays).

The current Code includes a decibel standard to determine if amplified sound violates the City's noise regulations. This standard requires measuring how much a sound exceeds an ambient sound level. According to the City's Police Department, Code Enforcement Division and staff in other cities who were consulted, it is very difficult to measure human voices and music with a decibel meter, whether amplified or unamplified. Such sound is usually inconsistent, and has spikes and breaks. The sound can vary depending on the location of the person listening and this is especially true in hillside areas where sound can be unheard next door and yet heard clearly in an upslope residence many houses away. In part because of these difficulties, the City's recently adopted General Plan includes an implementation program for the noise regulations that would "eliminate current ambient noise level standards in residential and commercial areas and replace them with Land Use Noise Compatibility Guidelines

(Appendix B), to achieve acceptable levels of noise for specific land uses in the City” (page 320 of the General Plan, attached). The Land Use Noise Compatibility Guidelines provide for a “normally acceptable” range of 50-60 dBA (weighted decibel measurement) for low-density residential areas and 50-65 dBA for multi-family residential areas.

To address the specific issue of amplified sound, the draft amended noise ordinance sets forth a new standard that would prohibit the amplification of sound during the curfew period, “in such a manner as to be audible from a distance of five (5) feet from the property line.” This new language is intended to provide a more objective standard for the Police Department to determine if amplified sound violates the Code. Using the new audibility standard, police officers could immediately and consistently ascertain whether amplified sound violates the City’s Code. This would be consistent with implementation of the Land Use Noise Compatibility Guidelines in the General Plan as the specific audibility standard would be an enforcement tool to ensure noise is within the range established in the General Plan.

In addition to the difficulty in measuring certain types of sound using decibel meters, the initial training and continued training on the decibel measuring devices is costly and time consuming. For the Police Department to effectively use decibel-measuring devices, each officer would have to attend a daylong training as well as follow-up training on an annual basis to ensure that each officer is certified to properly use the equipment. As a result of these difficulties, staff recommends that police officers continue using the “Disturbance of Peace” criteria in the Code to respond to complaints regarding unamplified sound such as loud voices.

- Human voices/unamplified sound – Such sound is currently addressed in the Code under Section 5-1-104, “General Standards Relative to Disturbance of Peace.” This section includes a list of 12 criteria to be considered in determining whether such noise violates the Code. Because such sound is normal, including in residential areas, the objective standard proposed to address amplified sound was felt by staff to be inappropriate to address unamplified sound. The proposed objective standard for amplified sound (audibility at five feet from the property line) could, for unamplified sound, apply to sounds that the City Council may not intend to capture. As a result, staff recommends that this type of sound continue to be addressed through the disturbance of peace criteria. To address concerns about consistent enforcement, staff is recommending a community education component, discussed further below.

Residential Special Events Permit

The City does not currently issue permits for social gatherings or special events in residential areas with the exception of some block parties where street closure is necessary. A resident may decide to obtain a City valet permit for a party at his or her own discretion. It is staff’s understanding, based in part on valet permit and other City parking permit information, that hundreds of social gatherings are held in private residences each month and the majority of these events result in no complaints or problems. If the City set up a private residential party permit process, there would be a cost to residents and cost to the City. Residents would likely pay a fee for a permit and would need to provide proof of insurance, including indemnification of the City. Most residents would be unlikely to have this type of insurance and would need to arrange for it. Staff estimates that aside from the cost of setting up a new permit program, a minimum of one full time employee would be required to process permits. The Ad Hoc

Committee did not recommend that staff move forward with additional review of a residential party permit process.

Enforcement/Social Host Ordinance

The City Council Ad Hoc Committee was provided with information about the number of loud music/loud party complaints received by the City. The Police Department has compiled statistics on the actual number of calls for service for loud music and loud parties in two different periods. In a period of slightly less than six months from January 1, 2009 to June 10, 2009, the Beverly Hills Police Department received 133 calls for loud music and 306 calls for loud parties for a total of 439 calls. In the seven month period from June 1 through December 31, 2010, the Beverly Hills Police Department received 259 calls for loud music and 478 calls for loud parties for a total of 737 calls for this period; almost all such calls occurred between 10:00 p.m. and 5:00 a.m. Loud music complaints are different than loud party complaints and tend to involve loud televisions or stereos and similar issues that are relatively simple to address. Loud party complaints often involve multiple issues, can require repeat visits from the Police Department and can involve several Police units responding. Using an average of the above statistics, the Police Department receives approximately 63 service calls for loud parties each month.

