

5.95.047 Violations of Permit Conditions by Transient User, Occupant or Guest

In addition to other provisions of this Code, it shall be unlawful for any transient user, occupant or guest of a short term lodging unit to:

- A. Exceed the overnight occupancy limit designated for the short term lodging unit.
- B. Use street parking prior to utilizing all available onsite parking space(s) for the lodging unit.
- C. Place trash for collection in violation of this Code's rules and regulations concerning:
 - 1. The timing, storage or placement of trash containers; or
 - 2. Recycling requirements.
- D. Amplify or reproduce sound between the hours of 10:00 p.m. and 10:00 a.m.:
 - 1. Outside of the lodging unit; or
 - 2. That is audible from the property line for the lodging unit.
- E. Use the short term lodging for any non-residential purpose, including, but not limited to, large commercial or non-commercial gatherings, commercial filming and/or non-owner wedding receptions.

10.28.007 Loud and Unreasonable Noise is Prohibited

It is unlawful for any person or property owner to make, continue, cause or allow to be made any loud, unreasonable, unusual, penetrating or boisterous noise, disturbance or commotion which annoys, disturbs, injures or endangers the comfort, repose, health, peace and quiet within the limits of the City, and the acts and things listed in this chapter, among others, are declared to be loud, disturbing, injurious and unreasonable noises in violation of this Chapter, but shall not be deemed to be exclusive.

10.28.010 Loud and Unreasonable Noise

It is unlawful for any person or property owner to willfully make, allow, continue or cause to be made, allowed, or continued, any loud and unreasonable, unnecessary, or disturbing noise, including, but not limited to, yelling, shouting, hooting, whistling, singing, playing music, or playing a musical instrument, which disturbs the peace, comfort, quiet or repose of any area or which causes discomfort or annoyance to any reasonable person of normal sensitivities in the area, after a peace or code enforcement officer has first requested that the person or property owner cease and desist from making or continuing, or causing to make or continue, such loud, unreasonable, unnecessary, excessive or disturbing noise.

The factors, standards, and conditions which should be considered in determining whether a violation of the provisions of this section has been committed, include, but are not limited to, the following:

- A. The level of the noise;
- B. Whether the nature of the noise is usual or unusual;
- C. Whether the origin of the noise is natural or unnatural;
- D. The level and intensity of the background (ambient) noise, if any;
- E. The proximity of the noise to residential or commercial sleeping areas;
- F. The nature and zoning of the area within which the noise emanates;
- G. The density of inhabitation of the area within which the noise emanates;
- H. The time of day and night the noise occurs;
- I. The duration of the noise;
- J. Whether the noise is constant, or recurrent or intermittent; and
- K. Whether the noise is produced by a commercial or noncommercial activity;
- L. If the noise is produced by a commercial activity, whether the use is lawful under the provisions of Title 20 of this Code and whether the noise is one that could reasonably be expected from the commercial activity.
- M. Penalties. Any person who violates any provision of this section is guilty of a misdemeanor, unless the violation is deemed an infraction pursuant to the provisions of Section 1.04.010 of this Code



Questions



OWNER NAME

OWNER PHONE

AGENT NAME

AGENT PHONE

CITY CONTACT INFORMATION:

REVENUE DIVISION

949-718-1997
LODGING@NEWPORT
BEACHCA.GOV

10.28.020 Loud and Raucous Noise from Sound-Making or Amplifying Devices Prohibited

A. It is unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound-making or sound-amplifying device in his possession or under his control:

- 1. Upon any private property; or
- 2. Upon any public street, alley, sidewalk or thoroughfare; or
- 3. In or upon any public park, beach or other public place or property.

B. The words "loud and raucous noise," as used herein, shall mean any sound or any recording thereof when amplified or increased by any electrical, mechanical or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health, or safety of other persons within or upon any one or more such places or areas.

C. The word "unreasonably," as used herein, shall include, but not be limited to, consideration of the hour, place, nature and circumstances of the emission or transmission of any such loud and raucous noise.

D. Penalties. Any person who violates any provision of this section is guilty of a misdemeanor unless the violation is deemed an infraction pursuant to the provisions of Section 1.04.010 of this Code.

10.58.030 Police Services at Large Parties, Gatherings or Events Requiring Second or Subsequent Responses

A. No person shall promote, host, organize or otherwise allow a large party, gathering or event to occur on private property which is determined by a Police Officer to threaten the public peace, health, safety or general welfare of the neighborhood or surrounding community.

B. The person responsible for the large party, gathering or event will be held liable for civil fines in amounts established by resolution of the City Council, for a special security assignment by the police, to control the threat to the public peace, health, safety or general welfare, at any time within any twelve-month period after a first written warning.

C. In the case of a large party, gathering or event on private property in the West Newport Safety Enhancement Zone during the period that the designation is in effect, the person or persons responsible for the party, event or gathering, the occupant or occupants of the property and the owner or owners of the property are, jointly and severably, responsible for immediately complying with a request from any law enforcement officer to terminate all unruly or illegal behavior on the property and shall be responsible, in addition to other fines and penalties provided by this chapter, for the payment of a fine in the amount of three hundred dollars (\$300.00) for each full ten minute segment that unruly or illegal conduct continues past the time that the law enforcement officer requests termination.

The initial call, or any subsequent call, may also result in the arrest and/or citation of violators of the State Penal Code or other local regulations.

10.66.020 Loud or Unruly Gathering—Public Nuisance

A. It shall be unlawful and constitute a public nuisance for any owner or responsible person to cause or allow a loud or unruly gathering to occur at any residential unit within the City. A loud or unruly gathering may be abated by the City by all reasonable means, including, but not limited to, an order of a peace officer requiring the loud or unruly gathering to be disbanded, the issuance of citations, and/or the arrest of any person(s) committing a violation of law under applicable State or local laws.

B. Nothing in this section shall be construed to impose liability on an owner, resident of the residential unit, the person in charge of the residential unit, or the organizer or sponsor of the gathering, for the conduct of persons who are present without the express or implied consent of the resident, person in charge of the residential unit or the organizer or sponsor, as long as the resident, person in charge of the residential unit or the organizer or sponsor has taken all steps reasonably necessary to exclude such unininvited persons from the residential unit, including an owner who is actively attempting to evict a tenant from the residential unit.

C. Where an invited guest engages in conduct which the resident, person in charge of the residential unit, or the organizer or sponsor could not reasonably foresee and the conduct is an isolated instance of an invited guest at the event violating the law which the resident, person in charge of the residential unit, or the organizer or sponsor is unable to reasonably control without the intervention of a peace officer, the unlawful conduct of the individual invited guest shall not be attributable to the owner, resident, person in charge of the premises, or the organizer or sponsor for the purpose of determining whether the event constitutes a loud or unruly gathering.