

Chapter 5-28 NOISE STANDARDS

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The City Council finds as follows:

(a) Excessive, unnecessary or offensive noise and vibrations are detrimental to the public health, welfare, and safety, and are contrary to the public interest; and

(b) Every person in the City is entitled to live in an environment free from excessive, unnecessary or offensive noise levels; and

(c) The establishment of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

(1231-CS, Added, 04/13/2017)

5-28-102 Declaration of policy.

To control unnecessary, excessive, and annoying noise and vibration in the City, it is hereby declared to be the policy of the City to prohibit such noise and vibration generated from or by all sources as specified in this chapter and the Noise Element of the General Plan. Further, it is declared to be the policy of the City that creating, maintaining, or causing, or allowing to be created, caused, or maintained, any noise or vibration 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.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-301)

5-28-103 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

“A-weighted sound level” shall mean the standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequency similar to the human ear for moderate sounds. The level so read is designated dB(a) or dBA.

“Ambient noise” shall mean all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, the ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without the inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

“C-weighted sound level” shall mean the standard C-weighted frequency response of a sound level meter, which de-emphasizes high frequencies of sound in a manner similar to the human ear for relatively loud sounds. The level so read is designated dB(c) or dBC.

“Commercial area” shall mean any commercial area as defined in the General Plan and zoning provisions and designated by a “C” prefix in the zoning provisions and on the zoning map.

“Construction” shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action for or on public or private rights-of-way, structures, utilities, or similar property.

“Cumulative period” shall mean any additive period of time composed of individual time segments which may be continuous or interrupted.

“Decibel” shall mean a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

“Emergency work or action” shall mean work or action made necessary to restore property to a safe condition after a public calamity, or work required to protect persons or property from imminent exposure to danger or damage, or work by public or private utilities to restore utility service.

“Fixed noise source” shall mean a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.

“Impulsive sound” shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

“Industrial area” shall mean any industrial area as defined by the General Plan and zoning provisions and designated by an “I” prefix in the zoning provisions and on the zoning map.

“Intrusive noise” shall mean that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.

“Licensed” shall mean the possession of a formal license or a permit issued by the appropriate jurisdictional authority or, where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public records.

“Mobile noise source” shall mean any noise source other than a fixed noise source.

“Motor vehicle” shall mean and include any and all self-propelled vehicles as defined in the Vehicle Code of the State of California, including all on-highway type motor vehicles subject to registration under said code and all off-highway type motor vehicles subject to identification under said code.

“Muffler or sound dissipative device” shall mean a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

“Noise Control Officer” shall mean the City of Turlock Code Enforcement Officer or any City of Turlock Police Officer. The Noise Control Officer shall be empowered to enforce the provisions of this chapter.

“Noise disturbance” shall mean any sound which:

- (a) Endangers or injures the safety or health of human beings or animals; or
- (b) Annoys or disturbs a reasonable person of normal sensitivities; or
- (c) Endangers or injures personal or real property.

“Noise level” shall mean A-weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micropascals. The unit of measurement shall be designated as dBA.

“Noise sensitive zone” shall mean any area so designated for the purpose of ensuring exceptional quiet, for example, a hospital zone, nursing home, or family care home.

“Noise zone” shall mean any defined area or region of a generally consistent land use wherein the ambient noise levels are within a range of five (5) dB.

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

“Public right-of-way” shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.

“Public space” shall mean any real property, or structure thereon, which is owned or controlled by a governmental entity.

“Pure tone” shall mean any sound which can be judged as audible by the Noise Control Officer as a single pitch or a set of single pitches.

“Real property boundary” shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person, but not including intra-building real property divisions.

“Residential area” shall mean any residential area as defined in the General Plan and zoning provisions and designated by an “R” prefix in the zoning provisions and on the zoning map.

“Sensitive receptor” shall mean a land use in which there is a reasonable degree of sensitivity to noise. Such uses include, but are not limited to, residences, schools, hospitals, churches, nursing homes, cemeteries, public libraries, motels and hotels, and other sensitive uses as determined by the Noise Control Officer.