The City Council, at the November 30, 2010 Study Session, requested additional information about so-called "social host ordinances" that have been adopted by cities such as Burbank, Manhattan Beach and Redondo Beach to recover City costs expended to respond to complaints about nuisance parties. A social host ordinance would allow the City to recoup some of the City's costs for Police Department loud party service calls. Typically, billing or fees for such costs would not be applied until at least the second Police Department response to the same address wherein the Police Department finds any violation or cause for concern. Recoverable costs may include cost of the police officer's time or cost of preparing reports. While issues of cost are important, discussion of a social host ordinance is included here because such an ordinance may serve as a deterrent to party hosts who repeatedly require Police Department service calls for loud parties. This would help alleviate the nuisance to neighbors and free up police units that may be needed elsewhere in the City. Should the City Council wish to study further whether a social host ordinance would be appropriate for Beverly Hills, staff would provide more specific information.

Community Education

In response to concerns expressed by the City Council and public that the City's noise regulations, and enforcement of these regulations, should be as consistent and fair as possible, staff is recommending that the City Council consider directing staff to develop guidelines for nighttime social gatherings. Community Services staff have expressed support for directing that such guidelines be developed by the Human Relations Commission. This would be consistent with the Commission's mission which is "to advise, recommend, assist and encourage activities and programs to be undertaken to promote positive human relations in all aspects of community life" (BHMC Section 2-2-1402).

FISCAL IMPACT

There would be staff cost to develop guidelines for nighttime social gatherings as well as the potential to recoup police enforcement costs if a social host ordinance is adopted. Though not recommended, a permit process for residential parties would require a minimum of one, currently unbudgeted, full time employee to administer the permit program.

RECOMMENDATION

Staff recommends that the City Council schedule a public hearing to consider changes to the City's noise regulations to extend the curfew on amplified sound from 6:00 p.m. daily to 10:00 p.m. on weekdays and to consider an extension to 11:00 p.m. on Fridays and Saturdays and evenings before public holidays. In addition, the draft amended ordinance proposes prohibiting the amplification of sound during the curfew period in such a manner as to be audible from a distance of five feet from the property line. Staff further recommends that the City Council direct staff to develop a social host ordinance for future review and direct staff to review potential guidelines for nighttime social gatherings with the Human Relations Commission.

 Susan Healy Keene, AICP
Approved By

Attachment 1

Beverly Hills Municipal Code Noise Regulations

Chapter 1

NOISE REGULATIONS

Article 1. General Provisions

5-1-101: Declaration Of Policy

5-1-102: Definitions

5-1-103: Decibel Measurement Criteria

5-1-104: General Standards Relative To Disturbance Of Peace

5-1-105: Additional Remedies; Injunctions

5-1-101: DECLARATION OF POLICY:

It is hereby declared to be the policy of the city in its exercise of the police power to prohibit unnecessary, excessive, and annoying noise levels from all sources. At certain levels noises are detrimental to the health and welfare of the citizenry, and in the public interest such noise is proscribed. (1962 Code § 4-8.101)

5-1-102: DEFINITIONS:

For the purposes of this chapter, the words and phrases herein shall be defined as follows:

"A" BAND LEVEL: The total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the dbA.

AMBIENT NOISE: The all encompassing noise associated with a given environment, usually being a composite of sounds with many sources from various distances.

BAND PRESSURE LEVEL: "Band pressure level" of a sound for aspecified frequency band shall mean the sound pressure level for the sound contained within the restricted band.

CYCLE: The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (dB): A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

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 an imminent exposure to danger to the health and safety of the persons or property.

FREQUENCY: "Frequency" of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

MICROBAR: A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

MOTOR VEHICLES: Shall include, but not be limited to, minibikes and go-carts.

