

ORDINANCE NO. 356

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS  
REGARDING NOISE CONTROL AND AMENDING TITLE 3 OF THE HIDDEN HILLS  
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF HIDDEN HILLS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 8 of Title 3 of the Hidden Hills Municipal Code is hereby repealed.

Section 2. A new Chapter 8 is hereby added to Title 3 of the Hidden Hills Municipal Code to read as follows:

"CHAPTER 8

**NOISE CONTROL**

SECTION:

- 3-8-1: Short Title
- 3-8-2: Declaration of Policy
- 3-8-3: Definitions
- 3-8-4: Prohibited Noises
- 3-8-5: Prohibited Acts
- 3-8-6: Exemptions
- 3-8-7: Enforcement
- 3-8-8: Duty to Cooperate
- 3-8-9: Additional Remedies - Motor Vehicle Alarms

3-8-1: SHORT TITLE: This Chapter may be cited as the “Noise Control Ordinance of the City of Hidden Hills.”

3-8-2: DECLARATION OF POLICY: In order to control unnecessary, excessive and annoying noise and vibration in the City, it is hereby declared to be the policy of the City to prohibit such noise and vibration.

3-8-3: DEFINITIONS: The following words, phrases and terms as used in this Chapter shall have the meanings indicated as follows:

CONSTRUCTION shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private right-of-way, structures, utilities or similar property.

EMERGENCY MACHINERY, VEHICLE or ALARM shall mean any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect, provide or restore safe conditions in the community or for the citizenry or work by private or public utilities when restoring utility service.

EMERGENCY WORK shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or work by private or public utilities when restoring utility services.

WEEKDAY shall mean any day, Monday through Friday, which is not a legal holiday.

3-8-4: PROHIBITED NOISES: No person shall make, or cause or suffer, or permit to be made upon any premises owned, occupied or controlled by such person, any unnecessary noises, sounds or vibrations which are physically annoying to reasonable persons of ordinary sensitivity or which are so harsh or so prolonged or unnatural or unusual in their use, time, or place as to occasion unnecessary discomfort to any persons within the neighborhood from which said noises emanate or which interfere with the peace and comfort of the residents or their guests, or the operators or customers in places of business in the vicinity, or which may detrimentally or adversely affect such residences or places of business.

3-8-5: PROHIBITED ACTS: Notwithstanding any other provisions of this Chapter, the following acts and the causing or permitting thereof, are declared to be in violation of this Chapter:

A. UNNECESSARY NOISES. The unnecessary making of, or knowingly and unnecessarily permitting to be made, any loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any street, driveway, park or other place or building, except the ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual and normal standard of practice applicable thereto and in a manner which will not disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators or customers of adjacent places of business.

B. RADIOS, PHONOGRAPHS, ETC. The using, operating or permitting to be played, used or operated between the hours of 10:00 p.m. and 7:00 a.m. of any radio, musical instrument, phonograph, television set, or instrument or device similar to those heretofore specifically mentioned for the production or reproduction of sound in volume sufficiently loud as to disturb the peace, quiet or repose of persons of ordinary and normal sensitiveness who are in the immediate vicinity of such machine or device.

C. BAND OR ORCHESTRAL REHEARSALS. The conducting of or carrying on of band or orchestral concerts or rehearsals or practice between the hours of 10:00 p.m. and 7:00 a.m. sufficiently loud as to disturb the peace, quiet or repose of persons of ordinary and normal sensitiveness who reside in the immediate vicinity of such band or orchestral concerts or rehearsals or practice.

D. ENGINES, MOTORS AND MECHANICAL DEVICES NEAR RESIDENTIAL DISTRICT. The sustained operation or use between the hours of 10:00 p.m. and 7:00 a.m. of any electric or gasoline powered motor or engine or the repair, modification, reconstruction, resting or operation of any automobile, motorcycle, machine or mechanical device or other contrivance or facility unless such motor, engine, automobile, motorcycle, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible at a distance of fifty (50') feet from such structure, or within ten (10') feet of any residence.

E. MOTOR VEHICLES. Racing the engine of any motor vehicle or needlessly bringing to a sudden start or stop of any motor vehicle.

F. LOADING AND UNLOADING. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause noise disturbance.

G. CONSTRUCTION. Operating or causing the operation of any tools, equipment, impact devices, derricks or hoists used in construction, drilling, repair, alteration, demolition or earthwork after 8:00 p.m. or before 7:00 am. on weekdays, after 8:00 p.m. or before 8:00 am. Saturdays, or at any time on Sundays or holidays, except as provided in Section 3-8-6 herein.

H. NON-EMERGENCY SIGNALING DEVICES. Sounding or permitting the sounding of any electronically-amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place, for more than ten (10) consecutive seconds in any hourly period. Houses of religious worship shall be exempt from the operation of this provision.

I. EMERGENCY SIGNALING DEVICES.

1. Sounding or permitting the sounding of any motor vehicle alarm unless such alarm is terminated within five (5) minutes of activation.

2. Sounding or permitting the sounding of any motor vehicle alarm more than three (3) times of any duration in any twenty-four (24) hour period.

J. LEAF BLOWERS. The use or operation of any portable machine powered with a combustion or gasoline engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces.

K. COMMERCIAL ESTABLISHMENTS ADJACENT TO RESIDENTIAL PROPERTY. Sustained noise from the premises of any commercial establishment, including any outdoor area part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 am. shall not be plainly audible at a distance of five (5) feet of any residential dwelling unit.

