

Temecula Municipal Code[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[Title 9 PUBLIC PEACE, MORALS AND WELFARE](#)**Chapter 9.20 NOISE**

9.20.010 Intent.

At certain levels, sound becomes noise and may jeopardize the health, safety or general welfare of city residents and degrade their quality of life. This chapter is intended to establish citywide standards to regulate noise. This chapter is not intended to establish thresholds of significance for the purpose of any analysis required by the California Environmental Quality Act. No such thresholds are hereby established. (Ord. 07-12 § 1)

9.20.020 Definitions.

Whenever used in this chapter, the following terms shall have the following meanings:

“Animal” means any bird, cat, dog, goat, horse, burro or donkey.

“Audible” means capable of being heard by a person without the use or aid of an amplified hearing device.

“Audio equipment” means a television, stereo, radio, tape player, compact disc player, MP3 player, i-Pod or other similar device.

“City manager” means the city manager or his or her designee.

“Decibel” means a unit (dB) for measuring the relative amplitude of a sound equal approximately to the smallest difference normally detectable by the human ear, the range of which includes approximately one hundred thirty decibels on a scale beginning with zero decibels for the faintest detectable sound. Decibels are measured with a sound level meter using the methodology defined below:

1. A-weighting (dBA) means the standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequencies of sound in a manner similar to the human ear for moderate sounds.
2. Maximum sound level (L_{max}) means the maximum sound level measured on a sound level meter.

“Governmental agency” means the United States, the state of California, the county of Riverside, the city of Temecula, water districts, school districts, or any combination of these agencies.

“Motor vehicle” means a vehicle that is self-propelled.

“Noise” means any loud, discordant, raucous or disagreeable sound.

“Occupied property” means any property upon which is located a residence, business or industrial or manufacturing use.

“Power tools or equipment” means any mechanical, electrical or pneumatic device used to perform or facilitate manual or mechanical work.

“Public property” means property owned by a governmental agency or held open to the public, including, but not limited to, parks, streets, sidewalks, parking lots and alleys.

“Public or private school” means an institution conducting academic instruction at the preschool, elementary school, junior high school, high school, or college level.

“Sensitive receptor” means a land use that is identified as sensitive to noise in the noise element of the Riverside County general plan and the noise element of the Temecula general plan, including, but not limited to, residences, schools, hospitals, churches, rest homes, cemeteries or public libraries.

“Sound amplifying equipment” means a loudspeaker, microphone, megaphone, stereo equipment, portable radio, boom box, any musical instrument amplified by an electrical device, or other similar device.

“Sound level meter” means an instrument meeting the standards of the American National Standards Institute for Type 1 or Type 2 sound level meters or an instrument that provides equivalent data. (Ord. 09-04 §§ 2, 3; Ord. 07-12 § 1)

9.20.030 Exemptions.

Sound emanating from the following sources is exempt from the provisions of this chapter:

- A. Facilities owned or operated by or for a governmental agency.
- B. Community events on public or private property hosted or sponsored by the city.
- C. Capital improvement projects of a governmental agency.
- D. The maintenance or repair of public properties.
- E. Public safety personnel in the course of executing their official duties, including, but not limited to, sworn peace officers, emergency personnel and public utility personnel. This exemption includes, without limitation, sound emanating from all equipment used by such personnel, whether stationary or mobile.
- F. Public or private schools and school-sponsored activities.
- G. Property maintenance, including, but not limited to, the operation of lawnmowers, leaf blowers, etc., provided such maintenance occurs between the hours of seven a.m. and eight p.m.
- H. Motor vehicles, other than off-highway vehicles. This exemption does not include sound emanating from motor vehicle sound systems.
- I. Heating and air conditioning equipment.
- J. Safety, warning and alarm devices, including, but not limited to, house and car alarms, and other warning devices that are designed to protect the public health, safety, and welfare.
- K. The discharge of firearms consistent with all state laws. (Ord. 07-12 § 1)

9.20.040 General sound level standards.

No person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in Tables N-1 and N-2.