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human voice, music, or any other sound, or by which the human voice, music, or any other sound is amplified. "Sound amplifying equipment" shall not include standard radios or television when used and heard only by the residential occupants of the dwelling unit in which such equipment is located. "Sound amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

SOUND LEVEL METER: An instrument, including a microphone, an amplifier, an output meter, and

frequency weighting networks, for the measurement of noise and sound levels in a specified manner.

SOUND PRESSURE LEVEL: "Sound pressure level" in decibels of a sound shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated. (1962 Code § 4-8.102)

5-1-103: DECIBEL MEASUREMENT CRITERIA:

Decibel measurements shall be made with a sound level meter and shall be based on a reference sound pressure of 0.0002 microbars, as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, and for the combined frequency bands. (1962 Code § 4-8.103)

5-1-104: GENERAL STANDARDS RELATIVE TO DISTURBANCE OF PEACE:

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to wilfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The factors which shall be considered in determining whether such noise violates the provisions of this section shall include, but not be limited to, the following:

- A. The volume of the noise;
- B. The intensity of the noise;
- C. Whether the nature of the noise is usual or unusual;
- D. Whether the origin of the noise is natural or unnatural;
- E. The volume and intensity of the background noise, if any;
- F. The proximity of the noise to residential sleeping facilities;
- G. The nature and zoning of the area within which the noise emanates;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. The time of the day or night the noise occurs;

J. The duration of the noise;

K. Whether the noise is recurrent, intermittent, or constant;

L. Whether the noise is produced by a commercial or noncommercial activity. (1962 Code § 4-8.701)

5-1-105: ADDITIONAL REMEDIES; INJUNCTIONS:

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable 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 summary abatement, or by a restraining order, or injunction issued by a court of competent jurisdiction. (1962 Code § 4-8.105)

Article 2. Specific Noise Sources And Regulations

5-1-201: Radios, Television Sets, And Similar Devices

5-1-202: Machinery, Equipment, Fans, And Air Conditioning

5-1-203: Motor Vehicle Alarms

5-1-204: Motor Vehicle Operation And Repair

5-1-205: Sound Amplifying Equipment

5-1-206: Restrictions On Construction Activity

5-1-207: Noise In Proximity Of Schools, Hospitals, And Churches

5-1-208: Hawkers And Peddlers

5-1-209: Drums

5-1-210: Portable Gasoline Engine Powered Blowers

5-1-211: Animal And Fowl Noise

5-1-201: RADIOS, TELEVISION SETS, AND SIMILAR DEVICES:

- A. It shall be unlawful for any person within any residential zone of the city to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound or any device by which voice, music, or any other sound is amplified between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of the following day, in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.
- B. Any noise exceeding the ambient noise level at the property line of any property, or, if a condominium or apartment house, within any adjoining unit by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section. (1962 Code § 4-8.201)

5-1-202: MACHINERY, EQUIPMENT, FANS, AND AIR CONDITIONING:

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels based on a reference sound pressure of 0.0002 microbars, as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 and for the combined frequency bands (all pass). (1962 Code § 4-8.206)

5-1-203: MOTOR VEHICLE ALARMS:

The council finds that on numerous and repeated occasions, alarms which have been installed in motor vehicles have been activated inadvertently by accident or carelessness and not as the result of any criminal action or conduct; and the noise which results from the activation of such alarms has arisen at all hours of the day and night and is detrimental to the public health, safety, and welfare; and the council has a responsibility to ensure and preserve the peace and tranquility of the city by regulating motor vehicle alarms and that the regulation of the intrusive and disturbing noise which results from the inadvertent activation of motor vehicle alarms is reasonably related to the proper exercise of police power to protect the health, safety, and general welfare of the public.

- A. It shall be unlawful for any person to cause, allow, or permit any alarm located in a motor vehicle registered in the name of or driven by such person to emit any audible sound within the city for a period of more than ten (10) minutes. The time shall be calculated based upon the emission of the first audible sound, and end ten (10) minutes thereafter, notwithstanding any variation or delay in the emissions of audible sound.
- B. Any violation of this section is hereby declared a public nuisance and in addition to other remedies if the alarm continues to be activated for a period in excess of forty five (45) minutes, any police officer may have the vehicle removed from any zone in the city to abate such nuisance. (1962 Code § 4-8.801 et seq.)

