

**Manteca Municipal Code**[Up](#)   [Previous](#)   [Next](#)   [Main](#)   [Collapse](#)   [Search](#)   [Print](#)   [No Frames](#)[Title 9 PUBLIC PEACE, MORALS AND WELFARE](#)**Chapter 9.52 RESIDENTIAL NOISE**

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**9.52.010 Declaration of policy.**

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It is hereby declared to be the policy of the city of Manteca to prohibit and control unnecessary, excessive and annoying noise and vibration in the city in order to preserve tranquility and protect the use and enjoyment of residential and commercial property. (Ord. 1374 § 1, 2007)

**9.52.020 Definitions.**

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The following words, phrases and terms as used in this chapter shall have the meanings indicated as follows:

“City manager” means the city manager of the city of Manteca or the city manager’s designee.

“Commercial purpose” means and includes the operation of a business for profit involving the sale or advertising of goods or services.

“Construction” means any site preparation, assembly, erection, substantial repair, alteration or similar action on public or private property.

“Emergency machinery, vehicle or alarm” means any machinery, vehicle or alarm used, employed, performed or operated in response to an emergency, including but not limited to work by private or public utilities when restoring utility service.

“Emergency work” means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, including but not limited to work by private or public utilities when restoring utility services.

“Motor vehicles” means and includes any and all self-propelled vehicles as defined in the California Motor [Vehicle Code](#), including all on-highway type motor vehicles subject to registration under this code, all off-highway type motor vehicles subject to identification under said code and mini-bikes, motorized scooters and go-carts.

“Noncommercial purpose” means the use, operation or maintenance of any sound equipment for other than a commercial purpose.

“Noncommercial purpose” means and includes personal, philanthropic, political and charitable purposes.

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

“Police chief” means the police chief of the city of Manteca or designee.

“Sound amplifying equipment” means any machine or device for the amplification of the human voice, music, or any other sound. Sound amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound amplifying equipment as used in this chapter shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on any vehicles used only for traffic safety purposes.

“Sound truck” means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

“Weekday” means any day, Monday through Friday, which is not a legal holiday. (Ord. 1374 § 1, 2007)

**9.52.030 Prohibited noises—General standard.**

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No person shall make, or cause to suffer, or permit to be made upon any public property, public right-of-way or private property, any unnecessary and unreasonable 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 cause or contribute to the unnecessary and unreasonable discomfort of any persons within the neighborhood from

which said noises emanate or which interfere with the peace and comfort of 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. (Ord. 1374 § 1, 2007)

### **9.52.040 Specific prohibited noises.**

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Notwithstanding any other provisions of this chapter, the following acts and the causing or permitting thereof, are declared and deemed to be in violation of this chapter:

- A. Radios, Stereos, etc. The using, operating, or permitting to be played, used, or operated between the hours of ten p.m. and eight a.m. of any radio, musical instrument, stereo, 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 be plainly audible at the property line of the property from which the sound is emanating.
- B. Placement of Stereo Speakers. The amplification of music or any other sound on private property, through speakers located either (1) outdoors, or (2) in one or more windows or doorways, when such speakers are directed towards and such music is plainly audible on an immediately adjacent public right-of-way.
- C. Band or Orchestral Rehearsals. The conducting of or carrying on, or allowing the conducting or carrying on of band or orchestral concerts or rehearsals or practices between the hours of ten p.m. and eight a.m. sufficiently loud as to be plainly audible at the property line of the property from which the sound is emanating.
- D. Engines, Motors and Mechanical Devices Near Residential District. The sustained, continuous or repeated operation or use between the hours of ten p.m. and eight a.m. of any motor or engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, machine, contrivance, 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 the property line of the property from which the sound is emanating.
- E. Motor Vehicles. Racing the engine of any motor vehicle or needlessly bringing a motor vehicle to a sudden start or stop.
- 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 ten p.m. and eight a.m. in such a manner as to cause noise disturbance, except for solid waste collection.
- G. Nonemergency Signaling Devices. Sounding or permitting the sounding of any electronically amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place between the hours of ten p.m. and eight a.m., and in no event for more than ten consecutive seconds in any hourly period outside those hours.
- H. Emergency Signaling Devices.
  - 1. The intentional sounding, or permitting the sounding, outdoors, of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle or similar emergency signaling device, provided, however that testing of an emergency signaling device is permitted between the hours of ten a.m. and eight p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty seconds. Testing of the emergency signaling system shall not occur more than once in each calendar month.
  - 2. Sounding or permitting the sounding of any exterior burglar or fire alarm unless such alarm is terminated within fifteen minutes of activation.
  - 3. Sounding or permitting the sounding of any motor vehicle alarm unless such alarm is terminated within five minutes of activation.
  - 4. Sounding or permitting the sounding of any motor vehicle alarm more than three times of any duration in any twenty-four hour period.
- I. Leaf Blowers. The use or operation or allowing the use or operation of any portable machine powered with a combustion, gasoline or electric powered engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces between the hours of ten p.m. and eight a.m. and is sufficiently loud as to be plainly audible at the property line of the property from which the sound is emanating.
- J. Commercial Establishments Adjacent to Residential Property. Notwithstanding any provision of this code to

