

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

ORDINANCE NO. 709
(Amendment to General Noise Ordinance)

The Board of Supervisors of the County of Madera, State of California, ordains as follows:

SECTION 1

Section 9.58.020 of Ordinance 634 and Ordinance 582 and Section 9.58.040 of Ordinance 582 are amended by the accompanying Exhibit "A," and made part hereof. Said amendment shall be designated as 9.58.020 and 9.58.040.

Excessive noise is recognized as a serious hazard to public health and welfare, prompting the need for amendments to Madera County's noise ordinance. These amendments detailed in Exhibit "A," introduce a defined stop time for the use of radios, television sets, musical instruments, and similar devices to address late night and early morning noise disturbances effectively. Additionally, the amendments enhance enforcement by increasing penalties for violations and better allows County Staff to act against properties declared public nuisances due to the noise violations. These changes aim to clarify noise control standards and enhance County Staff's enforcement capabilities by increasing fine amounts for violations and repeat violations occurring within one year from the date of the first violation, thereby ensuring a more effective response to complaints and improving the quality of life for residents.

SECTION 2

This ordinance shall be in force and effect thirty (30) days from the date of adoption.

* * * * *

The foregoing Ordinance was adopted this 18TH day of MARCH, 2025, by the following vote.



Supervisor Wamhoff voted:

Yes

Supervisor Rogers voted:

Yes

Supervisor Poythress voted:

Yes

Supervisor Gonzalez voted:

Yes

Supervisor Macaulay voted:

Yes

[Signature]
Chair, Board of Supervisors

ATTEST:

[Signature]
Clerk, Board of Supervisors

Approved as to Legal form:
COUNTY COUNSEL

Rebecca Wilson
By _____
Digitally signed by: Rebecca Wilson
DN: cn = Rebecca Wilson email =
rwilson@bozardsmith.com C = US O =
BOZARD SMITH
Date: 2025.01.15 13:54:20 -0800

EXHIBIT A

9.58.020 General noise regulations.

- A. Residence. It shall be unlawful for any person to make, continue, or cause to be made or continued, any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity residing in the area.
- B. Schools, courts, churches, hospitals and libraries. It shall be unlawful for any person to make, continue, or cause to be made or continued any noise on any street, sidewalk, or place adjacent to any school, institution of learning (except recreational areas of schools), church, court or library, while the same are in use; or adjacent to a hospital, rest home, or long-term medical or mental-care facility, which noise interferes with the workings of such institution or which disturbs or annoys patients in the hospital, rest home, or long-term medical or mental-care facility; provided, conspicuous signs are displayed on such streets, sidewalks, or public places indicating the presence of a school, institution of learning, church, court, library, rest home or long-term medical or mental-care facility.
- C. Engines and Motor Vehicles. It shall be unlawful for any person to cause, permit or allow any disturbing or raucous noises caused off streets or highways by racing or accelerating the engine of any motor vehicle while moving or not moving, by the willful backfiring of any engine and exhaust from the engine tailpipe or muffler, or from the screeching of tires.
- D. The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists, include, but are not limited to, the following:
 - 1. The level of noise;
 - 2. Whether the nature of the noise is usual or unusual;
 - 3. Whether the origin of the noise is natural or unnatural;
 - 4. The level of the background noise;
 - 5. The proximity of the noise to sleeping facilities;
 - 6. The nature and zoning of the area within which the noise emanates;
 - 7. The density of the inhabitation of the area within which the noise emanates;
 - 8. The time of the day or night the noise occurs;
 - 9. The duration of the noise;
 - 10. Whether the noise is recurrent, intermittent, or constant;
 - 11. Whether the noise is produced by agricultural, commercial or noncommercial activity; and
 - 12. The county of Madera is a "right-to-farm" county.

- E. Disturbing, Excessive or Offensive Noises. The following acts, including but not limited to those stated, are declared to be disturbing, excessive and offensive noises in violation of this section:
1. The use of horns, signaling devices, and like equipment associated with the use or operation of automobiles, motorcycles, or any other vehicle in such a manner as to disturb the peace, quiet and comfort of persons of normal sensitivity.
 2. Radios, Television Sets, Musical Instruments, and Similar Devices.
 - a. Uses Restricted. The use, operation or permitting to be played, used or operated, of any television set, radio, musical instrument or other device for amplification, production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or persons of normal sensitivity in the area. The use of such devices is strictly prohibited between the hours of 10:00 p.m. and 8:00 a.m. if the sound creates a noise disturbance that crosses residential property lines.
 - b. Prima Facie Violations. The operation of any device for the amplification, production or reproduction of sound in such a manner that the sound is plainly audible at a distance of fifty feet from the source or the building structure, or vehicle in which it is located, shall be prima facie evidence of a violation of this section.
- F. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold as defined in Section 9.58 at or beyond the property boundary of the source if on private property or one hundred fifty feet (forty-six meters) from the source if on a public right-of-way will be in violation of this chapter.
- G. Construction activities are limited to the hours of seven a.m. and seven p.m. Monday through Friday and nine a.m. and five p.m. on Saturdays. Construction activities will be prohibited on Sundays.

9.58.040 Violation—Enforcement.

The violation of any of the provisions of this chapter shall be a punishable as a misdemeanor. The provisions of this chapter may also be enforced by an injunction issued from the superior court of the county. Any violation of the provisions of this chapter shall be deemed to be a public nuisance. Therefore, the property owner and/or host of the event shall be served with an administrative citation, as provided in Chapter 8.01. Each day a violation occurs or continues, as well as each visit within any single day by county staff to verify the violation, shall constitute a separate offense, subject to enforcement and penalties accordingly.

A. Notwithstanding any other provisions of this Code, responsible parties violating any provision of this chapter may be issued a penalty not exceeding five hundred dollars for the first violation; a penalty not exceeding seven hundred fifty dollars for the second

violation within one year from the date of the first violation; and a penalty not exceeding one thousand dollars for each and every additional violation within one year from the date of the first violation.