5-1-204: MOTOR VEHICLE OPERATION AND REPAIR:

- A. It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.
- B. It shall be unlawful for any person to operate any motor vehicle within the city in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street, or right of way shall be excluded from the provisions of this section. (1962 Code §§ 4-8.401, 4-8.402)

5-1-205: SOUND AMPLIFYING EQUIPMENT:

The use or operation of sound amplifying equipment shall be subject to the following restrictions and prohibitions:

- A. The type of amplified sound shall be limited to either music or human speech, or both.
- B. The use or operation of sound amplifying equipment shall be restricted to the hours of ten o'clock (10:00) A.M. to six o'clock (6:00) P.M. of each day.
- C. No sound emanating from sound amplifying equipment shall exceed fifteen (15) dbA above the ambient as measured at any commercial property line, or five (5) dbA at any residential property line.
- D. Notwithstanding subsection C of this section, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.
- E. Use of operation of sound amplifying equipment mounted on a motor vehicle shall require a permit and is subject to the provisions of title 4, chapter 3, article 5 of this code. (1962 Code § 4-8.506)

5-1-206: RESTRICTIONS ON CONSTRUCTION ACTIVITY:

A. No person shall engage in construction, maintenance or repair work which requires a city permit between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M. of any day, or at any time on a Sunday or public holiday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. In addition, no person shall engage in such work within a residential zone, or within five hundred feet (500') of a residential zone, at any time on a Saturday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. For the purpose of this section, "public holiday" shall mean:

1. New Year's Day.
2. Memorial Day.
3. Independence Day.
4. Labor Day.
5. Thanksgiving Day.
6. Christmas Day.

Nothing in this section shall restrict the performance of "emergency work" as that term is defined in section 5-1-102 of this chapter.

B. No person employed for the purposes of construction, maintenance, or repair work which requires a city permit shall enter a site on which such work will be done prior to eight o'clock (8:00) A.M. Any violation of this subsection shall be deemed to be an infraction.

C. The city building official, after consultation with appropriate city officials, may issue an after hours construction permit authorizing work and/or entrance to a work site otherwise prohibited by this section if the city building official determines that the public interest will be served by such a permit. Situations in which the public interest may be served by the issuance of such an after hours construction permit includes, but are not limited to, construction near school grounds, and construction that may interfere with vehicular or pedestrian traffic in heavily traveled public rights of way.

D. Applications for an after hours construction permit issued pursuant to subsection C of this section shall be in writing and shall set forth how the public interest will be served by issuing the permit. An after hours construction permit may be revoked or suspended by the city building official if the city building official determines that activity conducted pursuant to the permit detrimentally affects the public health, safety or welfare. (Ord. 88-O-2039, eff. 10-13-1988; amd. Ord. 89-O-2074, eff. 10-19-1989; Ord. 90-O-2088, eff. 2-8-1990)

5-1-207: NOISE IN PROXIMITY OF SCHOOLS, HOSPITALS, AND CHURCHES:

It shall be unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use, or adjacent to any hospital; which noise substantially and unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed on such street,

sidewalk, or public place indicating the presence of a school, church, or hospital. (1962 Code § 4-8.204)

5-1-208: HAWKERS AND PEDDLERS:

It shall be unlawful for any person within the city to sell anything by public outcry within any area of the city zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events. (1962 Code § 4-8.202)

5-1-209: DRUMS:

It shall be unlawful for any person to use any drum, other percussion or musical instrument, or device of any kind for the purpose of attracting attention by the creation of noise within the city. The provision of this section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct. (1962 Code § 4-8.203)

5-1-210: PORTABLE GASOLINE ENGINE POWERED BLOWERS:

It shall be unlawful for any person within the city to use or operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces. (1962 Code § 4-13.05)

5-1-211: ANIMAL AND FOWL NOISE:

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person, any dog or other animal or fowl otherwise permitted to be kept which, by any loud or continuous cry, bark, howl, or other sound, unreasonably disturbs other persons. (1962 Code § 5-1.107)

Attachment 2

Draft Amended Noise Ordinance

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS
UPDATING THE CITY'S NOISE REGULATIONS AND
AMENDING THE BEVERLY HILLS MUNICIPAL CODE**

The City Council of the City of Beverly Hills hereby ordains as follows:

Section 1. Section 5-1-102 of Article 1 ("General Provisions") of Chapter 1 of Title 5 of the Beverly Hills Municipal Code is hereby amended to read as follows (with omitted language struck):

"5-1-102: DEFINITIONS:

For the purposes of this chapter, the words and phrases herein shall be defined as follows:

"A" BAND LEVEL: The total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the dbA.

