

## **Chapter 8.54 NOISE CONTROL**

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### **8.54.010 Purpose and Intent**

- A. It is the purpose and intent of these regulations to establish community-wide noise standards. It is further the purpose of these regulations to recognize that the existence of excessive noise within the City is a condition which is detrimental to the health, safety, welfare, and quality of life of the citizens and shall be regulated in the public interest.
- B. In furtherance of the foregoing purpose, it is found and declared as follows:
1. The making, creation, or maintenance of such loud, unnecessary, unnatural, or unusual noises that are prolonged, unusual, annoying, disturbing and unnatural in their time, place, and use are a detriment to public health, comfort, convenience, safety, general welfare, and the peace and quiet of the City and its inhabitants; and
  2. The public interest and necessity of the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of, and for the purpose of, securing and promoting the public health, comfort, convenience, safety, general welfare and property, and the peace and quiet of the City and its inhabitants.

(Ord. MC-1246, 5-23-07; Ord. 1925, 11-06-51)

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## 8.54.020 Prohibited Acts

It shall be unlawful for any person to engage in the following activities:

- A. Sounding any horn or signal device on any automobile, motorcycle, bus, or other motor vehicle in any other manner or circumstances or for any other purpose than required or permitted by the California Vehicle Code, or other laws, for an unnecessary or unreasonable period of time;
- B. Racing the engine of any motor vehicle while the vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting, or testing the same.
- C. Operating or permitting the use of any motor vehicle on any public right-of-way or public place or on private property within a residential zone for which the exhaust muffler, intake muffler, or any other noise abatement device has been modified or changed in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured.
- D. Using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other sound amplification or production equipment for producing or reproducing sound in such a manner as to disturb the peace quiet, or comfort of neighboring persons, or at any time with louder volume than is necessary for the convenient hearing of the person or persons who are in the room, vehicle, or other enclosure in which such machine or device is operated, and who are voluntary listeners thereto and that is:
  1. Plainly audible across property boundaries;
  2. Plainly audible through partitions common to two residences within a building;
  3. Plainly audible at a distance of 50 feet in any direction from the source of the music or sound between the hours of 8:00 a.m. and 10:00 p.m.; or
  4. Plainly audible at a distance of 25 feet in any direction from the source of the music or sound between the hours of 10:00 p.m. and 8:00 a.m.
- E. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or any motor vehicle burglar alarm, except for emergency purposes or for testing, unless such alarm is terminated within fifteen minutes of activation.

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F. Yelling, shouting, whistling, or singing in a loud and boisterous manner on the public streets so as to disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence, or neighborhood.

G. The keeping of any animal, fowl, or bird which by causing frequent or long continued noise disturbs the comfort, quiet, or repose of any person or neighborhood.

H. The unnecessary or excessive blowing of whistles, sounding of horns, ringing of bells, or use of signaling devices by operators of trains, motor trucks, and other transportation equipment.

I. The creation of loud and excessive noise in connection with the loading or unloading of motor trucks and other vehicles.

J. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of any considerable number of persons or neighborhood.

K. The doing of automobile, automotive body or fender repair work, or other work on metal objects and metal parts in a residential district so as to cause loud and excessive noise which disturbs the peace, quiet, and repose of any person occupying adjoining or closely situated property or neighborhood.

L. The operation or use between the hours of 10:00 p.m. and 8:00 a.m. of any pile driver, steam shovel, pneumatic hammers, derrick, steam or electric hoist, power driven saw, or any other tool or apparatus, the use of which is attended by loud and excessive noise, except with the approval of the City.

M. Creating excessive noise adjacent to any school, church, court, or library while the same is in use, or adjacent to any hospital or care facility, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating the presence of a school, institution of learning, church, court, or hospital.

N. Making or knowingly and unreasonably permitting to be made any unreasonably loud, unnecessary, or unusual noise that disturbs the comfort, repose, health, peace and quiet, or which causes discomfort or annoyance to any reasonable person of normal sensitivity. The characteristics and conditions that may be considered in determining whether this section has been violated include, but are not limited to, the following:

1. The level of noise;
2. The level of background noise;

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3. The proximity of the noise to sleeping facilities;
4. The nature and zoning of the areas within which the noise emanates;
5. The density of the inhabitation of the area within which the noise emanates;
6. The time of day or night the noise occurs;
7. The duration of the noise;
8. Whether the noise is recurrent, intermittent, or constant; and
9. Whether the noise is produced by a commercial or noncommercial activity.

