

## Mono County Code Chapter 10.16 -- NOISE REGULATION

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### **10.16.010 Declaration of Policy.**

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; and, WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and, WHEREAS the people have a right to, and should be ensured an environment free from excessive sound, it is the policy of Mono County to prevent unnecessary, excessive and annoying sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

### **10.16.020 Definitions.**

The following words and terms, when used in this ordinance, shall have the following meanings unless the context clearly indicates otherwise.

- A. "Ambient Sound Level" is the total sound level at a given location, including the noise source of interest; the normal or existing level of environmental noise at a given location.
- B. "A-Weighting" is the electronic filtering in sound level meters that models human hearing frequency sensitivity.
- C. "Background Sound Level" is the total sound level at a given location, excluding the noise source of interest.
- D. "Commercial Area" is a group of commercial facilities and the abutting public right-of-way and public spaces.
- E. "Commercial Facility" is any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:
  - 1. Banking and other financial institutions;
  - 2. Dining establishments;
  - 3. Establishments for providing retail or wholesale services;
  - 4. Establishments for recreation and entertainment;
  - 5. Office buildings;
  - 6. Transportation; and
  - 7. Warehouses.
- F. "Construction" is any site preparation, assembly, erection, repair, alteration or similar action, or demolition for or of public or private rights-of-way, structures, utilities, or similar property.
- G. "C-Weighting" is the electronic filtering in sound level meters that models a flat response (output equals input) over the range of maximum human hearing frequency sensitivity.
- H. "Cumulative Period" means an additive period of time composed of individual time segments, which may be continuous or interrupted.

- I. "dBA" is the A-weighted unit of sound pressure level.
- J. "dBC" is the C-weighted unit of sound pressure level.
- K. "Decibel (dB)" is the unit of measurement for sound pressure level at a specified location.
- L. "Emergency Work" means any work performed for the purpose of preventing or alleviating property damage, disruption of essential services or similar situations, including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions.
- M. "Fixed Noise Source" means a stationary device that creates sound while fixed or motionless, including but not limited to, residential, agricultural, industrial and commercial machinery and equipment such as pumps, fans, compressors, generators, air conditioners, and refrigeration equipment.
- N. "Impulsive Sound" is a sound having a duration of less than one second with an abrupt onset and rapid decay. Examples of impulsive sound include explosions and the discharge of firearms.
- O. "Industrial Facility" is any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.
- P. "Intrusive Noise" means noise that intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.
- Q. "Mobile Noise Source" means any noise source other than a fixed noise source.
- R. "Motor Vehicle" is any self-propelled vehicle, including on- and off-highway vehicles.
- S. "Muffler" is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine.
- T. "Noise" is any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the County or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.
- U. "Noise Control Office (NCO)" means the County agency or department responsible for implementing this ordinance.
- V. "Noise Disturbance" is any sound that (a) endangers or injures the safety or health of human beings or animals, (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property, or (d) violates the standards in this ordinance. Compliance with the quantitative standards in this ordinance shall constitute elimination of a noise disturbance.
- W. "Person" is any individual, corporation, company, association, society, firm partnership, joint stock company, the County or any political subdivision, agency or instrumentality of the County.
- X. "Powered Model Vehicle" means any self-propelled, airborne, waterborne, or landborne vehicle not designated to carry persons, including but not limited to, any model airplane, boat, car, or rocket.
- Y. "Public right-of-way" is any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned, or controlled by a governmental entity.
- Z. "Public Space" is any real property or structures thereon that is owned, leased, or controlled by a governmental entity.
- AA. "Pure Tone" is any sound that can be judged as a single pitch or set of single pitches by the NCO. For the purposes of this ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with tone

exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above and by eight dB for center frequencies between 160 and 400 Hz and by fifteen dB for center frequencies less than or equal to 125 Hz.

- BB. "Real Property Line" is either (a) the imaginary line, including its vertical extension, that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.
- CC. "Residential Area" is a group of residential properties and the abutting public rights-of-way and public spaces.
- DD. "Residential Property" is property used for human habitation, including but not limited to:
  - 1. Private property used for human habitation;
  - 2. Commercial living accommodations and commercial property used for human habitation;
  - 3. Recreational and entertainment property used for human habitation; and
  - 4. Community service property used for human habitation.
- EE. "Sound Amplifying Equipment" means 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 ordinance, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.
- FF. "Sound Level Meter" means an instrument, including a microphone, or amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute specifications for sound level meters.
- GG. "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.
- HH. "Vibration Perception Threshold" means the minimum ground-borne 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 visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 inches/second over the range of one to one hundred Hz.