AMBIENT NOISE: The all encompassing noise associated with a given environment, usually being a composite of sounds with many sources from various distances.

BAND PRESSURE LEVEL: "Band pressure level" of a sound for a specified frequency band shall mean the sound pressure level for the sound contained within the restricted band.

CYCLE: The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (dB): A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

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 an imminent exposure to danger to the health and safety of the persons or property.

FREQUENCY: "Frequency" of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

MICROBAR: A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

MOTOR VEHICLES: Shall include, but not be limited to, minibikes and go-carts.

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human voice, music, or any other sound, or by which the human voice, music, or any other sound is amplified. ~~or by which the human voice, music, or any other sound is amplified. "Sound amplifying equipment" shall not include standard radios or television when used and heard only by the residential occupants of the dwelling unit in which such equipment is located. "Sound~~

~~amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.~~

SOUND LEVEL METER: An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of noise and sound levels in a specified manner.

SOUND PRESSURE LEVEL: "Sound pressure level" in decibels of a sound shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated."

Section 2. Section 5-1-104 of Article 1 of Chapter 1 of Title 5 of the Beverly Hills Municipal Code is hereby amended to read as follows (with new language underlined and in bold lettering and omitted language struck):

"5-1-104: GENERAL STANDARDS RELATIVE TO DISTURBANCE OF PEACE:

- A. Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, **excessive**, unnecessary, or unusual noise which unreasonably disturbs the peace and quiet ~~of any neighborhood~~ or which causes discomfort or annoyance to any reasonable person of normal hearing sensitiveness residing in the area.
- B. The factors which shall be considered in determining whether such noise violates the provisions of this section shall include, but not be limited to, the following:
 - 1. The volume of the noise;
 - 2. The intensity of the noise;
 - 3. Whether the nature of the noise is usual or unusual;
 - 4. Whether the origin of the noise is natural or unnatural;
 - 5. The volume and intensity of the background noise, if any;
 - 6. The proximity of the noise to residential sleeping facilities;
 - 7. The nature and zoning of the area within which the noise emanates;
 - 8. The density of the inhabitation of the area within which the noise emanates;
 - 9. The time of the day or night the noise occurs;
 - 10. The duration of the noise;
 - 11. Whether the noise is recurrent, intermittent, or constant; **and**

12. Whether the noise is produced by a commercial or noncommercial activity.”

Section 3. Sections 5-1-201 of Article 2 (“Specific Noise Sources and Regulations”) of Chapter 1 of Title 5 of the Beverly Hills Municipal Code is hereby amended to read as follows (with new language underlined and in bold lettering and omitted language struck):

~~“5-1-201: RADIOS, TELEVISION SETS, AND SIMILAR DEVICES SOUND AMPLIFYING EQUIPMENT:~~

- A. It shall be unlawful for any person within any residential zone of the city to use or operate any ~~radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound or any device by which voice, music, or any other sound is amplified~~ **sound amplifying equipment** between the hours of ten o'clock (10:00) P.M. **on Sunday through Thursday nights, or eleven o'clock (11:00) P.M. on Friday or Saturday nights or on the evening before public holidays as listed in Section 5-1-206,** and seven o'clock (7:00) A.M. of the following day, in such a manner as **to be audible from a distance of five (5) feet from the property line of the property on which the equipment is located,** ~~to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal hearing sensitiveness residing in the area.~~
- B. At all times, any person within any residential zone shall limit amplified sound to either music or human speech, or both.**
- C. Use or operation of sound amplifying equipment mounted on a motor vehicle shall require a permit and is subject to the provisions of Title 4, Chapter 3, Article 5 of this Code.”**
- ~~B. Any noise exceeding the ambient noise level at the property line of any property, or, if a condominium or apartment house, within any adjoining unit by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.~~

