

ORDNANCE NO. 8975 (NEW SERIES)

**AN ORDINANCE AMENDING
THE SAN DIEGO CODE OF REGULATORY ORDINANCES
RELATING TO NOISE ABATEMENT AND CONTROL**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: Section 36.402 of the San Diego Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 36.402. DEFINITIONS.

Whenever the following words and phrases are used in this Chapter, unless otherwise defined herein, they shall have the meaning ascribed to them in this section:

- (a) Aircraft shall mean any powered vehicle which at any time of its operation is airborne, and is used to transport people or materials for whatever purpose.
- (b) Ambient Sound Level shall mean the composite noise from all sources near and far. In this context, the ambient noise level constitutes a normal or existing level of environmental noise at a given location and time.
- (c) 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 (L_{eq}).
- (d) Commercial Purpose, Loud Speaking Amplifiers for Advertising, shall mean and include the use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.
- (e) Construction Equipment shall mean 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.
- (f) Container shall mean any receptacle, regardless of contents, manufactured from wood, metal, plastic, paper, or any other material including but not limited to any barrel, basket, box, crate, tub, bottle, can or refuse container.

(g) Decibel shall mean 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.

(h) Emergency Work shall mean 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 or damage or work by public or private utilities when restoring utility service.

(i) Motor Vehicles shall mean any all and self-propelled vehicles as defined in the California Vehicle Code and shall specifically include, but not be limited to, "mini-bikes" and "go-carts."

(j) Noise Control Officer shall mean the Director of the Department of Planning and Land Use of the County of San Diego or his duly authorized representatives.

(k) Noise Level shall mean "sound level" and the terms may be used interchangeably herein.

(l) Noncommercial Purpose, Loud Speaking Amplifiers for Advertising, shall mean the use, operation, or maintenance of any sound equipment for other than a "commercial purpose." Noncommercial purpose shall mean and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

(m) Person shall mean a person, firm, association, copartnership, joint venture, corporation, or any entity public or private.

(n) Powered Model Vehicles shall mean, but shall not be limited to airborne, waterborne, or landborne vehicles such as model airplanes, model boats, and model vehicles of any type or size which are not designed for carrying persons or property and which can be propelled in any form other than manpower or windpower.

(o) Sound Amplifying Equipment shall mean any machine or device, mobile or stationary used to amplify music, the human voice, or any sound.

(p) Sound Level (noise level) shall mean the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest revision thereof). If the frequency weighting employed is not indicated, the A-weighting is implied.

(q) Sound Level Meter shall mean an instrument, including a microphone, an amplifier, readout, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in the American National Standards Institute Specifications for Sound Level Meters, S1.4-1971 or the latest revision thereof.

(r) Sound Truck shall mean any motor vehicle or other vehicle regardless of motive power whether in motion or stationary having mounted thereon, built-in, or attached thereto any sound amplifying equipment other than a car radio or television.

(s) Disturbing, Excessive or Offensive Noise shall mean:

- (1) any sound or noise which constitutes a nuisance involving discomfort or annoyance to persons of normal sensitivity residing in the area.
- (2) any sound or noise exceeding criteria standards, or levels as set forth in this chapter.

(t) Water Craft shall mean any boat, ship, barge, craft or floating thing designed for navigation in the water which is propelled by machinery, whether or not such machinery is the principal source or propulsion, but shall not include a vessel possessing a valid marine document issued by the United States Bureau of Customs or any federal agency successor thereto.

(u) Supplementary Definitions of Technical Terms - definitions of technical terms not defined herein shall be obtained from the American National Standard, "Acoustical Terminology" S1. 1-1961 (R-1971) or the latest revision thereof.

Section 2: The operative date of this Ordinance shall be January 2, 1999.

PASSED, APPROVED AND ADOPTED this 10th day of November, 1998.