(Ord. MC-1246, 5-23-07; Ord. 2102, 4-03-56; Ord. 1925, 11-06-51)

#### **8.54.030 Issuance of Written Notice and Impoundment**

- A. Any officer who encounters a violation of this section may issue a written notice to the Responsible Person demanding immediate abatement of the violation. The written notice shall inform the recipient that a second violation of the same provision within a seventy two (72) hour period may result in the issuance of a criminal citation, the imposition of criminal and civil penalties, and confiscation and impoundment, as evidence, of the components that are amplifying or transmitting the prohibited noise.
  1. Responsible Person means (a) any person who owns, leases, or is lawfully in charge of the property or motor vehicle where the noise violation takes place, or (b) any person who owns or controls the source of the noise or violation. If the Responsible Person is a minor, then the parent or guardian who has custody of the child at the time of the violation shall be the Responsible Person who is liable under this chapter.
- B. Any officer who encounters a second violation of this chapter within a seventy two (72) hour period following the issuance of a written notice is empowered to confiscate and impound, as evidence, any or all of the components amplifying or transmitting the sound. The immediate confiscation of a motor vehicle to which a component is attached may be made if the same may not be removed without causing harm to the vehicle or component.

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- C. Any person claiming legal ownership of the items confiscated and impounded under this chapter may request the return of the item by filing a written request with the police department within seven (7) calendar days of the confiscation. Such requests shall be processed in accordance with the procedures adopted by the department.

(Ord. MC-1246, 5-23-07; Ord. MC-649, 1-04-89; Ord. 1925, 11-06-51)

#### **8.54.040 Cost Recovery for Second Response**

- A. Whenever any officer issues a written notice to a responsible person to discontinue a noise violation, the Responsible Person shall be liable for the actual cost of each subsequent response required to abate the violation within seventy two (72) hours of the issuance of the written warning.
- B. The bill for the response charge shall be served upon the Responsible Person within thirty (30) days after the violation. If the Responsible Person has no last known business or residence address, the location of the violation shall be deemed to be the proper address for service. The bill shall include a notice of the right of the person being charged to request a hearing to dispute the imposition of the response charge or the amount of the charge.
- C. The response charge shall be deemed to be a civil debt to the City.

(Ord. MC-1246, 5-23-07; Ord. MC-460, 5-15-85; Ord. 1925, 11-06-51)

#### **8.54.050 Controlled Hours of Operation**

It shall be unlawful for any person to engage in the following activities other than between the hours of 8:00 a.m. and 8:00 p.m. in residential zones and other than between the hours of 7:00 a.m. and 8:00 p.m. in all other zones:

- A. Operate or permit the use of powered model vehicles and planes.
- B. Load or unload any vehicle, or operate or permit the use of dollies, carts, forklifts, or other wheeled equipment that causes any impulsive sound, raucous, or unnecessary noise within one thousand (1,000) feet of a residence.
- C. Operate or permit the use of domestic power tools, or machinery or any other equipment or tool in any garage, workshop, house, or any other structure.
- D. Operate or permit the use of gasoline or electric powered leaf blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters, and other property.

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- E. Operate or permit the use of privately operated street/parking lot sweepers or vacuums, except that emergency work and/or work necessitated by unusual conditions may be performed with the written consent of the City Manager.
- F. Operate or permit the use of electrically operated compressor, fan, and other similar devices.
- G. Operate or permit the use of any motor vehicle with a gross vehicle weight rating in excess of ten thousand (10,000) pounds, or of any auxiliary equipment attached to such a vehicle, including, but not limited to, refrigerated truck compressors for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary and on a public right-of-way or public space except when movement of said vehicle is restricted by other traffic.
- H. Repair, rebuild, reconstruct, or dismantle any motor vehicle or other mechanical equipment or devices in a manner so as to be plainly audible across property lines.

(Ord. MC-1246, 5-23-07)

### 8.54.060 Exemptions

The following activities and noise sources shall be exempt from the provisions of this chapter:

- A. The use of horns, sirens, or other signaling or warning devices by persons vested with legal authority to use the same, and in pursuit of their lawful duties, such as on ambulances, fire, police, or other governmental or official equipment.
- B. Such noises as are an accompaniment and effect of a lawful business, commercial or industrial enterprise carried on in an area zoned for that purpose, **except where there is evidence that such noise is a nuisance and that such a nuisance is a result of the employment of unnecessary and injurious methods of operation.**
- C. Activities conducted on the grounds of any public or private school during regular hours of operation.
- D. Outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are authorized by the City.
- E. Activities conducted at public spaces during regular hours of operation.
- F. Any mechanical devices, apparatus, or equipment used, related to, or connected with emergency machinery, vehicle, or work.

