

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 15 (CHAPTER 15.90 NOISE REGULATIONS) AND TITLE 3 (CHAPTER 3.08 ENTERTAINMENT) TO UPDATE NOISE STANDARDS FOR PROPERTIES WITHIN C-3 (CENTRAL BUSINESS DISTRICT COMMERCIAL) AND G-C (GENERAL COMMERCIAL) ZONES WITH SPECIFIC PROVISIONS FOR OUTDOOR ENTERTAINMENT

WHEREAS, pursuant to FMC Section 15.72.020.B the City Council of the City of Fullerton adopted a Resolution of Intention on June 5, 2018, authorizing a Zoning Ordinance amendment to revise various chapters of Titles 3 and 15 of the Fullerton Municipal Code.

WHEREAS, the City Council adopted a Resolution of Intention (Resolution No. 2014-58) pursuant to FMC Section 15.72.020 to consider amendments to the Fullerton Municipal Code pertaining to noise regulations in 2014.

WHEREAS, the Planning Commission of the City of Fullerton held a duly noticed public hearing on July 23, 2025, as required by law, for PRJ14-00172 - LRP-2020-0014, to consider amendments to Titles 3 and 15 of the Fullerton Municipal Code to update noise standards and measurement processes related to noise including both the Preferred Approach and the Alternative Approach. This ordinance is modeled following the Fullerton Transportation Center Specific Plan's noise standards and was discussed as an acceptable Alternative Approach.

WHEREAS, a duly public hearing notice was published in the Fullerton News Tribune on September 4, 2025, as required by law, for PRJ14-00172 - LRP-2020-0014, to consider amendments to Titles 3 and 15 of the Fullerton Municipal Code to update noise standards and measurement processes related to noise as recommended.

WHEREAS, the proposed Zoning Amendment establishes noise levels within C-3 and G-C zones while continuing to protect adjacent neighborhoods from impacts related to noise.

WHEREAS, the proposed amendments are Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) - common sense exemption and/or Section 15308, as the establishment of noise standards constitutes a regulatory action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON ORDAINS AS FOLLOWS:

SECTION 1. The City Council finds as follows:

Finding 1: The proposed Zoning Ordinance amendment is consistent with the objectives of the Zoning Ordinance and General Plan.

Fact: The amendment is authorized by FMC Chapter 15.72. In addition, the City Council adopted a Resolution of Intention on June 5, 2018, to update the Municipal Code stating its intention to consider amendments to the Fullerton Municipal Code (FMC).

Fact: This amendment is consistent with multiple General Plan policies, including the following:

P1.11 Compatibility of Design and Uses: Support policies and regulations to consider the immediate and surrounding contexts of projects to promote positive design relationships and use compatibility with adjacent built environments and land uses, including the public realm.

P8.3 Consideration of Noise in Land Use Decisions: Support policies and regulations which ensure noise-compatible land use planning recognizing the relative importance of noise sources in order of community impact, the local attitudes towards these sources, and the suburban or urban characteristics of the environment, while identifying noise sensitive uses.

P10.16 Economic Strategies in Focus Areas: Support policies and regulations pertaining to planning efforts for the City's Focus Areas that facilitate investment and encourage economic activity that benefits the Fullerton community and the City.

Fact: The Fullerton Plan Implementation Strategy, Short Term action plan Item 8.1 – "Update the City's Noise Ordinance to comply with the policies of the Fullerton Plan and to address noise issues in the community"

Finding 2: The proposed Zoning Ordinance amendment promotes the public health, safety and welfare of the community.

Fact: The proposed amendment to Title 15 will promote the public health, safety and welfare by providing clear and enforceable standards for noise levels within the boundaries of C-3 and G-C zones while maintaining current noise level restrictions for all properties outside of these zones.