the contrary, continuous, repeated or sustained noise from the premises of any commercial establishment which is adjacent to one or more residential dwelling units, including any outdoor area part of or under the control of the establishment, between the hours of ten p.m. and eight a.m. that is plainly audible from the residential dwelling unit's property line.

K. Construction Equipment. The use or operation of any construction equipment between the hours of eight p.m. and seven a.m. and is sufficiently loud as to be plainly audible at the property line of the property from which the sound is emanating. (Ord. 1374 § 1, 2007)

### **9.52.050 Use of sound amplification equipment on public property.**

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A. Application Required. It is unlawful for any person, other than personnel of law enforcement and government agencies, to install, use or operate within the city a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without first filing an application and obtaining a permit therefore as set forth in the following paragraphs.

B. Filing Application. Every user of sound amplifying equipment shall file an application with the police chief at least ten days prior to each date or each consecutive number of days on which the sound amplifying equipment is intended to be used. The application shall contain the following information:

1. The name, address and telephone number of both the owner and responsible party for the property where the sound amplifying equipment shall be used;
2. The address where the sound amplifying equipment will be used;
3. The date(s) and day(s) on which the sound amplifying equipment will be used;
4. The times when the sound amplifying equipment will be used;
5. The type of activity and the estimated number of persons who will attend;
6. A general description of the sound amplifying equipment which is to be used;
7. Whether the sound amplifying equipment will be used for commercial or noncommercial purposes;
8. Other information deemed necessary by the police chief or designee to determine the levels, location and duration of the use of sound amplifying equipment.

C. Approval of Permit. The police chief shall approve the application unless he or she finds that:

1. The conditions of motor vehicle or pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
2. The issuance of the permit would be otherwise detrimental to the public health, safety or welfare; or
3. The issuance of the permit will substantially interfere with the peace and quiet of the neighborhood or the community; or
4. The applicant would violate the provisions of this code or of any other law.

D. Conditions of Approval. The police chief may impose such conditions on the operation to be conducted under the permit as he or she may deem necessary or proper to ensure that the city's noise regulations are followed and that the operation of the sound equipment will not invade the privacy of others. There shall be no conditions placed on any permittee as to the type of message or the content of the communication proposed to be amplified.

E. Appeals. Any person aggrieved by disapproval of an application may appeal to the city council within ten calendar days from the date of notification of decision.

F. Permit Fee. Prior to the issuance of the permit, a permit fee in an amount fixed by resolution of the city council per day, or any portion thereof, shall be paid to the city. No fee shall be paid by any nonprofit organization. (Ord. 1374 § 1, 2007)

### **9.52.060 Loud parties or gatherings.**

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The following provisions apply to party or gathering of two or more people on private property generating any noise that is plainly audible at the property line of the property from which the noise is emanating, or is determined by a law enforcement officer at the scene to constitute a violation of the California [Penal Code](#) or the Manteca Municipal Code, or is otherwise a threat to the public peace, health, safety, or welfare due to the magnitude of the crowd, the disturbance, unruly behavior or destruction of property generated by the party or gathering, or excessive traffic caused by the party or gathering.