**Table N-1
TEMECULA LAND USE/NOISE STANDARDS**

Property Receiving Noise		Maximum Noise Level (dBA)	
Type of Use	Land Use Designation	Interior	Exterior
Residential	Hillside Rural Very Low Low Low Medium	45	65
	Medium	45	65/70 ¹
	High	45	70 ¹
Commercial and Office	Neighborhood Community Highway Tourist Service	—	70
	Professional Office	50	70
Light Industrial	Industrial Park	55	75

Public/Institutional	Schools	50	65
	All others	50	70
Open Space	Vineyards/Agriculture	—	70
	Open Space	—	70/65 ²

1 Maximum exterior noise levels up to 70 dBA are allowed for multiple-family housing.

2 Where quiet is a basis required for the land use.

**Table N-2
NOISE/LAND USE COMPATIBILITY MATRIX**

Land Use	Noise Exposure (dBA)					
	55	60	65	70	75	80
Residential						
Transient Lodging – Motel, Hotel						
Schools, Libraries, Churches, Hospitals, Nursing Homes						
Auditoriums, Concert Halls, Amphitheaters						
Sports Arena, Outdoor Spectator Sports						
Playgrounds, Parks						
Golf Course, Riding Stables, Water Recreation, Cemeteries						
Office Buildings, Business Commercial, and Professional						

Industrial, Manufacturing, Utilities, Agriculture							

Source: Modified from 1998 State of California General Plan Guidelines.

Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved meet conventional Title 24 construction standards. No special noise insulation requirements.

Conditionally Acceptable: New construction or development shall be undertaken only after a detailed noise analysis is made and noise reduction measures are identified and included in the project design.

Normally Unacceptable: New construction or development is discouraged. If new construction is proposed, a detailed analysis is required, noise reduction measures must be identified, and noise insulation features included in the design.

Clearly Unacceptable: New construction or development clearly should not be undertaken.

(Ord. 09-04 § 4; Ord. 07-12 § 1)

9.20.050 Sound level measurement methodology.

The actual location of a sound level measurement shall be at the discretion of the enforcement officials identified in Section 9.20.080 of this chapter. Sound level measurements shall be made with a sound level meter. Immediately before a measurement is made, the sound level meter shall be calibrated utilizing an acoustical calibrator meeting the standards of the American National Standards Institute. The transmission of noise shall be measured by the average of three A-weighted decibel (dBA) noise readings, taken not less than five minutes apart over a thirty-minute time frame. Following a sound level measurement, the calibration of the sound level meter shall be re-verified. Sound level meters and calibration equipment shall be certified to industry standards annually. (Ord. 09-04 § 5; Ord. 07-12 § 1)

9.20.060 Special sound sources standards.

The general sound level standards set forth in Section 9.20.040 of this chapter apply to sound emanating from all sources, including the following special sound sources, and the person creating or allowing the creation of the sound is subject to the requirements of that section. The following special sound sources are also subject to the following additional standards. Failure to comply will constitute separate violations of this ordinance.

A. Power Tools and Equipment. No person shall operate any power tools or equipment between the hours of ten p.m. and seven a.m. such that the power tools or equipment are audible to a person located inside an occupied building.

B. Audio Equipment. No person shall operate any audio equipment as described in Section 9.20.020(B), whether portable or not, between the hours of ten p.m. and seven a.m. such that the equipment is audible to a person located inside an occupied building.

C. Sound Amplifying Equipment or Live Music.

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

- a. Upon any private property;
- b. Upon any public street, alley, sidewalk or thoroughfare;
- c. In or upon any public park or other public place or property.

2. The words "loud and raucous noise," as used in this section, shall mean any sound having such intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health or safety of other persons.

3. The determination of whether a sound is "unreasonable," as used in subsection (C)(2) of this section, shall

involve the consideration of the level of noise, duration of noise, constancy or intermittency of noise, time of day or night, place, proximity to sensitive receptors, nature and circumstances of the emission or transmission of any such loud and raucous noise.

D. Construction. No person shall engage in or conduct construction activity, when the construction site is within one-quarter mile of an occupied residence, between the hours of six-thirty p.m. and seven a.m., Monday through Friday, and shall only engage in or conduct construction activity between the hours of seven a.m. and six-thirty p.m. on Saturday. No construction activity shall be undertaken on Sunday and nationally recognized holidays unless exempted by Section 9.20.070 of the Temecula Municipal Code. Public works projects of any federal, state or local entity or emergency work by public utilities are exempt from the provisions of this subsection. Residents working on their homes or property are exempt from the prohibition of construction activities on Sundays and holidays and shall only engage in or conduct construction activity between the hours of seven a.m. and six-thirty p.m. when working on Sundays and holidays. The city council may, by formal action, exempt projects from the provisions of this chapter.