“Sound amplifying equipment” shall mean any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and, as used in this chapter, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

“Sound level meter” shall mean an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S1A meters in the American National Standards Institute Specifications for sound level meters, S1.4 1971, or the most recent revision thereof.

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

“Vibration perception threshold” shall mean the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or the visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of five-thousandths (0.005) inch/second over the range of one (1) to one hundred (100) Hz.

“Zone” shall mean any of the zones specified in this Code as such zones are presently identified there and as they may be subsequently modified or altered.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-302)

5-28-104 General noise regulations.

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, unnatural or unusual offensive noise or vibration which disturbs the peace and quiet of any neighborhood; causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing or conducting business in the area; or may detrimentally or adversely affect residents or places of business. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the provisions of this chapter.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-303)

5-28-105 Preliminary action.

If it is determined by the responding agency that a sound level in excess of the levels prescribed by this chapter exists, the following procedures shall be followed:

(a) A written warning shall be issued by the Noise Control Officer or his agent to the person responsible for the event causing the disturbance.

(b) If the disturbance persists for more than fifteen (15) minutes following the notice, or recurs within an eight (8) hour period, then the person responsible for the event causing the disturbance shall be guilty of a violation of this chapter. Any such violation shall be an infraction.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-304)

5-28-106 Factors of determination.

The factors which will be considered in determining whether a violation of the provisions of this chapter exists shall include, but not be limited to, the following:

(a) The sound level of the alleged objectionable noise;

(b) The sound level of the ambient noise;

(c) The proximity of the noise to residential sleeping facilities;

(d) The nature and zoning of the area within which the noise emanates;

(e) The number of persons affected by the noise source;

(f) The time of day or night the noise occurs;

(g) The duration of the noise and its tonal, musical, or informational content; and

(h) Whether the noise is continuous, recurrent, or intermittent.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-305)

5-28-107 Noise measurement procedure.

Upon the receipt of a complaint from a citizen, the Noise Control Officer or his agent shall investigate the complaint. For any short-term source, the investigation may consist of a determination that the noise or vibration causes discomfort or annoyance to a reasonable person of normal sensitiveness as determined by the Noise Control Officer. For any long-term source, the investigation shall consist of a measurement taken with a sound level meter and the gathering of data to adequately define the noise problem and shall include the following:

(a) Nonacoustic data.

(1) The type of the noise source;

(2) The location of the noise source relative to the complainant's property;

(3) The time period during which the noise source is considered by the complainant to be intrusive;

(4) The total duration of the noise produced by the noise source; and

(5) The date and time of the noise measurement survey.

(b) Acoustic data.

(1) **A-weighted noise measurement.** Utilizing the A-weighted scale of the sound level meter and the "slow" meter response, the Noise Control Officer or his agent shall measure the sound level at any point on the receiver's closest property line to the noise source, except that for amplified music or sound, the "fast" meter response shall be used.

(2) **C-weighted noise measurement.** Utilizing the C-weighted scale of a sound level meter and the "fast" meter response, the Noise Control Officer or his agent shall measure the source of the amplified music or sound at the receiver's closest property line to the noise source.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-306)

5-28-108 Noise limits.

The provisions of this section address noise intrusions over and above the noise normally associated with a given location (intrusions over the ambient level) when the Noise Control Officer conducts an investigation using a sound level meter. The ambient noise varies throughout the community, depending upon proximity to highways, population density, and land use. Different standards are set for various segments of the community which reflect the existing day and nighttime ambient noise levels.

The ambient noise level is defined in terms of statistical parameters which describe the total noise occurring over any hourly time period.

A noise intrusion is judged by comparing such noise statistics with the noise source on, versus such statistics with the noise source off (the ambient). Violations of the provisions of this chapter may be cited in terms of particular levels exceeded or in terms of the length of time the intrusive noise exceeded such standards. Compliance with the noise emission standards as set forth in this section shall constitute the elimination of a noise disturbance.

(a) Exterior noise standards.