**10.16.030 Noise Control Office—Powers and Duties.**

- A. The noise control program established by this ordinance shall be administered by the Community Development Department, as the Noise Control Office (NCO). The NCO shall have the power to:
  - 1. Conduct, or cause to be conducted, studies, research, and monitoring related to noise, including joint cooperative investigations with public or private agencies, and the application for, and acceptance of, grants.
  - 2. Conduct programs of public education regarding the cause, effects of noise and general methods of abatement and control of noise, and the actions prohibited by this ordinance and the procedures for reporting violations.
  - 3. Encourage the participation of public interest groups in related public information efforts.
  - 4. Provide for training of field inspectors and other technical personnel concerned with noise abatement in conformance with standards for technical qualifications as established by the state office of noise control.
  - 5. Coordinate the noise control activities of all county departments, cooperate where practicable with all appropriate state and federal agencies, advise on the availability of low noise emission products for replacement or retrofit of existing or planned county-owned or operated equipment, and transmit recommended contracts for the approval of the board of supervisors for the provision of technical and enforcement services.
  - 6. Request any other department or agency responsible for a proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that the action is not consistent with this ordinance.

7. On all public and private projects which are likely to cause noise in violation of this ordinance and which are subject to mandatory review or approval by other departments, review for compliance with the intent and provisions of this ordinance, require sound analyses which identify existing and projected noise sources and associated noise levels, and require usage of adequate measures to avoid violation of any provision of this ordinance.
8. Upon presentation of proper credentials, enter and/or inspect any private property, place, report or records at any time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this ordinance may exist. Such inspection may include administration of any necessary tests.
9. Develop and recommend to the board of supervisors provisions regulating the use and operation of any product, including the description of maximum sound emission levels of such product, but not in such a manner as to conflict with federal or state new product regulations.
10. Prior to the approval of any land use designation change, review the noise impact of the proposed land use designation change by identifying existing and projected noise sources and the associated sound levels, and require usage of adequate control measures on noise sources identified above which will be in violation of any provision of this ordinance.

B. In order to effectively implement and enforce this ordinance, the NCO shall:

1. Develop measurement standards and procedures.
2. Develop administrative procedures to enforce this ordinance.
3. Investigate and pursue possible violations of this ordinance.
4. Prepare, publish, and update a list of products required to meet specified noise emission limits under federal, state, or local law.
5. Administer noise program grants, funds, and gifts from all sources.

**10.16.040 Duties and Responsibilities of Other Departments.**

- A. All departments and agencies of the County shall carry out their programs according to law and shall cooperate with the NCO in the implementation and enforcement of this ordinance.
- B. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the NCO prior to the approval of such projects to ensure that such activities comply with the provisions of this ordinance.

**10.16.050 Noise Measurement Procedures.**

- A. Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum, and fluctuating rates.
- B. All tests shall be conducted in accordance with the following procedures:
  1. The NCO shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
  2. Then noise level shall be measured at a position or positions at any point on the receiver's property.
  3. The measuring instrument must be calibrated using a calibrator recommended by the measuring instrument manufacturer before and after each series of readings.
  4. The measuring instrument must be recertified and the calibrator must be recalibrated at least once each year by the manufacturer or by a person that has been approved by the manufacturer. A copy of written documentation of such recertification and recalibration shall be kept with the equipment to which it refers.
  5. No outdoor measurements shall be taken:
    - a. During periods when wind speeds (including gusts) exceed 15 mph;
    - b. Without a windscreen, recommended by the measuring instrument manufacturer, properly attached to the measuring instrument;
    - c. Under any condition that allows the measuring instrument to become wet (e.g., rain, snow, or condensation);  
or
    - d. When the ambient temperature is out of the range of the tolerance of the measuring instrument.
- C. The report for each measurement session shall include:

1. The date, day of the week, and times at which measurements are taken;
  2. The times of calibration;
  3. The weather conditions during measurement sessions;
  4. The identification of all monitoring equipment by manufacturer, model number, and serial number;
  5. The normal operating cycle of the sources in question with a description of the sources, i.e. type of noise source, location of noise source relative to complainant's property, time period during which noise source is considered to be intrusive, total duration of noise produced by noise source;
  6. The ambient sound level, in dBA, with the sources in question operating;
  7. The background sound level, in dBA, without the sources in question operating; and
  8. A sketch of the measurement site, including measurement locations and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions.
- D. Prior to taking noise measurements the investigator shall explore the vicinity of the source in question to identify any other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound from the source in question.
- E. Appropriate settings shall be used on the measuring instrument for taking readings of different sound types, e.g. continuous sound or impulsive sound, and shall be set to that range in which the meter reads closest to the middle of the scale. The minimum and maximum readings shall be recorded to indicate the range of monitored values along with the central tendency average most often displayed.
- F. The measuring instrument shall be placed at a minimum height of 3 ft above the ground or from any reflective surface. When handheld, the microphone shall be held at arm's length and pointed at the source at the angle recommended by the measuring instruments manufacturer.
- G. If extraneous sound sources, such as aircraft flyovers or barking dogs, that are unrelated to the measurements, increase the monitored sound levels, the measurements should be postponed until these extraneous sounds have become of such a level as not to increase the monitored sound levels of interest.
- H. The monitoring session should last for a period of time sufficient to ensure that the sound levels measured are typical of the source in question.
- I. The background sound levels shall be subtracted from the measured sound levels of the source of interest by using Table 10.16.050 (I) to determine the sound levels from the source of interest alone. If the ambient sound level is less than 3 dBA higher than the background sound level, the source level cannot be derived and a violation of the ordinance cannot be substantiated.

**Table 10.16.050 (I) -- Correction for Background Levels, in dBA**

Difference Between Ambient and Background Sound Levels	Correction Factor to be Subtracted from Ambient Level for Source Level
3	3
4, 5	2
6-9	1
10 or more	0

- J. If a noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit.
- K. For noise sources located on private land outside of community areas, the following additional noise measurement procedures shall be followed, in addition to those stated above.
1. The NCO shall identify any topographic features that may either accentuate or minimize noise impacts from the source. If such topographic features exist, noise should be measured on both sides of the topographic feature, if possible, to help determine the effect of those topographic features on the noise environment.
  2. The NCO shall identify any weather conditions (prevailing winds, average snow coverage, etc.) that may either accentuate or minimize noise impacts from the source. If a weather condition may consistently affect the noise environment, noise should be measure during that weather condition, if possible, to help determine the effect of that weather condition on the noise environment.
  3. The NCO shall identify surrounding sensitive land uses (e.g. wildlife habitat, wilderness areas, passive recreational areas, cultural sites) and measure noise levels between the subject parcel and the sensitive land use.
  4. The NCO shall identify surrounding landowners and work with land management agencies for a consistent approach to noise measurement and abatement.

**10.16.060 Noise Level Limitations.**

**Exterior Noise Levels**

- A. The maximum allowable exterior noise levels for various categories of land use are shown in Table 10.16.060 (A).
- B. No person shall cause, operate, allow, or permit the operation of any sound source on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by at least 10 dBA during daytime (7:00 a.m. to 10:00 p.m.) hours and by at least 5 dBA during nighttime (10:00 p.m. to 7:00 a.m.) hours when measured at or within the real property line of the receiving property. Such a sound source would constitute a noise disturbance.
  - 1. If the background sound level cannot be determined, the absolute sound level limits set forth in Table 10.16.060(A) shall be used.
  - 2. If the sound source in question is a pure tone, the limits of Table 10.16.060(A) shall be reduced by 5 dBA.
  - 3. Nonrepetitive impulsive sound sources shall not exceed 90 dBA or 120 dBA at or within a residential real property line.
  - 4. In multi-dwelling unit buildings, if the background sound level cannot be determined, the daytime limit is 45 dBA and the nighttime limit is 35 dBA for sounds originating in another dwelling within the same building.

**Table 10.16.060(A) -- Maximum Allowable Exterior Noise Levels**

Land Use	Noise Level (CNEL)
Residential—Low Density Single Family, Duplex	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Residential—Multiple Family, Mixed Use	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Transient Lodging	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Public Uses—Schools, Libraries, Hospitals, Community Centers, Senior Centers	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Passive Recreational Areas, Cultural Resource Areas, Natural Habitat Areas	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Community Parks and Athletic Fields	All Times -- 60 dBA
Commercial Uses, Offices, Retail	All Times -- 65 dBA
Light Industrial Uses	All Times -- 65 dBA
Industrial Uses, Utilities, Mining, Ranching, Agriculture	All Times -- 65 dBA

