

## Chapter 9.18

### DISTURBING, EXCESSIVE, LOUD, OR OFFENSIVE NOISE

#### Sections:

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Prior legislation: Ords. 1208 and 1308.

9.18.010 Noise.

(A) It shall be unlawful for any person to willfully make or continue, or cause or permit to be made or continued, any loud, unnecessary, or unusual noise which unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

(B) The characteristics and conditions, which may be considered in determining whether such noise violates the provisions of this section, shall include, but not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to sleeping facilities;
- (7) The nature and zoning of the area within which the noise emanates;
- (8) The density of the 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. (Ord. 1332 § 1, 2007)

9.18.020 Acts constituting disturbing, excessive, loud, offensive noise.

The following activities, among others, are declared to cause disturbing, excessive, loud, or offensive noises in violation of this chapter and causing or permitting such activities is unlawful; provided, however, that inclusion in this section shall not be construed as limiting the type of activities which may be found to cause disturbing, excessive, loud, or offensive noises:

(A) Horns, Signaling Devices, Etc. The unnecessary or unreasonable use or operation of horns, signaling devices, or other similar devices, on automobiles, motorcycles, motor-driven cycles or any other vehicles.

(B) Radios, Television Sets, Phonographs, Loud Speaking Amplifiers, and Similar Devices.

(1) Uses Restricted. The use or operation of any sound production or reproduction device, radio receiving set, loud speakers, and sound amplifier or other similar machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, or comfort of any reasonable person of normal sensitivity in any area of the City is prohibited. This provision shall not apply to any participant in a licensed parade, to law enforcement or emergency personnel in the performance of their duties, or to any person duly authorized, licensed, or permitted by the City to engage in such conduct in a public park, public facility, or other public place.

(2) Prima Facie Violations of this Subsection. Any of the following shall constitute evidence of a prima facie violation of this subsection; provided, however, that inclusion herein shall not be construed as limiting the activities which may be found to violate this section:

(a) The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker and sound amplifier, or similar machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located.

(b) The operation of any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, digital video disc player, computer, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of 50 feet and when operated in such a manner as to cause a person to be aware of vibration accompanying the sound at a distance of 50 feet from the source.

(3) Impoundment. Any person who is authorized to enforce any provision of this chapter and who encounters evidence of a prima facie violation of this section is empowered to confiscate and impound as evidence any or all of the components amplifying or transmitting the sound.

(C) Hospitals, Schools, Libraries, Rest Homes, Long-Term Medical or Mental Care Facilities. To make noise adjacent to a hospital, school, library, rest home, or long-term medical or mental care facility, which noise unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys occupants of such institutions.

(D) Jake Brakes. The use of jake brakes, using compression release engine brakes and any method of using engine compression to slow a vehicle is prohibited in the City of Palmdale and unlawful. (Ord. 1458 § 1, 2014; Ord. 1332 § 1, 2007)

9.18.030 Loud parties.

(A) Loud Parties Defined. A "loud party" is a gathering of two or more people on private property which is determined by law enforcement personnel at the scene to be disruptive to the public peace, health, safety, or welfare due to the magnitude of the crowd, noise, disturbances, unruly

behavior of those attending the party or gathering, excessive traffic or traffic congestion, illegally parked vehicles blocking other traffic or fire access or destruction of property.

(B) Loud Parties Prohibited. It shall be unlawful for any responsible person to organize, cause, or permit a loud party.

(1) For the purposes of this subsection, "responsible person" means the person who owns the property where the party, gathering or event takes place; the person in charge of the premises; and/or the person who organized the event. If the responsible person is a minor, then the parents or guardians of that minor are also responsible persons whether or not they are present at the party. All responsible persons, as defined herein, are deemed to have caused or permitted the loud party and are responsible for and may be charged with a violation of this chapter; provided, however, a property owner who is not present at the party or gathering may not be charged with a violation of this chapter unless the absentee owner had knowledge that the party or gathering was occurring, was planned to occur or reasonably should have known the party or gathering would occur. This exception does not apply to a parent or guardian of a responsible person who is a minor.