Exterior Noise Limits (Levels Not to Be Exceeded More Than 30 Minutes in Any Hour)		
Receiving Land Use Category	Time Period	Maximum Noise Level (dBA)

Exterior Noise Limits (Levels Not to Be Exceeded More Than 30 Minutes in Any Hour)		
Receiving Land Use Category	Time Period	Maximum Noise Level (dBA)
Residential One- and Two-Family	10:00 p.m. – 7:00 a.m.	50
	7:00 a.m. – 10:00 p.m.	60
Multiple Dwelling	10:00 p.m. – 7:00 a.m.	55
	7:00 a.m. – 10:00 p.m.	60
Public Space	7:00 a.m. – 10:00 p.m.	65
Limited Commercial Motels/Hotels, Hospitals, Nursing Homes, Schools, Libraries, Museums, Churches	10:00 p.m. – 7:00 a.m.	55
	7:00 a.m. – 10:00 p.m.	60
All Other Commercial	10:00 p.m. – 7:00 a.m.	60
	7:00 a.m. – 10:00 p.m.	65
Light Industrial	Any Time	70
	Any Time	75
Heavy Industrial		

(b) **Maximum permissible sound levels for amplified bells, chimes, or other similar devices used by churches or similar organizations.** Amplified bells, chimes, or other similar devices for churches or similar organizations shall only be used during the time period reflected in the table below and shall not exceed the following maximum permissible sound level nor shall the playing period exceed more than fifteen (15) minutes in any one (1) hour:

Amplified Bells or Chimes (Not to Exceed 15 Minutes in Any One Hour)		
Receiving Land Use Category	Time Period	Maximum Permissible Sound Level (dBA)
All receiving land use categories as specified in subsection (a) of this section	8:00 a.m. – 7:00 p.m.	60
	7:00 p.m. – 10:00 p.m.	55

(c) Interior noise standards.

Maximum Permissible Dwelling Interior Sound Levels			
Noise Zone	Type of Land Use	Time Interval	Allowable Interior Noise Level (dBA)
All	Residential	10:00 p.m. – 7:00	35
		a.m.	45
		7:00 a.m. – 10:00 p.m.	

(1) The interior noise standards for multifamily residential dwellings as set forth in this section shall apply, unless otherwise specifically indicated, within all such dwellings with windows in their normal seasonal configuration.

(2) No person shall operate, or cause to be operated, within a dwelling unit any source of sound or allow the creation of any noise which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed:

- (i) The noise standard as specified in this section for a cumulative period of more than five (5) minutes in any hour; or
- (ii) The noise standard plus five (5) dB for a cumulative period of more than one (1) minute in any hour; or
- (iii) The noise standard plus ten (10) dB or the maximum measured ambient noise for any period of time.

(d) Amplified sound limits for sensitive receptors. Amplified music or sound which causes exterior sound level when measured at the property line of any affected sensitive receptor shall not exceed the maximum permissible sound level for any one (1) minute period:

Sound Level Descriptor	Maximum Permissible Daytime (7:00 a.m. – 10:00 p.m.)	Maximum Permissible Nighttime (10:00 p.m. – 7:00 a.m.)
A-weighted (dBA)	60	45
C-weighted (dBC)	75	70

Sound Level Descriptor	Maximum Permissible Daytime (7:00 a.m. – 10:00 p.m.)	Maximum Permissible Nighttime (10:00 p.m. – 7:00 a.m.)
One-third octave band	10 dB increase in any one-third octave band	

(1) If the existing ambient sound levels are higher than the standards listed in this subsection, the maximum sound levels due to amplified sound shall not exceed the ambient sound levels by more than three (3 dBA) dB for A-weighted measurements and five (5 dBC) dB for C-weighted measurements.

(2) If the separation of low frequency noise cannot be determined with the meter using either A or C weighting scales and low frequency tones are clearly audible, a sound level measurement in terms of one-third (1/3) octave band frequencies shall be utilized. If this approach is required, a ten (10) dB increase in any one-third (1/3) octave band due to the amplified sound shall be considered a violation of this chapter.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-307)

5-28-109 Maximum permissible sound levels by receiving land uses.

