

ARTICLE II. - NOISE<sup>[2]</sup>

Footnotes:

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**Cross reference**— Raceways, racetracks and drag strips, § 17-391 et seq.

## Sec. 18-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aircraft* means any contrivance invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

*Sound amplifying equipment* means any machine or device for the amplification of the human voice, music or any other sound. The term "sound amplifying equipment" shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

*Sound truck* means any motor vehicle or horse-drawn vehicle having mounted thereon or attached thereto any sound amplifying equipment.

(Code 1968, § 17-1)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

## Sec. 18-62. - Prohibited noise generally, penalties, remedies.

- (a) It shall be unlawful for any person within the city to make, cause, or to continue to make or cause, loud, excessive, impulsive or intrusive sound or noise that annoys or disturbs persons of ordinary sensibilities.
- (b) All violations of any portion of this article shall be punished as either an infraction or misdemeanor, pursuant to Fontana Municipal Code section 1-7, and may be punished as provided therein.
- (c) Any person who negligently or knowingly violates any provision of this article may also be subject to administrative fine(s) pursuant to section 2-442 of this Code. The city council may establish, through resolution, the maximum amounts for all administrative fines issued pursuant to this section. In the absence of any resolution, where the violation would otherwise be an infraction or misdemeanor, the administrative fine shall not exceed the maximum fine amounts for infractions and misdemeanors set forth in Government Code §§ 36900 and 36901. The manner of issuing administrative citations shall comply with all the procedures specified in article XI of chapter 2 of this Code. The remedies set forth in this article are nonexclusive and the city may seek any and all legal and equitable relief permitted by law in addition to those remedies set forth in this article.

(Code 1968, § 17-2; Ord. No. 1560, § 1, 9-11-07)

## Sec. 18-63. - Scope, enumeration of prohibited noises.

- (a) This article shall apply to loud, excessive, impulsive or intrusive interior and exterior sound or noise that annoys or disturbs persons of ordinary sensibilities emanating from any type of property or source within the city.
- (b) The following acts, which create loud, excessive, impulsive or intrusive sound or noise that annoys or disturbs persons of ordinary sensibilities from a distance of 50 feet or more from the edge of the property, structure or unit in which the source is located, are declared to be in violation of this article, but such

enumeration shall not be deemed to be exclusive, namely:

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud, excessive, impulsive or intrusive noise; and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (2) *Sound amplifying equipment.* The use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or any other machine or device in a manner that creates loud, excessive, impulsive or intrusive noise that annoys or disturbs a person of ordinary sensibilities. Such sound amplifying equipment shall not be construed to include electronic devices, including, but not limited to, radios, tape players, tape recorders, compact disc players, MP3 players, electric keyboards, music synthesizers, record players or televisions, which are designed and operated for personal use, or used entirely within a building and are not designed or used to convey the human voice, music or any other sound to an audience outside such building, or which are used in vehicles and heard only by occupants of the vehicle in which installed.
- (3) *Animals, birds, etc.* Keeping any animal or allowing any animal to be kept or suffering, or permitting any animal to remain upon the premises under the control of a person, when such animal habitually barks, whines or makes loud, excessive, impulsive or intrusive noises in such a manner as to disturb the peace and quiet of the neighbors surrounding or in the vicinity of such premises, or whose barking or howling or other sound or cry interferes with any person of ordinary sensitiveness in the reasonable and comfortable enjoyment of life and property.
- (4) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud, excessive, impulsive or intrusive noises therefrom; provided, however, that the provisions of this section and article do not apply to any raceway, racetrack or drag strip which is being operated in accordance with the provisions of chapter 17, article IX.
- (5) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair or loaded or used in such manner as to create loud, excessive, impulsive or intrusive and unnecessary grating, grinding, rattling or other noise.
- (6) *Loading, unloading or opening boxes.* The creation of a loud, excessive, impulsive or intrusive and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (7) *Construction or repairing of buildings or structures.* The erection (including excavating), demolition, alteration or repair of any building or structure other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or structure or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done on weekdays within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (8)

*Noise near schools, courts, place of worship or hospitals.* The creation of any loud, excessive, impulsive or intrusive noise on any street adjacent to any school, institution of learning, places of worship or court while the premises are in use, or adjacent to any hospital 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 that the street is a school, hospital or court street.