(2) Prima Facie Violations of this Subsection. The following shall constitute evidence of a prima facie violation of this subsection; provided, however, that inclusion herein shall not be construed as limiting the activities which may be found to violate this subsection: A party, event or gathering where:

(a) Noise emanating from or attributable to that party, event or gathering is audible from a distance of 50 feet from the source of that noise; or

(b) Persons present at the party or gathering are acting in a wild, unruly, uncontrollable manner disruptive to neighbors; or

(c) The number of persons present violates the fire code, presenting a fire hazard; or

(d) Vehicles of those attending the party or gathering are illegally parked or parked in a manner to cause traffic congestion or to block traffic or fire access; or

(e) Persons present at the party or gathering have caused or are causing destruction to property of others.

(C) Loud Parties Declared a Public Nuisance. Loud parties as defined in this section are hereby declared to be a public nuisance and may be abated as set forth herein or as otherwise provided by law.

(D) Authority of Law Enforcement Personnel. Law enforcement personnel are authorized to take all actions and to give all directions and orders that may be necessary to abate the nuisance, violation or condition, including the arrest of, or issuance of citations to, the responsible person or persons, and any others who are in violation of this chapter or any other state statute or local ordinance.

(E) Cease and Desist Order. No person shall fail or refuse to obey or fail to comply with orders of law enforcement personnel to discontinue the loud party, to disperse or vacate the location of

the loud party, and to turn off radios, television sets, phonographs, loud speaking amplifiers, and similar devices. Refusal to comply with such an order is a separate and additional offense from that of causing or permitting a loud party.

(F) Loud Party Participation Prohibited. All persons attending a party or social gathering declared to be a public nuisance by law enforcement personnel shall immediately disperse upon the order of law enforcement personnel, and all persons not domiciled at the site of such party or social gathering shall immediately leave the premises. No person shall fail or refuse to obey and abide by such an order. (Ord. 1458 § 2, 2014; Ord. 1332 § 1, 2007)

#### 9.18.040 Reimbursement for law enforcement costs.

If after issuance of a written reimbursement notice as required by this section, law enforcement personnel are required to respond to the property to address another violation of this chapter within a 30-day period after issuance of said notice, then the responsible person or persons, as defined in this chapter, shall be jointly and severally liable for all actual costs and expenses incurred by the City during second or subsequent responses.

(A) Written Reimbursement Notice. Law enforcement personnel responding to a loud party shall issue a written reimbursement notice to the responsible person that if within a 30-day period after the initial response law enforcement personnel are again required to respond to the property to address a violation of this chapter, then the responsible person shall be liable to reimburse the City for all costs and expenses incurred by law enforcement personnel during second or subsequent responses for violations of this chapter.

(B) Reimbursement of Costs and Expenses. All responsible persons for a party or gathering, which requires a second or subsequent response, as described herein above are jointly and severally liable for the following costs and expenses incurred by the City:

(1) The actual costs incurred by the City for the services of the law enforcement personnel for each response after the initial response;

(2) Damage to public property incurred in the course of any second or subsequent response by law enforcement personnel; and

(3) Injuries to any law enforcement personnel involved in a second or subsequent response.

(C) Collection. The expense of a reimbursable response hereunder shall be charged against the person liable for the expense under this chapter. The charge constitutes a debt of that person to the City, and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied.

(D) Other Penalties Not Precluded. Nothing contained in this subsection is intended to preclude the filing of any administrative or criminal charges or the imposition of criminal fines or administrative penalties, or the summary, civil or administrative abatement of any public nuisance under state or local law, including other sections of this chapter, against any person or persons who may be subject to the reimbursement provisions of this section. (Ord. 1332 § 1, 2007)

#### 9.18.050 Enforcement and penalties for all provisions of this chapter.

(A) This chapter may be enforced by Peace Officers and by the City of Palmdale employees specified in PMC Title 1.

(B) Violations of this chapter may be punished as set forth in PMC Title 1.

(C) As an additional remedy for violations of this chapter, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness, or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed and is declared to be a public nuisance which may be abated through summary abatement, administrative abatement, or abatement by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 1332 § 1, 2007)