- A. The law enforcement officer at the scene shall take such actions and give such direction as is necessary to abate the violation or condition, and shall advise the responsible person orally and in writing that if additional law enforcement personnel or emergency service providers are called upon to respond on behalf of the city to abate the condition, the responsible person and the owner or occupant of the property shall be held liable for the cost to the city of providing such services. Such direction and advice shall be given to the person responsible for the party or gathering or to the owner or occupant of the property involved. If the condition is not voluntarily abated and if additional law enforcement personnel or emergency service providers are called upon to respond on behalf of the city in order to disperse the party or gathering, quell any disturbance, direct traffic, cite illegally parked vehicles or otherwise respond, then the cost to the city of such additional services shall be reimbursed to the city as provided in subsection B of this section.
- B. The person or persons responsible for a party or gathering described in subsection A of this section, or the owner or occupant of the property on which the party or gathering is held, or, if any such person is a minor, the parents or legal guardian of the minor shall be jointly and severally liable for the following costs incurred by the city:
1. The actual cost to the city of law enforcement services and emergency services, excluding the initial response provided by a law enforcement officer, in order to abate any of the conditions described in subsection A of this section;
  2. Damage to public property resulting from such law enforcement or emergency response; and
  3. Injuries to any law enforcement or emergency service personnel involved in such law enforcement or emergency response.
- C. The city manager or his or her designee shall calculate all such costs. The person or persons specified above in subsection B of this section shall be billed by the city manager or designee for the total cost, and payment shall be due and payable within fifteen days of the billing date. If the amount due is not paid, the city may collect the debt, as well as any fees and costs incurred in its collection, pursuant to all applicable provisions of law. (Ord. 1374 § 1, 2007)

### **9.52.070 Exemptions.**

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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. For the purposes of this section, “emergency” means a condition that constitutes an immediate threat to public safety, health or welfare or to property.
- B. **Warning Devices.** Warning devices necessary for the protection of public safety, such as police, fire and ambulance sirens and train horns.
- C. **Outdoor Activities.** Activities conducted on public playgrounds, fully licensed and approved child day care facilities within residential areas as permitted by law, and public or private school grounds, including but not limited to school athletic and school entertainment events.
- D. **Outdoor Gatherings, Public Dances, Shows and Sporting Events.** Provided the events are conducted pursuant to a permit issued by the city manager.
- E. **Operation of city vehicles, controls, and alarms.** (Ord. 1374 § 1, 2007)

### **9.52.080 Violation—Penalty.**

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A violation of any of the provisions of this chapter shall be a misdemeanor, punishable pursuant to the provisions of Chapter [1.12](#) of this code. (Ord. 1374 § 1, 2007)

### **9.52.090 Enforcement.**

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Nothing in this chapter shall preclude the city manager from seeking to obtain voluntary compliance by way of warning, notice or informational materials. (Ord. 1374 § 1, 2007)

### **9.52.100 Additional remedies.**

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A. **Motor Vehicle Alarms—Deactivation.** In addition to the remedies set forth in this chapter, the police department may undertake such procedures as are reasonably necessary to deactivate a motor vehicle alarm generating noise in violation of this chapter. If the police department is unable to deactivate the alarm, the law enforcement officer may cause the motor vehicle to be removed according to the procedure set forth in Section 22651.5 of the California [Vehicle Code](#).

B. **Motor Vehicle—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.

C. **Operation or Maintenance of Other Machinery.** The operation or maintenance of any device, instrument, equipment, vehicle or machinery in violation of any provisions of this chapter, and persistent animal noise in violation of this chapter shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 1374 § 1, 2007)

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