3-8-6: EXEMPTIONS: The following activities shall be exempt from the provisions of this Chapter:

A. EMERGENCY EXEMPTION. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

B. WARNING DEVICES. Warning devices necessary for the protection of public safety as for example, police, fire and ambulance sirens and train horns.

C. OUTDOOR ACTIVITIES. Activities conducted on public playgrounds and public or private school grounds including but not limited to school athletic and school entertainment events.

D. CONSTRUCTION; SPECIAL CIRCUMSTANCES. The provisions of paragraph G of Section 3-8-5 do not apply to any person who performs construction, repair, excavation or earthmoving work pursuant to the expressed written permission of the Building Official to perform such work at times prohibited in Section 3-8-5. To obtain the latter exemption, the applicant must submit to the Building Official an application in writing, stating the reasons for the request and the facts upon which such reasons are based. The Building may grant written permission for the construction if he finds that:

1. The work proposed to be done is in the public interest; or
2. Hardship, injustice or unreasonable delay would result from the interruption thereof during the hours and days specified in Section 3-8-5; or
3. The building or structure involved is devoted or intended to be devoted to a use immediately incident to public defense.

Any applicant dissatisfied with the decision of the Building Official may appeal to the City Council by filing a Notice of Appeal with the City Clerk within ten (10) days after notice of the Building Official's decision. The City Council shall, within thirty (30) days of filing the appeal, affirm, reverse or modify the decision of the Building Official.

The provisions of Section 3-8-5 do not apply to the construction, repair, or excavation during prohibited hours as may be necessary for the preservation of life or property, when such necessity arises during such hours as the offices of the City are closed, or where such necessity requires immediate action prior to the time at which it would be possible to obtain a permit pursuant to this Section. The person doing such construction, repair or excavation shall obtain a permit therefore within one (1) business day of such construction, repair or evacuation.

E. OUTDOOR GATHERINGS, PUBLIC DANCES, SHOWS AND SPORTING EVENTS. Provided the events are conducted pursuant to a permit issued by the City Manager.

3-8-7: ENFORCEMENT: The Planning Director or his/her designee and/or the Sheriff, as appropriate, shall have the authority to enforce the provisions of this Chapter. Any person who violates any provision of this Chapter is guilty of a misdemeanor, and upon conviction shall be punished as set forth in Chapter 1-5 of this Code. Nothing in this Chapter shall be intended to limit any of the civil or criminal remedies available to the City, nor shall it be intended to limit the City or the Sheriff's Department from engaging in efforts to obtain voluntary compliance by means of warnings, notices, administrative citations or educational programs.

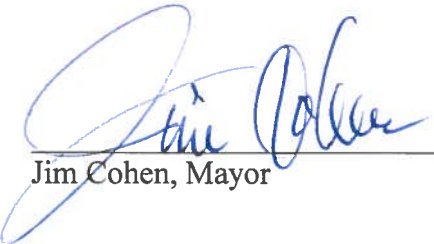
3-8-8: DUTY TO COOPERATE: No person shall refuse to cooperate with, or obstruct, the enforcement officials identified in Section 3-8-7 of this Chapter when they are engaged in the process of enforcing the provisions of this Chapter.

3-8-9: ADDITIONAL REMEDIES - MOTOR VEHICLE ALARMS:

A. DEACTIVATION. In addition to the remedies set forth in this Chapter, the Sheriff's Department may undertake such procedures as are reasonably necessary to deactivate a motor vehicle alarm generating noise in violation of this Chapter. If the Sheriff's Department is unable to deactivate the alarm, the Sheriff may cause the motor vehicle to be removed according to the procedure set forth in Section 22651.5 of the California Vehicle Code.

B. REMOVAL. Any costs associated with the removal or storage of a motor vehicle pursuant to subsection (A) of this Section and any costs incurred by the City in connection therewith shall be paid by the registered owner of the motor vehicle.

PASSED, APPROVED AND ADOPTED this 13<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
Jim Cohen, Mayor

ATTEST:  
  
\_\_\_\_\_  
Deana L. Graybill, CMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES )     SS  
CITY OF HIDDEN HILLS     )

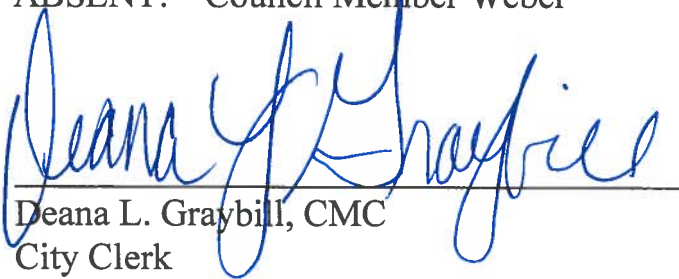
I, DEANA L. GRAYBILL, City Clerk of the City of Hidden Hills, California, DO HEREBY CERTIFY that the foregoing document, being Ordinance No. 356, was duly adopted by the City Council of the City of Hidden Hills at a regular meeting of the City Council held June 13, 2016, and that it was adopted by the following vote, to wit:

AYES:       Mayor Cohen, Mayor Pro Tem Siegel, Council Members  
              Freedland, and Landon

NOES:

ABSTAIN:

ABSENT:    Council Member Weber



Deana L. Graybill, CMC  
City Clerk  
City of Hidden Hills, California