

CHAPTER 9.24 LOUD AND UNNECESSARY NOISES

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Statutory reference:

For statutory provisions on loud and unnecessary noise, see Penal Code § 415

9.24.010 Standards.

(A) No person within the city shall make or cause the making of, or suffer or permit to be made, upon any premises owned, occupied or controlled by such person or upon any public street, alley, right-of-way, park or public property any loud, unusual, penetrating or boisterous noise, disturbance or commotion which shall cause discomfort or annoyance to a reasonable person of normal sensitivity.

(B) The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) Whether the nature of the noise is usual or unusual;
- (5) The volume and intensity of the background noise, if any;
- (6) Whether the noise can be heard from a distance of 50 feet or more from the noise source; or from a distance determined to be reasonable by the officer at the scene;
- (7) The nature and zoning of the area within which the noise emanates;
- (8) The density of inhabitation of the area within which the noise emanates;
- (9) The time of the day or night the noise occurs;
- (10) The duration of the noise;
- (11) Whether the noise is recurrent, intermittent or constant;
- (12) Whether the noise is produced by a commercial or noncommercial activity.

(^8 Code, § 9.24.010.) (Ord. 3098 § 1 (part), 2011)

9.24.020 Loudspeakers, amplifying devices – Permit – Required.

It is unlawful for any person other than personnel of law enforcement or governmental agencies to install, use or operate a loudspeaker or amplifying device in a fixed or movable position or mounted upon any vehicle located on any street within the city without a permit so to do so from the Chief of Police or his or her designee. Such permit shall be issued unless the Chief of Police or designee determines that the physical placement or condition of the loudspeaker will result in a clear danger to public safety. In such determination, the Chief of Police or designee shall not consider the anticipated message that may be disseminated from the loudspeaker or amplifying device. If a permit is denied, specific grounds for such denial shall be provided to the applicant in writing.

(^8 Code, § 9.24.020.) (Ord. 3098 § 1 (part), 2011)

9.24.030 Loudspeakers, amplifying devices – Permit – Appeal.

Upon denial by the Chief of Police of an application for a permit pursuant to this section, the applicant may appeal to the City Council from the determination of the Chief of Police within two business days thereafter by filing an appeal for hearing by the Council at its next regular meeting. Upon such appeal, the Council may reverse, affirm or modify in any regard the determination of the Chief of Police. To carry out the judgment of the Council upon appeal, the Chief of Police shall be directed to act in conformity with the judgment of the Council.

(^8 Code, § 9.24.030.) (Ord. 3098 § 1 (part), 2011)

9.24.040 Regulations for use.

Use of a loudspeaker or amplifying device in the city shall be subject to the following regulations:

(A) Operation is permitted only between the hours of 8:00 a.m. and 9:00 p.m.

(B) Such equipment installed upon a vehicle shall not be operated unless the vehicle is operating at a speed of at least ten miles per hour, except when said vehicle is stopped or impeded by traffic. Where stopped by traffic, the loudspeaker or amplifying device shall not be operated for longer than one minute at each stop.

(C) Sound shall not be emitted from a loudspeaker or amplifying device, other than those utilized by law enforcement personnel or governmental agencies, within 100 yards of any hospital, school, church or courthouse, or from a distance determined to be reasonable by the officer at the scene.

(D) No obscene, lewd, indecent, slanderous or other speech made illegal by valid law shall be emitted from a loudspeaker or amplifying device.

(E) No sound emitted from a loudspeaker or amplifying device located on property adjacent to residential land uses shall be discernible beyond the boundary line of the parcel, except as provided in § 17.84.040.

(F) The noise emitted by a loudspeaker or amplifying device shall comply with the requirements of this code, including § 9.24.010.

(G) The volume of sound emitted by a loudspeaker or amplifying device shall not exceed 75 decibels, as defined and measured pursuant to § 17.84.040.

(H) No vehicle on which a loudspeaker or amplifying device is being operated shall be driven on the same street past the same point more than twice in a period of one hour.

(Ord. 3098 § 1 (part), 2011)