THEREFORE, the City Council of the City of Fullerton does hereby APPROVE of said modifications to Fullerton Municipal Code Titles 3 and 15 as follows:

SECTION 2. Municipal Code Amendment. Chapter 3.08 and 15.90 is hereby amended as follows:

Chapter 15.90

NOISE STANDARDS AND REGULATION

Sections:

15.90.010. *Intent and purpose.*

15.90.020. *Definitions.*

15.90.030. *Noise standards.*

15.90.040. *Activities exempt from standards.*

15.90.050. *Activities with special provisions.*

15.90.060. *Noise level measurement.*

15.90.070. *Enforcement.*

15.90.080. *Appeal.*

15.90.010. *Intent and purpose.*

A. In order to control unnecessary, excessive and annoying sounds emanating from incorporated areas of the city, it shall be the policy of the city to prohibit such sounds generated from all sources as specified in this chapter except that noise regulated by any penal statute or ordinance and those activities that have been preempted by state or federal law.

B. Specified noise levels have been determined to be detrimental to the public health, welfare and safety and contrary to public interest; therefore, creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance and shall be punishable as such.

(Ord. 2982, 2001)

15.90.020. *Definitions.*

A. Whenever used in this chapter, the following words, phrases and terms shall have the meaning as indicated below:

AMBIENT NOISE LEVEL means the composite of noise from all sources near and far the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

C-3 ZONE means the zoning applied to a defined area specifically described as Central Business District Commercial in Fullerton Municipal Code Section 15.30.020.C.

CUMULATIVE PERIOD means an additive period of time composed of individual time segments that may be continuous or interrupted.

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

EMERGENCY MACHINERY, VEHICLE OR WORK means any machinery, vehicle or work used, employed or performed 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.

EQUIVALENT CONTINUOUS SOUND PRESSURE LEVEL (Leq) means the average sound level over the period of the measurement.

FIXED NOISE SOURCE means a stationary device that creates sounds while fixed or motionless, including but not limited to industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners and refrigeration equipment.

G-C ZONE means the zoning applied to a defined area specifically described as General Commercial in Fullerton Municipal Code Section 15.30.020.C.

GRADING means any excavating or filling of earth material, or any combination thereof conducted to prepare a site for construction or other improvements thereon.

IMPACT NOISE means the noise produced by the collision of one mass in motion with a second mass that may be either in motion or at rest.

MAXIMUM SOUND LEVEL means the highest level measured during a single noise event or period.

MOBILE NOISE SOURCE means any noise source other than a fixed noise source.

NOISE LEVEL means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of 20 micro-newtons per square meter. The unit of measurement shall be designated as dB(A).

PERSON means a person, firm, association, co-partnership, joint venture, corporation of any entity, public or private in nature.

PUBLIC PROPERTY means any real property or structures thereon which are owned or controlled by a governmental entity. This also includes any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

RESIDENTIAL PROPERTY means a parcel of real property that is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

SIMPLE TONE NOISE means a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

SOUND PRESSURE LEVEL of a sound, in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

15.90.030. Noise standards.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all property within the Residential Noise Zone

<i>Hours (Monday – Sunday)</i>	<i>Max dB(A) at affected property (interior)</i>	<i>Max dB(A) at affected property (exterior)</i>
<i>7:00 a.m.-10:00 p.m.</i>	<i>55 dB(A)</i>	<i>55 dB(A)</i>
<i>10:00 p.m.-7:00 a.m.</i>	<i>45 dB(A)</i>	<i>50 dB(A)</i>

B. The following noise standards, unless otherwise specifically indicated, shall apply to all property zoned C-3 and G-C:

- 1. All buildings shall be designed to achieve the applicable interior noise standards established by Title 24 of the California Code of Regulations, also known as the California Building Standards Code.*
- 2. All commercial and civic activities, including but not limited to, outdoor dining and outdoor events and performances, shall comply with the following noise standards:*
 - a. No person or group shall create any noise, or allow the creation of any noise, which exceeds the exterior noise levels established in this section.*
 - b. The noise levels as shown in Table 2-1 shall apply at the project property line where source of noise is generated.*
 - c. A special event (approved pursuant to a permit) or City-sponsored community activities, such as New Years Eve celebrations, shall be exempt from the noise restrictions contained within section 15.90.030.*

Table 2-1: Exterior Noise Levels (dBA)