- (9) *Transportation of metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars or trucks, or in any other manner so loaded as to cause loud, excessive, impulsive or intrusive noise or as to disturb the peace and quiet of such streets or other public places.
- (10) *Piledrivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any piledriver, steamshovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud, excessive, impulsive or intrusive noise.
- (11) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine other than from the hours of 7:00 a.m. and 6:00 p.m. on a weekday and the hours of 8:00 a.m. and 5:00 p.m. on a Saturday, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(Code 1968, § 17-3; Ord. No. 1460, § 2, 10-5-04; Ord. No. 1560, § 2, 9-11-07)

Sec. 18-64. - Noncommercial use of sound trucks.

- (a) *Registration required.* No person shall use or cause to be used a sound truck with its sound amplifying equipment in operation for noncommercial purposes in the city before filing a registration statement with the license collector in writing. This registration statement shall be filed in duplicate and shall state the following:
  - (1) The name and home address of the applicant.
  - (2) The address of the place of business of the applicant.
  - (3) The license number and motor number of the sound truck to be used by the applicant.
  - (4) The name and address of the person who owns the sound truck.
  - (5) The name and address of the person having direct charge of the sound truck.
  - (6) The names and addresses of all persons who will use or operate the sound truck.
  - (7) The purpose for which the sound truck will be used.
  - (8) A general statement as to the section of the city in which the sound truck will be used.
  - (9) The proposed hours of operation of the sound truck.
  - (10) The number of days of proposed operation of the sound truck.
  - (11) A general description of the sound amplifying equipment which is to be used.
  - (12) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck, stating the following:
    - a. The wattage to be used.
    - b. The volume, in decibels, of the sound which will be produced.
    - c. The approximate maximum distance for which sound will be thrown from the sound truck.
- (b) *Changes to registration statement.* All persons using or causing to be used sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to subsection (a) of this section within 48 hours after any change in the information therein furnished.
- (c)

*Certification of registration; display.* The city clerk shall return to each applicant under subsection (a) of this section one copy of such registration 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 truck at all times while the sound truck's sound amplifying equipment is in operation, and such copy shall be promptly displayed and shown to any police officer of the city upon request.

- (d) *Regulations for use.* Noncommercial use of sound trucks in the city with sound amplifying equipment in operation shall be subject to the following regulations:
- (1) The only sounds permitted are music or human speech.
  - (2) Operations are permitted for four hours each day, except on Sundays and legal holidays, when no operations shall be authorized. The permitted four hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
  - (3) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when the truck is stopped or impeded by traffic. Where stopped by traffic the sound amplifying equipment shall not be operated for longer than one minute at each such stop.
  - (4) Sound shall not be issued within 100 yards of hospitals, schools, churches or courthouses.
  - (5) No sound truck with its amplifying device in operation shall be operated on any streets between the points designated as follows: bounded on the south by Randall Avenue, on the west by Juniper Avenue, on the north by Foothill Boulevard and on the east by Mango Avenue.
  - (6) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
  - (7) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound truck and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
  - (8) No sound amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.

(Code 1968, § 17-4)

**Cross reference**— Motor vehicles and traffic, ch. 17.

Sec. 18-65. - Commercial advertising by sound trucks.

- (a) *License required.* No person shall operate or cause to be operated any sound truck in the city for commercial advertising purposes with sound amplifying equipment in operation unless a license has been obtained from the license collector. There shall be no charge for the license.
- (b) *Application for license.* Persons applying for the license required under subsection (a) of this section shall file with the license collector an application in writing, giving in such application the information required in the registration statement required under subsection 18-64(a).
- (c) *Issuance of license.* The license collector shall issue a license under subsection (a) of this section unless the application required reveals that the applicant would violate the regulations prescribed in subsection 18-64(d) or the provisions of this Code or any ordinance of the city.
- (d) *Possession and display of license.* A licensee shall keep such license in his possession in the sound truck during the time the sound truck's sound amplifying equipment is in operation. The license shall be promptly displayed and shown to any police officer of the city upon request.
- (e) *Regulations for use.* No person shall operate or cause to be operated any sound truck for commercial sound advertising purposes in violation of the regulations set forth in subsection 18-64(d).