**Construction Noise Limits**

- C. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedule:
  - 1. At residential properties:
    - a. **Mobile equipment.** Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment shall comply with the noise limits in Table 10.16.060 (B).
    - b. **Stationary equipment.** Maximum noise levels for repetitively scheduled and relatively long-term operation (ten days or more) of stationary equipment shall comply with the noise limits in Table 10.16.060 (C).
  - 2. At business properties:

- a. **Mobile equipment.** Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment, daily including Sunday and legal holidays, at all hours, shall be 85 dBA.
  - b. **Stationary equipment.** Maximum noise levels for repetitively scheduled and relatively long-term operation (ten days or more) of stationary equipment, daily including Sunday and legal holidays, at all hours, shall be 75 dBA.
3. All mobile or stationary internal combustion engine-powered equipment or machinery shall be equipped with suitable exhaust and air intake silencers in proper working order.

**Table 10.16.060 (B) – Noise Limits for Mobile Construction Equipment  
Non-Scheduled, Intermittent, Short-Term Operation**

Time Period	Single Family Residential Land Use	Multi-Family Residential Land Use	Mixed Use Residential Commercial
Mon-Sat, 7:00 a.m. – 6:59 p.m.	75 dBA	80 dBA	85 dBA
Mon-Sat, 7:00 p.m. – 6:59 a.m. All Day, Sundays & Legal Holidays	60 dBA	65 dBA	70 dBA

**Table 10.16.060 (C) – Noise Limits for Stationary Construction Equipment  
Repetitively Schedules, Relatively Long-Term Operation**

Time Period	Single Family Residential Land Use	Multi-Family Residential Land Use	Mixed Use Residential Commercial
Mon-Sat, 7:00 a.m. – 6:59 p.m.	60 dBA	65 dBA	70 dBA
Mon-Sat, 7:00 p.m. – 6:59 a.m. All Day, Sundays & Legal Holidays	50 dBA	55 dBA	60 dBA

**10.16.070 Prohibited acts.**

- A. No person shall cause, suffer, allow, or permit to be made verbally or mechanically any noise disturbance, as defined in this ordinance.
- B. No person shall cause, suffer, allow, or permit the following acts:
  1. **Music/Television.** Operating, playing, or permitting the operation or playing of any radio, television, musical instrument, or similar device that reproduces or amplifies sound between 10 p.m. and 7 a.m. in such a manner as to create a noise disturbance (as defined in this ordinance) across a residential or commercial real property line, except for activities for which a variance has been issued by the County, or in such a manner as to exceed the levels set forth for public space in this ordinance, measured at a distance of at least fifty feet from such operating on a public right-of-way or public space.
  2. **Loudspeakers/Public Address Systems.** Using or operating any loudspeaker, public address system, or similar device between 10:00 p.m. and 7:00 a.m., such that the sound there from creates a noise disturbance (as defined in this ordinance) across a residential real property line, except for any public speaking or assembly for which a variance or use permit has been issued by the County.
  3. **Sales/Advertising.** Offering for sale, selling anything, or advertising by shouting or outcry within any residential or commercial area except by variance issued by the County. The provisions of this section shall not apply to the selling by outcry of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses, or similar licensed public entertainment.
  4. **Animals.** Owning, possessing, or harboring any animal or bird that, frequently or for continued duration, generates sounds that create a noise disturbance (as defined in this ordinance) across a residential or commercial real property line;
  5. **Deliveries/Trash Collection.** Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, refuse, or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form, or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential property line;
  6. **Construction/Demolition.** Operating or permitting the operation of any tools or equipment used in construction,

drilling, repair, alteration, earthmoving, excavating, or demolition work between 7:00 p.m. and 7:00 a.m. on weekdays or at any time on weekends or legal holidays, except for emergency work by public service utilities or road crews or by variance issued by the County.