The maximum sound levels shall be determined as follows:

(a) The noise standards for the various categories of land use identified by the Noise Control Officer as set forth in TMC [5-28-108](#), unless otherwise specifically indicated, shall apply to all such property within a designated zone.

(b) No person shall operate, or cause to be operated, any source of sound at any location within the incorporated City, or 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 any other property, either incorporated or unincorporated, to exceed:

- (1) The noise standard for that land use as specified in TMC [5-28-108](#) for a cumulative period of more than thirty (30) minutes in any hour; or
- (2) The noise standard plus five (5) dB for a cumulative period of more than fifteen (15) minutes in any hour; or
- (3) The noise standard plus ten (10) dB for a cumulative period of more than five (5) minutes in any hour; or

(4) The noise standard plus fifteen (15) dB for a cumulative period of more than one (1) minute in any hour; or

(5) The noise standard plus twenty (20) dB or the maximum measured ambient level for any period of time.

(c) If the measured ambient level differs from that permissible within any of the first four (4) noise limit categories set forth in subsection (b) of this section, the allowable noise exposure standard shall be adjusted in five (5) dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

(d) If the measurement location is on a boundary between two (2) different zones, the noise level limit applicable to the lower noise zone, plus five (5) dB, shall apply.

(e) If possible, the ambient noise shall be measured at the same location along the property line utilized in subsection (b) of this section, with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dB below the ambient in order that only the ambient level is measured. If the difference between the ambient and the noise source is five (5) to ten (10) dB, then the level of the ambient itself can be reasonably determined by subtracting a one (1) decibel correction to account for the contribution of the source.

(f) In noise sensitive zones the maximum permissible sound level shall be exceeded by:

(1) Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in TMC [5-28-108](#) provided conspicuous signs are displayed indicating the presence of the zone; or

(2) Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, court, or other designated area so as to interfere with the functions of such activity or annoy the occupancy in the activity provided conspicuous signs are displayed indicating the presence of the zone.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-308)

5-28-110 Prohibited acts.

The following acts are hereby prohibited:

(a) **Radios, television sets, musical instruments, and similar devices.** Operating, playing, or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to create a noise disturbance, except for activities for which a variance has been issued by the Noise Control Officer.

(b) **Chimes and bells.** The use of amplified bells and chimes except as provided by TMC [5-28-108\(b\)](#).

(c) **Yelling and shouting.** Loud or raucous yelling, shouting, whistling, or singing so as to cause a noise disturbance.

(d) **Street sales.** The solicitation, sale, or advertising of any product or service by shouting or outcry within any residential or commercial area or noise sensitive zone of the City, except by variance issued by the Noise Control Officer.

(e) **Animals.** Keeping or maintaining, or permitting to be kept or maintained, upon any premises owned, occupied, or controlled by any person any animal which, by any frequent or long continued noise, shall cause annoyance or discomfort to two (2) or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums). However, the Noise Control Officer or his agent may proceed on the basis of a complaint of only one (1) person if circumstances are determined to exist whereby a noise disturbance caused by an animal affects only one (1) individual. Any noise which is audible continuously for ten (10) minutes or intermittently for thirty (30) minutes shall be prima facie evidence of such annoyance or discomfort. Factors which can be used to evaluate excessive animal noise include, but are not limited to, (1) the time of day; (2) the pitch; (3) the pattern; (4) the duration; and (5) the frequency of occurrence.

(f) **Loading and unloading.** Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line.