<i>Time Period</i>	<i>5 min.</i>	<i>1 min.</i>
<i>7:00 a.m. - 10:00 p.m.</i>	<i>75</i>	<i>80</i>
<i>10:00 p.m. - 7:00 a.m.*</i>	<i>65</i>	<i>70</i>
<i>Fri-Sat 10:00 p.m. - 12:00 a.m.</i>	<i>75</i>	<i>80</i>
<i>Sat-Sun 12:00 a.m. - 1:30 a.m.</i>	<i>75</i>	<i>80</i>
<i>*Except as allowed on Friday and Saturday nights and Saturday and Sunday mornings.</i>		

3. *Noise generated by any audio speaker or sound system in an area of mixed commercial and residential uses is generally considered ambient noise. However, such noise should not be readily discernable to persons within nearby commercial and residential buildings during normal business or residency hours, when the nearby commercial and residential building's doors and windows are closed. Should audio speakers and sound systems be shown to be readily discernable and a nuisance, the audio speaker or sound system shall be reduced in volume, or acoustically buffered by the party generating the noise.*
4. *Unless otherwise identified herein, all properties and activities shall comply with the standards and regulations of Fullerton Municipal Code Section 15.90.050.*

C. Noise standards for a sensitive use:

1. *A "sensitive use" for the purpose of this chapter means any private or public school, hospital, residential care facility for the elderly, and religious institution.*
2. *It shall be unlawful for any person at any location within the incorporated area of the city to create any noise that causes the noise level at any sensitive use, while the same is in operation to exceed the noise limits as specified for the Residential Noise Zone, notwithstanding the sensitive use may be located outside of the Residential Noise Zone.*

D. It shall be unlawful for any person at any location within the incorporated area of the city to create any noise which can be classified as being continuous, reoccurring, predictable, or whose operation of noise-generating capabilities can be stopped or started at a specified time, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on the property, either incorporated or unincorporated, to exceed:

1. *The noise standard plus 10 dB(A) for a cumulative period of more than 5 minutes or more in any hour.*
2. *The noise standard plus 15 dB(A) for a cumulative period of more than one minute but less than five minutes in any hour.*

E. The permitted deviations from the noise standards specified in 15.90.030.D shall not be applicable to properties zoned C-3 or G-C.

F. In the event the ambient noise level exceeds any of the five noise limit categories listed in Subsection C, the cumulative period applicable to the category shall be increased to reflect the ambient noise level.

15.90.040. Activities exempt from standards.

- A. *The following activities shall be exempt from the noise level standards specified by this chapter:*
 1. *School bands, school athletic and school entertainment events.*
 2. *Outdoor gatherings, public dances, shows and sporting and entertainment events provided the events are conducted pursuant to a permit and/or license issued by the city.*

3. *Activities and maintenance conducted on public property, parks, playgrounds and public or private school grounds.*
4. *Any mechanical device, apparatus or equipment used, related to or connected with the use of machinery, vehicles, or work due to an emergency.*
5. *All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions.*
6. *Mobile noise sources associated with agricultural pest control through pesticide application.*
7. *Noise from vehicular traffic on public streets.*

B. For the drilling of water wells, the Director of Community and Economic Development may approve or conditionally approve an exception or limited exemption from the noise level standards of this chapter.

15.90.050. Activities with special provisions.

A. The following activities shall be exempt from the noise level standards specified by this chapter provided they take place between the hours of 7 a.m. and 8 p.m. on any day except Sunday or a City-recognized holiday.

1. *Noise sources associated with construction, repair, remodeling, or grading of any real property.*
2. *Mobile noise sources associated with agricultural operations.*
3. *Noise sources associated with the maintenance of real property, including normal maintenance and repair by city and utility crews.*

B. Installation of air conditioning, refrigeration and pool equipment shall be certified to be within the provisions of this chapter for night and day operation noise levels.

C. Activities involving deliveries and pickups in all Commercial Zones shall comply with the provisions of this chapter for night and day operation noise levels based on the following criteria.

