

## Chapter 9 - NOISE REGULATIONS

(Ord. 1269-C.S., amended by Ord. 2604-C.S., § 4, repealed and reenacted by Ord. 2752-C.S., § 1, effective 3-27-91)

### Article 1. - General Noise Regulations

#### 4-9.101 - Declaration of Policy.

It is hereby declared to be the policy of the City of Modesto that the peace, health, safety, and welfare of its citizens require protection from loud and raucous noises from any and all sources in the community.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

#### 4-9.102 - Prohibited Generally.

It shall be unlawful for any person to willfully or knowingly make, continue, or cause to be made or continued any loud and raucous noise.

The term "loud and raucous noise" shall mean any sound which, because of its volume level, duration, or character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of a reasonable person of ordinary sensibility within the limits of the City of Modesto.

The term "loud and raucous noise" specifically includes, but is not limited to, the kinds of noise generated by the activities enumerated in Section 4-9.103. The term "loud and raucous noise" specifically excludes the kinds of noise generated by the activities described in Section 4-9.104.

For any kind of noise not enumerated in Section 4-9.103, the factors which may be considered in determining whether a violation of the provisions of this section exists may include, but shall not be limited to, the following:

- (a) The volume 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 volume and intensity of the background noise, if any;
- (e) The proximity of the noise to residential sleeping facilities;
- (f) The nature and zoning of the area within which the noise emanates;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) The time of the day or night the noise occurs;
- (i) The day of the week the noise occurs;
- (j) The duration of the noise;
- (k) Whether the noise is recurrent, intermittent, or constant; and
- (l) Whether the noise is produced by a commercial or noncommercial activity.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

#### 4-9.103 - Enumeration.

The following specific acts, subject to the exemptions provided in Section 4-9.104, are declared to be public nuisances in violation of Section 4-9.102, namely:

- (a) The loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine.
- (b)

The loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

- (1) A hammer, or any other device or implement used to pound or strike an object.
- (2) An impact wrench, or other tool or equipment powered by compressed air.
- (3) A hand-powered saw.
- (4) Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower. Except as included in subsection (a)(6) below, motor vehicles, powered by an internal-combustion engine and subject to the California Vehicle Code, are excluded from this prohibition.
- (5) Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
- (6) Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
- (7) Any construction, demolition, excavation, erection, alteration, or repair activity.

In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from the requirements within subsection (b) of this section. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

- (c) The loud and raucous use or operation of any radio, amplifier, phonograph, stereo, compact disc or tape player, loudspeaker, bullhorn, megaphone, or other device for the producing or reproducing of sound.
- (d) Loud and raucous yelling, shouting, talking, whistling, or singing between the hours of 10:00 p.m. and 7:00 a.m. on any day.
- (e) The owning, possessing, controlling, harboring, or keeping of any dog, cat, or other animal or fowl which by howling, yelping, whining, barking, or otherwise causes a loud and raucous noise.
- (f) The loud and raucous use of any drum, guitar, horn, or other musical instrument or device.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

#### 4-9.104 - Exemptions.

The term "loud and raucous noise" as used in this chapter does not include noise or sound generated by the following:

- (a) Cries for emergency assistance and warning calls.
- (b) Radios, sirens, horns, and bells on police, fire, and other emergency response vehicles.
- (c) Parades, fireworks displays, and other special events for which a permit has been obtained from the City are exempted provided there is compliance with all conditions which have been noted in writing on the permit. That loud and raucous noise produced as a result of noncompliance with any condition specified on the permit is not exempted from the requirements of this chapter.
- (d)

Activities on or in publicly owned property and facilities, or by public employees while in the authorized discharge of their responsibilities, are exempt provided that such activities have been authorized by the owner of such property or facilities or its agent or by the employing authority.

- (e) Religious worship activities, including but not limited to, bells, organs, singing, and preaching.
- (f) Locomotives and other railroad equipment, and aircraft.
- (g) The collection of solid waste is exempted to the extent that the noise of such collection is regulated by Section 5-5.15 (Collection Equipment). That noise not covered by Section 5-5.15 is not exempted from the requirements of this chapter.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

#### 4-9.105 - Persons Responsible.

Any person, owner, agent, manager, or supervisor in charge of operating, ordering, directing, or allowing the operation or maintenance of any device, object, machine, or animal creating a noise as prohibited in this chapter, shall be deemed guilty of violating this chapter.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)