E. Barking Dogs and Keeping of Noisy Animals.

1. No person having charge, care, custody or control of any animal shall permit such animal to emit any disturbing or offensive noise. The words "disturbing or offensive noise," as used in this section shall mean any noise from an animal that barks, bays, cries, whines, howls, screeches or makes any noise for an extended period of time whether day or night, regardless of whether the animal is physically situated in or upon private property. Such person is deemed to be in violation of this section if any of the following conditions exist:

- a. The animal emits disturbing or offensive noise incessantly for thirty minutes or more in any twenty-four-hour period; or
- b. The animal emits disturbing or offensive noise intermittently for sixty minutes or more during any twenty-four-hour period; or
- c. Enforcement officials witness such disturbing or offensive noise from the same property on three or more occasions during any thirty-day period of time.

An animal is not considered to be emitting disturbing or offensive noise for purposes of this article if, at any time the animal is making noise due to a person or other animal that is trespassing or threatening to trespass upon private property in or upon which the animal is situated, or when the animal is being teased or provoked.

2. Evidence of said disturbing or offensive noise shall be made by direct observation of an enforcement official present on site responding to a complaint from a neighbor, or a complaint form may be signed by a minimum of two neighboring property owners and submitted to an enforcement official.

3. Nothing in this chapter shall establish standards for private civil claims, in either civil court or small claims court, nor shall this chapter preclude any person from pursuing a private civil action in either civil or small claims court. (Ord. 09-04 § 6; Ord. 07-12 § 1)

9.20.070 Exceptions.

Exceptions may be requested from the standards set forth in Sections 9.20.040 (general sound standards) or 9.20.060 (special sound sources standards) of this chapter and may be characterized as construction-related or single event exceptions.

A. Application and Processing.

1. Construction-Related Exceptions. An application for a construction-related exception shall be made on a minor exception form. The form shall be submitted in writing at least three working days (seventy-two hours) in advance of the scheduled and permitted activity and shall be accompanied by the appropriate inspection fee(s). The application is subject to approval by the city manager or designated representative. No public hearing is required.

2. Temporary Use Permit. An application for a single event exception shall be made using the temporary use permit application provided by the planning department and shall be accompanied by the appropriate filing fee. No public hearing is required.

B. Requirements for Approval. The director of planning or his or her designee shall not approve a minor exception application or temporary use permit unless the applicant demonstrates that the activities described in the application would not be detrimental to the health, safety or general welfare of the community. in determining whether activities are

detrimental to the health, safety or general welfare of the community, the director of planning or his or her designee shall consider such factors as the proposed duration of the activities and their location in relation to sensitive receptors. If a minor exception application or a temporary use permit is approved, reasonable conditions may be imposed to minimize the public detriment, including, but not limited to, restrictions on sound level, sound duration and operating hours.

C. Appeals.

1. Construction-Related Exception. Any person aggrieved by or dissatisfied with the planning director's decision on an application for a construction-related exception may appeal from such action by filing an appeal according to the procedures set forth in Section 17.03.090 of the Temecula Municipal Code.

2. Temporary Use Permit. Any person aggrieved by or dissatisfied with the planning director's decision on an application for a temporary use permit may appeal from such action within fifteen calendar days of the action by filing an appeal according to the procedures set forth in Section 17.03.090 of the Temecula Municipal Code. (Ord. 09-07 § 7; Ord. 07-12 § 1)

9.20.080 Enforcement.

A. The city manager and his or her designee, including but not limited to police officers, code enforcement officers, park rangers or other enforcement officials shall have the authority to enforce the provisions of this chapter.

B. 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 1.20 of the Temecula Municipal Code.

C. Any person who violates any provision of this chapter shall be subject to the enforcement remedies of Chapters 1.21 and 1.24 of the Temecula Municipal Code.

D. 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 from engaging in efforts to obtain voluntary compliance by means of warnings, notices, administrative citations or educational programs. (Ord. 07-12 § 1)

9.20.090 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, the enforcement officials identified in Section 9.20.080 of this chapter when they are engaged in the process of enforcing the provisions of this chapter. This duty to cooperate may require a person to extinguish a sound source so that it can be determined whether sound emanating from the source violates the provisions of this chapter. (Ord. 07-12 § 1)

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