1. *Rubbish and Garbage Collection for all Commercial Zones. Collection times for all commercial zones shall be conducted during the following hours:*
 - a. *Between the hours of 6:00 a.m. and 9:00 p.m. if trash receptacles or bins are located within 200 feet of a Residential Zone or residences located in a Mixed-Used Development.*
 - b. *At any time, if the trash bins are located more than 200 feet from a Residential Zone or residences located in a Mixed-Used Development.*
2. *Deliveries and Vehicle loading or unloading in all Commercial Zones. Delivery Hours shall be conducted during the following hours:*

a. Between the hours of 7:00 a.m. and 10:00 p.m. if the property receiving the delivery is located within 200 feet of a Residential Zone or residences located in a Mixed-Used Development.

b. At any time, if the property receiving the delivery is located more than 200 feet from a Residential Zone or residences located in a Mixed-Used Development.

15.90.060. Noise level measurement.

A. The location selected for measuring exterior noise levels shall be at any point on the affected property. The affected property shall be the address from which the complaint was received.

B. The location selected for measuring interior noise levels shall be made within the affected property at point at least four feet from the wall, ceiling or floor nearest the noise source.

C. For enforcement on properties zoned C-3 or G-C, compliance is determined against the one-minute and five-minute thresholds in Table 2-1 and measurements are taken at the property line of the noise-generating parcel.

D. Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a minimum ANSI compliant rating sound level meter and be capable of logging date, time, and geographic location of the reading to the satisfaction of the Community and Economic Development Director.

15.90.070. Enforcement.

A. The Director of Community and Economic Development and his/her duly authorized representatives are directed to enforce the provisions of this chapter.

1. Code Enforcement Division shall be appointed as the case manager, upon receiving a noise complaint; coordinating with the relevant departments as appropriate based on the circumstance; and conducting other actions necessary to enforce the provisions of this chapter as appropriate.

2. Repeated or continued violations of this chapter may constitute grounds for modification or revocation of the permit and/or related land use entitlements.

B. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter.

(Ord. 2982, 2001)

SECTION 3. Inconsistencies. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or

clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

Chapter 3.08

Entertainment

3.08.140 Baseline operational requirements for Entertainment establishments.

The following baseline operational requirements shall be applicable to all businesses with an Entertainment Permit. The Chief of Police, in consultation with other departments, may require additional conditions of approval on an Entertainment Permit based on the specific location and operational characteristics of the business. These requirements do not modify or limit in any way the authority of the Chief of Police to enforce Penal Code Section 415 (disturbing the peace) against any person, or of the Chief of Police or the Fire Marshal to immediately take action in the event of an imminent threat to public health or safety.

A. Compliance with laws. All individuals and/or business entities who obtain an Entertainment Permit shall comply with all applicable laws, regulations, ordinances and stated conditions.

B. Time restrictions. Entertainment may not take place between the hours of 2:00 a.m. and 8:00 a.m. The time restrictions may be further limited by an applicable conditional use permit or Entertainment Permit.

C. Type, manner and hours of operation. The type, manner, frequency, dates and times during which Entertainment is provided shall be limited to what is expressly indicated on the Entertainment Permit. Any substantial changes to the type, manner, frequency, dates or times of Entertainment shall require the Permittee to submit an application for an amendment to the Entertainment Permit, which shall be processed in the same manner as a new Entertainment Permit, prior to making any changes to the business operation.

D. No Adult Entertainment, as defined by Fullerton Municipal Code Section 7.95, shall be conducted on the permitted premises. Permittees shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.

E. Outdoor Entertainment. Any Entertainment (Outdoor), excluding Ambient Music is prohibited except within the boundaries of commercial properties zoned C-3 and G-C defined in Chapter 15.90 and Administrative Restaurant Use Permit (ARUP) with the following conditions:

- 1. Outdoor Entertainment is limited to the hours of 5:00pm to 10:00pm, Monday through Sunday.*
- 2. No outdoor entertainment of any kind (amplified or non-amplified) will be permitted before 5:00 p.m. or after 10:00 p.m. Monday through Sunday.*

3. *Sound and amplification equipment shall be monitored during business hours by the establishment to ensure that audible noise remains at acceptable levels in accordance with the noise standards contained in Chapter 15.90 Noise Standards and Regulations.*

Noise levels from the outdoor entertainment property must not exceed 80 dB(A) at the property line.