Section 4. Section 5-1-205 of Article 2 of Chapter 1 of Title 5 of the Beverly Hills Municipal Code regarding sound amplifying equipment is hereby repealed in its entirety:

~~5-1-205: SOUND AMPLIFYING EQUIPMENT:~~

~~The use or operation of sound amplifying equipment shall be subject to the following restrictions and prohibitions:~~

- ~~A. The type of amplified sound shall be limited to either music or human speech, or both.~~

- ~~B. The use or operation of sound amplifying equipment shall be restricted to the hours of ten o'clock (10:00) A.M. to six o'clock (6:00) P.M. of each day.~~
- ~~C. No sound emanating from sound amplifying equipment shall exceed fifteen (15) dbA above the ambient as measured at any commercial property line, or five (5) dbA at any residential property line.~~
- ~~D. Notwithstanding subsection C of this section, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal hearing sensitiveness within the area of audibility.~~
- ~~E. Use of operation of sound amplifying equipment mounted on a motor vehicle shall require a permit and is subject to the provisions of title 4, chapter 3, article 5 of this code."~~

Section 5. Sections 5-1-206 through 5-1-211 of Article 2 of Chapter 1 of Title 5 of the Beverly Hills Municipal Code are hereby renumbered as sections 5-1-205 through 5-1-210, respectively, of Article 2 of Chapter 1 of Title 5 of the Beverly Hills Municipal Code.

Section 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 7. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 8. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

INTRODUCED this ____ day of _____, 2011.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

EXCUSED:

BY:

Jimmy Delshad, Mayor

ATTEST:

Byron Pope, City Clerk (Seal)

APPROVED AS TO FORM:

Laurence S. Wiener, City Attorney

APPROVED AS TO CONTENT:

Jeff Kolin, City Manager

Attachment 3

General Plan Noise Element Sections

No.	Description	Lead/Support	Fund
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employers to provide child care facilities and programs.

- Provide greater regulation for view protection of significant natural and manmade visual resources.
- Provide for shared parking facilities in key areas of the community, such as commercial areas and near transit hubs.
- Revise Chapter 1 (Noise Regulations) of Title 5 of the City's Municipal Code to eliminate current ambient noise level standards in residential and commercial areas and replace them with Land Use Noise Compatibility Guidelines (Appendix B), to achieve acceptable levels of noise for specific land uses in the City. Provide a baseline for mitigating land uses which exceed acceptable noise levels, and require new residential developments to implement measures that address noise compatibility and noise attenuation during construction.
- Strive to meet a park and open space standard that is consistent with National Recreation and Parks Association (NRPA) standards for the acquisition of new parks and open spaces.
- Revise and enhance the City's Parks Master Plan to assure that standards for new parks in the City and open space areas of new development are designed, constructed, maintained, and operated pursuant to sustainable specifications and practices.
- Implement the City's Sustainable City Plan promoting responsible management and effective stewardship of the City's built and natural environments, transforming the City into a model government agency that is clean, healthy, resource-efficient, and environmentally conscientious. The sustainable

APPENDIX B: LAND USE NOISE COMPATIBILITY GUIDELINES

Adopted January 12, 2010 by resolution 10-R-12725

Land Use Categories	Community Noise Equivalent Level (CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential (Low Density, Single Family, Duplex, Mobile Homes)	50-60	55-70	70-75	75-85
Residential (Multiple Family)	50-65	60-70	70-75	70-85
Transient Lodging (Hotel, Motel)	50-65	60-70	70-80	80-85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50-70	60-70	70-80	80-85
Auditoriums, Concert Halls, Amphitheaters	NA	50-70	NA	65-85
Sports Arenas, Outdoor Spectator Sports	NA	50-75	NA	70-85
Playgrounds, Neighborhood Parks	50-70	NA	67.5-75	72.5-85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50-70	NA	70-80	80-85
Office Buildings, Business Commercial and Professional	50-75	67.5-77.5	75-85	NA
Industrial, Manufacturing, Utilities, Agriculture	50-75	70-80	75-85	NA

SOURCE: Office of Noise Control, California Department of Health