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- G. Construction, repair, or excavation necessary for the immediate preservation of life or property.
- H. Construction, operation, maintenance, and repairs of equipment, apparatus, or facilities of park and recreation departments, public work projects, or essential public services and facilities, including, but not limited to, trash collection and those of public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.
- I. Construction, repair, or excavation work performed pursuant to a valid written agreement with the City, or any of its political subdivisions, which provides for noise mitigation measures.
- J. Any activity to the extent that regulation thereof has been preempted by State or Federal law.
- K. Sounds generated in connection with speech or communication protected by the United States Constitution or the California Constitution, except to the extent such sounds are subject to permissible time, place, and manner restrictions.

(Ord. MC-1246, 5-23-07)

#### **8.54.070 Disturbances from Construction Activity**

No person shall be engaged or employed, or cause any other person to be engaged or employed, in any work of construction, erection, alteration, repair, addition, movement, demolition, or improvement to any building or structure except within the hours of 7:00 a.m. and 8:00 p.m.

(Ord. MC-1246, 5-23-07)

#### **8.54.080 Violation - Penalty**

Any person violating any of the provisions of this Chapter is guilty of an infraction or a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this code.

(Ord. MC-1246, 5-23-07)

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## **8.54.090 Severability**

The provisions of this Chapter are severable, and, if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

(Ord. MC-1246, 5-23-07)

## **Chapter 8.57 SOUND VEHICLES**

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### **Sections:**

- 8.57.010 Definitions**
- 8.57.020 Exclusions and exceptions**
- 8.57.030 Sound vehicles prohibited in certain places**
- 8.57.040 Registration required**
- 8.57.050 Filing changes in application**
- 8.57.060 Registration and identification**
- 8.57.070 Regulation for use**
- 8.57.080 Commercial advertising by sound truck prohibited**
- 8.57.090 Violation-Penalty**

### **8.57.010 Definitions**

- A. "Person" as used in this Chapter includes the singular and the plural and also means and includes any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. "Sound vehicle" means any vehicle which carries or is equipped with any instrument or device for the production or reproduction of music, spoken words or other sounds, or any loudspeaker, or other sound-amplifying device designed to enlarge the volume of sound produced by any instrument or by the human voice, which instrument or device is used or intended to be used for the purpose of advertising or calling attention to any article, thing or event, or for the purpose of addressing the public or of attracting the attention of the public, along or upon the public streets or ways along which such vehicle travels.

(Ord. 2096, 2-21-56)

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### **8.57.020 Exclusions and exceptions**

The definition set forth in Section 8.57.010 shall not be deemed to include:

- A. Vehicles used only in a parade conducted pursuant to a permit issued by the Common Council;
- B. A vehicle equipped with a siren or horn designed and used for the purpose of warning traffic because of such equipment or use, nor any vehicle operated by any governmental agency within the course of its public functions;
- C. Persons who are licensed by the City to sell goods, wares and merchandise from vehicles and whose vehicles are equipped with sound apparatus emitting music only, providing the sound of such music does not exceed ninety decibels measured at a distance of ten feet from the speaker of the apparatus in that area of the City between Mt. Vernon Avenue and "E" Street and Marshall Boulevard and the west City limits thereof and ninety-five decibels elsewhere in the City.

(Ord. 2096, 2-21-56)

### **8.57.030 Sound vehicles prohibited in certain places**

It is unlawful for any person to drive, operate, propel or park any sound vehicle with the sound-making device, sound-amplifying device, or loudspeaker thereof in use or operation:

- A. Within three hundred feet of any hospital or school, at any time;
- B. Upon any public street or way between the hours of six-thirty p.m. and nine a.m. of the following day;
- C. Upon any public street or way on any Sunday;
- D. Upon Arrowhead, "D", "E", and "F" Streets between Second Street and Sixth Street inclusive, including both sides of the street;
- E. Upon Third, Court, Fourth, Fifth and Church Streets between Arrowhead and "F" Streets inclusive, including both sides of the street;
- F. Upon Highland Avenue between Sierra Way and "I" Street including both sides of the street.

(Ord. MC-460, 5-15-85; Ord. 2096, 2-21-56)

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### **8.57.040 Registration required**

It is unlawful for any person to use, or cause to be used, a sound vehicle with its sound-amplifying equipment in operation for noncommercial purposes in the City before filing a registration statement with the City Clerk in writing. This registration statement shall be filed in duplicate not less than seven days nor more than thirty days before the date of the proposed use of such vehicle and shall include the following information:

- A. Name, home address and telephone number of the applicant;
- B. Business address, telephone number and nature of applicant's business or the organization which he represents;
- C. Make of vehicle and license and motor numbers thereof; and a description of the vehicle to be used;
- D. Name, address and telephone number of the legal and registered owner of the vehicle;
- E. Name, address and telephone number of person or persons who will be present and in control or in direct charge of the vehicle;
- F. Name, address and telephone number of all persons who will use or operate such vehicle as driver, speaker or sound operator;
- G. The general purpose, nature and type of program which will be used;
- H. A general statement as to the route and section or sections of the City in which the vehicle will be used;
- I. The proposed hours of operation of the vehicle;
- J. The number and designation of the days, weeks or months of proposed operation and use of such vehicles;
- K. A specific description of the sound-amplifying equipment to be used;
- L. The minimum and maximum sound producing power of the sound-amplifying equipment;
- M. The wattage and voltage capacity of the sound-amplifying equipment;

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- N. The volume range in decibels of the sound which can be produced by said sound-amplifying equipment;
- O. The approximate minimum and maximum distances for which sound may be thrown from the vehicle;
- P. The address and time where and when such vehicle may be inspected;
- Q. The size and type of sign to be displayed and a description of its subject; and
- R. Each application shall have attached thereto three photographs of not less than four by five inches in size showing the front, sides, and back of the vehicle, with all exterior equipment and signs clearly visible on said photographs.

(Ord. MC-460, 5-15-85; Ord. 3300, 10-24-72; Ord. 2096, 2-21-56)

#### **8.57.050 Filing changes in application**

Upon any change in the information as to any matter set forth in the application, the applicant shall, within forty-eight hours after such change, file an amended application. An amended application filed within five days before the proposed using date shall automatically postpone the using date for an additional thirty days.

(Ord. 2096, 2-21-56)

#### **8.57.060 Registration and identification**

The City Clerk shall return to each applicant under Section 8.57.040 one copy of the registration statement duly certified by the City Clerk as a correct copy of the application. The certified copy of the application shall be in the possession of any person operating the sound vehicle at all times while the sound vehicle's sound amplifying equipment is in operation, and the copy shall be promptly displayed and shown to any policeman of the City upon request.

(Ord. 2096, 2-21-56)

#### **8.57.070 Regulations for use**

Noncommercial use of sound vehicles with sound-amplifying equipment in operation in the City shall be subject to the following regulations:

- A. The only sounds permitted are music or human speech.
- B. Operation is permitted for a period of four hours each day except Sundays when no operation shall be permitted.

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- C. The permitted hours of operation shall be between the hours of eleven-thirty a.m. and one-thirty p.m.; and between the hours of four-thirty p.m. and six-thirty p.m.
- D. Sound-amplifying equipment shall not be operated unless the vehicle upon which equipment is mounted, or from which sound is emitted, is operated and propelled at a speed of at least fifteen miles per hour, except when the vehicle is stopped or impeded by traffic. When stopped by traffic or otherwise impeded, the sound-amplifying equipment shall not be operated for a period longer than one minute at each stop and the sound-amplifying equipment shall not again be operated until the vehicle has progressed three hundred feet from each of such stopping places.
- E. Sound-amplifying equipment shall not be operated or sound emitted therefrom within three hundred feet of hospitals, schools, churches or courthouses.
- F. The human speech or recorded voice amplified shall not be profane, lewd, indecent, offensive or slanderous, and the words used shall not be such as to incite riot, unlawfulness, breaches of the peace, or force or violence.
- G. The volume of sound shall be controlled so that it will not be audible for a distance in excess of three hundred feet from the sound vehicle in any direction.
- H. No sound-amplifying equipment shall be operated in excess of fifteen watts of power in the last stages of amplification.
- I. The vehicle shall at all times be operated so as not to interfere with the normal movement of traffic of vehicles and pedestrians, and shall be stopped both in movement and operation of sound-amplifying equipment upon the approach of authorized emergency vehicles.
- J. The movement of such vehicles shall at all times comply with the provisions of the Vehicle Code and this Code relating to traffic regulations.
- K. A statement that applicant, if granted a permit, will not permit, suffer or allow the use and operation of the vehicle in any manner other than as set forth in the application, or the use of any other equipment apparatus or device other than as described and referred to in the application.
- L. The vehicle with sound-amplifying equipment shall not be operated within three hundred feet of any hall, auditorium, coliseum or other place wherein a meeting or other public event is in progress and more than one hundred persons are in attendance.

(Ord. 2096, 2-21-56)

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### **8.57.080 Commercial advertising by sound truck prohibited**

It is unlawful for any person to operate, or cause to be operated, any sound vehicle for commercial sound advertising purposes in the City with sound-amplifying equipment in operation.

(Ord. MC-460, 5-15-85; Ord. 2096, 2-21-56)

### **8.57.090 Violation - Penalty**

Any person who violates any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of §1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2096, 2-21-56)