(Code 1968, § 17-5)

**Cross reference**— Advertising and signs, ch. 3; licenses, permits and business regulations, ch. 15; motor vehicles and traffic, ch. 17.

Sec. 18-66. - Noncommercial use of aircraft for sound amplifying purposes.

- (a) *Registration required.* No person shall operate or cause to be operated any aircraft for noncommercial purposes in or over the city with sound amplifying equipment in operation before filing a registration statement with the license collector in writing. This registration statement shall be filed in duplicate and shall state the following:
- (1) The name and home address of the applicant.
  - (2) The address of the place of business of the applicant.
  - (3) The federal N.C. registration number and aircraft motor number of the aircraft to be used by the applicant.
  - (4) The name and address of the person who owns the aircraft.
  - (5) The name and address of the person having direct charge of the aircraft.
  - (6) The name and address of all persons who will use or operate the aircraft.
  - (7) The purpose for which the aircraft will be used.
  - (8) A general statement as to the sections of the city over which the aircraft will be used.
  - (9) The proposed hours of operation of the aircraft.
  - (10) The number of days of proposed operation of the aircraft.
  - (11) A general description of the sound equipment which is to be used.
  - (12) The maximum sound producing power of the sound amplifying equipment to be used in or on the aircraft, stating:
    - a. The wattage to be used.
    - b. The volume in decibels of the sound which will be produced.
    - c. The approximate maximum distance for which sound will be thrown from the aircraft.
- (b) *Changes to registration statement.* All persons using or causing to be used aircraft for noncommercial purposes shall amend any registration statement filed pursuant to subsection (a) of this section within 48 hours after any change in the information therein furnished.
- (c) *Certification of registration; display.* The city shall return to each applicant under subsection (a) of this section 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 aircraft at all times while the aircraft's sound amplifying equipment is in operation, and such copy shall be promptly displayed and shown to any police officer of the city upon request.

(Code 1968, § 17-6)

Sec. 18-67. - Commercial advertising by aircraft.

- (a) *License required.* No person shall operate or cause to be operated any aircraft in or over the city for commercial advertising purposes with sound amplifying equipment in operation unless a license has been obtained from the license collector. There shall be no charge for the license.
- (b) *Application for license.* Persons applying for the license required under subsection (a) of this section shall file with the license collector an application in writing, giving in the application the information required in the registration statement under section 18-66(a).
- (c) *Issuance of license.* The license collector shall issue a license under subsection (a) of this section unless the application required in subsection (b) of this section reveals that the applicant would violate the regulations prescribed in subsection (d) of this section or some other provision of this Code or an ordinance of the city.
- (d) *Possession and display of license.* A licensee shall keep his license in his possession in the aircraft during the time the aircraft's sound amplifying equipment is in operation. The license shall be promptly displayed and shown to any police officer of the city upon request.
- (e)

*Regulations for use.* Commercial advertising with sound amplifying equipment from aircraft shall be subject to the following regulations:

- (1) The only sounds permitted are music or human speech.
- (2) Sound advertising is permitted only between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
- (3) Sound amplifying equipment shall not be operated while an aircraft is flying at an altitude of less than 1,500 feet.
- (4) Sound shall be issued from one loudspeaker only on each aircraft.
- (5) The cone of sound from the loudspeaker shall be directed so as to cover at one time an area on the ground of less than 700 square yards and so as to avoid hospitals, schools, churches and courthouses.
- (6) Human speech and music amplified shall not be lewd, indecent or slanderous.
- (7) The volume of sound shall be controlled so that it is not audible on the ground over an area in excess of 700 square yards and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(Code 1968, § 17-7)

**Cross reference**— Advertising and signs, ch. 3; licenses, permits and business regulations, ch. 15.

Secs. 18-68—18-89. - Reserved.