(g) **Construction or demolition.**

(1) **Hours of operation.** Operation or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7:00 p.m. and 7:00 a.m. (or 8:00 p.m. and 9:00 a.m. on weekends or holidays) such that the sound

therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work or public service utilities or by variance issued by the Noise Control Officer; and

(2) **Noise restrictions at affected properties.** Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

(i) **Mobile equipment.** Maximum sound levels for nonscheduled, intermittent, short term operation (less than ten (10) days per month) of mobile equipment:

Mobile Construction Equipment			
Time Interval	One- and Two-Family Residential (dBA)	Multiple-Family Residential (dBA)	Commercial and Industrial (dBA)
Daily 7:00 a.m. – 7:00 p.m.	75	75	85
Weekends/Holidays 9:00 a.m. – 8:00 p.m.	70	70	85

(ii) **Stationary equipment.** Maximum sound levels for repetitively scheduled and relatively long term operation (periods of ten (10) days or more per month) of stationary equipment:

Stationary Construction Equipment			
Time Interval	One- and Two-Family Residential (dBA)	Multiple-Family Residential (dBA)	Commercial and Industrial (dBA)
Daily 7:00 a.m. – 7:00 p.m.	70	70	85
Weekends/Holidays 9:00 a.m. – 8:00 p.m.	60	65	85

(h) **Vibration.** Operating or permitting the operation of any device which creates a vibration which annoys or disturbs at least two (2) or more reasonable persons of normal sensitivity who reside in separate residences (including apartments and condominiums) at or beyond the property boundary of the noise source. When the noise source is located on a public space or in the public right-of-way, the affected residence shall be located at least one hundred fifty (150') feet (forty-six (46) meters) from the noise source.

(i) **Motor vehicle noise limits.**

(1) **Motor vehicles.** It shall be the policy of the City to enforce those sections of the Vehicle Code of the State of California regarding motor vehicle noise limits and equipment violations which create noise problems, motor vehicle horns, sound levels emitted from off-highway vehicles operating off the public right-of-way, and successors thereof. Commercial maintenance equipment and machinery shall be equipped with proper mufflers and air-intake silencers in good working order.

(2) **Refuse collection vehicles.** No person shall collect refuse with a refuse collection vehicle between the hours of 6:00 p.m. and 5:00 a.m. of the following day in a residential area.

(3) **Vehicle, motorboat, and aircraft repair and testing.** No person shall repair, rebuild, modify, or test any motor vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance across a residential real property line or at any time to violate the provisions of this chapter.

(j) **Powered model vehicles.** Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of this chapter.

(k) **Emergency signaling devices.**

(1) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as provided in subsection (k)(2) of this section;

(2) **Sound testing.**

(i) Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds; and

(ii) Testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in subsection (k)(2)(i) of this section shall not apply to such complete system testing; and

(3) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within fifteen (15) minutes after any single security violation or false alarm.

(l) Domestic power tools, machinery, heating, venting, or air conditioning (HVAC) equipment.

(1) Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. on weekdays (or 8:00 p.m. and 9:00 a.m. on weekends and legal holidays) so as to create a noise disturbance across a residential or commercial real property line; and

(2) Any motor, machinery, or pump, such as swimming pool or HVAC equipment and the like, installed or replaced after October 11, 1984, shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance across a residential or commercial real property line.

(m) Places of entertainment. Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound which exceeds ninety-five (95) dBA as read on the scale of a sound level meter inside any place of public entertainment at any point normally occupied by a customer without a conspicuous and legible sign stating "Warning Sound Levels Within May Cause Hearing Impairment."

(n) Tampering. The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement, of any noise control device, or element thereof, of any product required to meet specified noise emission limits under Federal, State, or local laws and the use of such product after its noise control device has been removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement.

(o) Trash enclosures and trash compacting equipment. No person shall operate a trash enclosure or trash compacting equipment between the hours of 9:00 p.m. and 7:00 a.m. when such compacting activity takes place on any premises adjacent to, or across the street or alley from, a sensitive receptor.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-309)

5-28-111 Emergency exemptions.

The provisions of this chapter shall not apply to:

- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency; or
- (b) The emission of sound in the performance of emergency work.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-310)

5-28-112 Miscellaneous exemptions.

(a) **Warning devices.** Warning devices necessary for the protection of the public safety, as, for example, police, fire, and ambulance sirens, shall be exempted from the provisions of this chapter.