F. Permit posted on site. Permittees shall place or post an approved Entertainment Permit including conditions of approval on the premises in a place easily accessible by city staff.

G. Promoters. Neither the business, nor anyone on its behalf, shall share any profits, or pay any percentage or commission to a promoter or otherwise receive compensation for use of the facilities.

H. Advertising. Permittee shall not distribute, post or attach, and shall be responsible for ensuring that no agents on its behalf, distribute, post or attach, advertising matter on public property, public right-of-way, or on any vehicle on public property.

I. Noise. Permittee shall ensure that noise emanating from the business shall not be unreasonably loud or disturbing and shall comply with the noise standards contained in Chapter 15.90.

J. Occupancy. Building occupancy loads shall be posted at all times. Permittee shall be responsible to keep count of the number of occupants present at any given time and provide that information to City staff upon request.

K. Security Plan. Permittee shall be responsible for adhering to the Security Plan reviewed and approved by the Chief of Police, or their designee. Modifications to the approved Security Plan shall be reviewed and approved by the Police Department prior to making any changes to security operations. It is the responsibility of the business establishment to update the security plan on file with the city when/if there are any changes in the operational characteristics of the establishment which may alter the contents of the security plan. Changes in business name and/or ownership shall require an updated security plan to be provided to the city.

L. Loitering. Permittee shall take steps to prevent patrons from loitering in the immediate area, littering or making excessive noise outside of the establishment and at closing time.

M. Doors and windows. All exterior doors and windows must be closed during the hours of Entertainment, except to allow ingress or egress of patrons, or in the case of emergencies. Exceptions to this requirement may be considered as part of a conditional use permit based on the business location, building design, business operations, and outdoor entertainment. (Ord. 3270, § 5, 2019)

3.08.150 Operational restriction procedures.

In the event that the Permittee fails to comply with the baseline operational requirements and/or conditions of approval of the Entertainment Permit, the Chief of Police, in consultation with other city departments, may elect to take the following steps

to minimize impacts to health, safety and welfare, and gain compliance with all applicable laws, regulations, ordinances and stated conditions. Decisions by the Chief of Police to exercise the below operational restrictions shall not be appealable:

A. Step 1 - Remedy Meeting. Upon a third violation of the Entertainment Permit, or any applicable federal, state or local laws or regulations within a twelve (12) month period, the Permittee shall be required to attend a meeting with the Chief of Police and other applicable departments to discuss the violations and specify actions that will be undertaken by the Permittee to address the violations. Failure by the Permittee to attend this meeting shall not restrict the City from imposing additional operational restrictions on the business.

B. Step 2 - Restrictions. In the event that Step 1 - Remedy Meeting does not result in compliance with the terms of the Entertainment Permit within 30 days, or within a timeframe otherwise specified by the city, Permittee will be notified in writing that the business must comply with any or all of the following Step 2 - Restrictions for a period of 30 days, or for a period otherwise specified by the city.

1. No Entertainment of any kind shall be permitted after midnight, or 1:00 a.m., at the discretion of the City;

2. No outdoor queuing shall be permitted after 11:00 p.m. or midnight, at the discretion of the City;

3. Provision of additional security personnel at hours determined necessary by the Chief of Police and/or implementation of additional security measures, including but not limited to, security check procedures for incoming patrons;

4. Any additional measures determined necessary by the city may be imposed to protect public health and safety.

C. Step 3 - Restrictions. In the event that Step 2 - Restrictions do not result in compliance with the terms of the Entertainment Permit within 30 days, or within the timeframe otherwise specified by the City, Permittee will be notified in writing that the business must comply with any or all of the following Step 3 - Restrictions for a period of 30 days, or for a period otherwise specified by the City.

1. No Entertainment of any kind shall be permitted after 10:00 p.m.;

2. No outdoor queuing shall be permitted after 10:00 p.m.;

3. Provision of additional security personnel at hours determined necessary by the Chief of Police and/or implementation of additional security measures, including but not limited to, security check procedures for incoming patrons;

4. Any additional measures determined necessary by the City may be imposed to protect public health and safety. (Ord. 3270, § 5, 2019)

SECTION 3. Inconsistencies. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to

the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2025.

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date