7. **Vibration.** Operating or permitting the operation of any device that creates a vibration that is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty feet from the source if on a public space or public right-of-way.
8. **Powered Model Vehicles.** Operating or permitting the operation of powered model vehicles:
  - a. Between the hours of 8 p.m. and 7 a.m., so as to create noise disturbance across a residential or commercial real property line or at any time to violate the provisions of this ordinance.
  - b. In such a manner as to exceed the levels set forth for public space land use in Table , measured at a distance not less than 100 feet from any point on the path of a vehicle operating on public space or public right-of-way.
9. **Bells/Chimes.** Sounding or permitting the sounding of any electronically-amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than ten seconds in any hourly period. Houses of religious worship and all public entities including Mono County, shall be exempt from this provision. Sound sources covered by this provision and not exempted under subsection 10(b) may be exempted by a variance issued by the County.
10. **Sirens/Alarms.** The intentional sounding or permitting the sounding 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 elsewhere in this ordinance.
  - a. Testing of a stationary emergency signaling device shall not occur before 7 a.m. or after 7 p.m. Any such testing shall use only the minimum cycle test time. In no case, shall such test time exceed sixty seconds.
  - b. Testing of the complete emergency signaling system, including the functioning of the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7 a.m. or after 10 p.m. The time limit specified in this section shall not apply to such complete system testing.
  - c. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within five minutes of activation.
11. **Power Tools.** Operating or permitting the operation of any mechanically-powered tools or lawn and garden equipment between 8 p.m. and 7 a.m. (8 a.m. on weekends) so as to create a noise disturbance across a residential or commercial real property line.
12. **Motors/Machinery.** Any motor, machinery, pump, such as swimming pool equipment or generators, shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with this ordinance.
13. **Sound Exceeding 95 dBA.** Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound in any place of public entertainment that exceeds 95 dBA on a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT."
14. **Noise Control Devices.** 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 identified under Section 10.16.030 (B).
15. **Noise Labels.** The removal of any noise label from any product identified under Section 10.16.030 (B)(4).
16. **Use of Products Without Suitable Noise Control Devices.** The use of a product identified under Section 10.16.030 (B) which has had a noise control device or element thereof or noise label removed or rendered inoperative.

#### **10.16.080 Exemptions.**

- A. The provisions of this ordinance shall not apply to:
  1. The generation of sound for the purpose of alerting persons to the existence of an emergency.
  2. The generation of sound in the performance of emergency work, including the use of generators, both fixed and mobile, during power outages.
  3. The generation of sound in the performance of snow removal work, including the noise of snow blowers, snow throwers and snow plows when operated with a muffler for the purpose of snow removal.
  4. The generation of sound from warning devices necessary for the protection of public safety, such as police, fire, or ambulance sirens.
  5. The generation of sound from an exterior burglar alarm of any building provided such burglar alarm shall terminate its operation within 5 minutes of its activation.

6. The generation of sound from church bells and chimes when part of a religious observance or service.
7. The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration.
8. The generation of sound from domestic power tools, lawn mowers, and similar equipment when operated between 7:00 a.m. and 8:00 p.m. on weekdays and 8:00 a.m. and 8:00 p.m. on weekends and legal holidays, provided they generate less than 85 dBA at or within any residential real property line.
9. The generation of sound from occasional outdoor gatherings, public dances, shows, sporting and entertainment events, or similar events, provided the events are conducted pursuant to a permit or license issued by the county relative to the staging of such events, and fees are paid as established by Resolution of the Board of Supervisors.

**10.16.090 Enforcement.**

- A. Any noise exceeding the noise level limits for a designated noise zone as specified in this ordinance or the prohibited actions as specified in this ordinance shall be deemed to be a violation of the provisions of this ordinance.
- B. In lieu of issuing a fine as provided in subsection C below, the NCO may issue an order requiring abatement of any sound source alleged to be in violation of this ordinance, within a reasonable time period and according to guidelines that the NCO may prescribe. No complaint or further action shall be taken in the event that the cause of the violation has been removed, the condition abated or fully corrected within the time period specified in the written notice.
- C. Any person who violates any provision of this ordinance shall be subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for each offense shall be \$250. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- D. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this ordinance which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this ordinance shall be deemed and is hereby 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. Additionally, no provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this ordinance or from other law.

**10.16.100 Variances.**

Variances for exceptions from any provision of this ordinance, subject to limitations and restrictions as to area, noise levels, time limits and other terms and conditions, may be sought in the same manner and on the same basis as set forth in Chapter 33, Variances, of the Mono County Land Development Regulations.

**10.16.110 Appeals.**

Appeals of an adverse decision or action by the NCO shall be made directly to the Mono County Planning Commission by filing a written appeal with the executive secretary to the planning commission within ten days of the action of the NCO which is subject to the appeal. The appeal procedure shall be as set forth in Chapter 47, Appeals, of the Mono County Land Development Regulations.

**10.16.120 Severability.**

If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.