(b) **Outdoor activities.** The provisions of this chapter shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided such events are conducted in a public park or pursuant to a permit or license issued by the City relative to the staging of such events. The use of amplified music or sound shall comply with the noise limits established in TMC [5-28-108](#)(d).

(c) **Agricultural operations.** All mechanical devices, apparatus, or equipment associated with acceptable agricultural operations or practices conducted on agricultural property shall be exempt from the provisions of this chapter. If, however, the operation is in the vicinity of residential land uses, and/or in operation for less than one (1) year, a variance permit shall be required to operate noise producing devices, with the following conditions:

- (1) That operations do not take place between 8:00 p.m. and 5:00 a.m.; or
- (2) That such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions; or
- (3) That such operations and equipment are associated with agricultural pest control through pesticide applications provided the applications are made in accordance with permits issued by or regulations enforced by the Country Agricultural Commissioner; and
- (4) That such devices utilized for pest control which incorporate stationary or mobile noise sources (electro-mechanical bird scare devices and the like) are operated only by a permit

issued by the Noise Control Officer. The allowable hours and days for the operation of such devices will be specified in the permit; and

(5) That all equipment and machinery powered by internal combustion engines shall be equipped with a proper muffler and air intake silencer in good working order.

(d) **Public and private schools.** The normal operation of public and private schools typically consisting of classes, school bands, outdoor recreation, and other school-sponsored activities occurring between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends. This exemption shall not apply to special events or activities that are not directly operated by the school or are not directly related to the operation of the school.

(e) **City maintenance activities.** Tree and park maintenance activities conducted or authorized by City departments; provided, that use of portable blowers within two hundred (200') feet of a residence shall comply with the requirements of TMC [5-28-110\(I\)](#).

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-311)

5-28-113 Federal and State preempted activities.

Any other activity shall be exempt from the provisions of this chapter to the extent regulation thereof has been preempted by State or Federal laws.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-312)

5-28-114 Special variances.

(a) The Planning Commission is authorized to grant variances for exceptions from any provision of this chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the Planning Commission determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities.

(b) Any person seeking a variance pursuant to this section shall file an application with the Planning Commission. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee established by resolution of the City Council. A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership, or several fixed sources on a single property, may be combined into one (1) application. Notice of an application for a variance shall be published according to this Code. Any

individual who claims to be adversely affected by the allowance of the variance may file a statement with the Planning Commission containing any information to support his claim. If at any time the Planning Commission finds that a sufficient controversy exists regarding an application, a public hearing will be held.

(c) In determining whether to grant or deny the application the Planning Commission shall balance the hardship of not granting the variance on the applicant, the community, and other persons against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the variance. Applicants for variances and persons contesting variances may be required to submit such information as the Planning Commission may reasonably require. In granting or denying an application, the Planning Commission shall keep on public file a copy of the decision and the reasons for denying or granting the variance.

(d) Variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this chapter for which the variance was granted.

(e) A variance shall not exceed three hundred sixty-five (365) days after the date in which it was granted. Applications for the extension of the time limits specified in variances or for the modification of other substantial conditions shall be treated like applications for initial variances under subsection (b) of this section.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-313)

5-28-115 Variance from time to comply.

On or before January 9, 1985, the owner of any commercial or industrial source of sound may apply to the Planning Commission for a variance in time to comply with the provisions of this chapter. The Planning Commission shall have the authority, consistent with this section, to grant a variance (not to exceed five (5) years from the effective date of this chapter). The same procedures and considerations by the Planning Commission as followed under TMC [5-28-114](#) shall likewise apply.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-314)

5-28-116 Appeals.

Appeals of an adverse decision of the Planning Commission shall be made to the Council. Reviews by the Council shall be as specified in this Code.

(1231-CS, Amended, 04/13/2017; 1207-CS, Rep&ReEn, 05/28/2015. Formerly 9-2-315)

The Turlock Municipal Code is current through Ordinance 1264-CS, passed October 8, 2019.

Disclaimer: The city clerk's office has the official version of the Turlock Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.cityofurlock.org/>

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