

CHAPTER 21A. - NOISE REGULATION.

Sections:

Article I. - General Provisions.

Sec. 21A-1. - Declaration of policy.

It is the policy of the city to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interest shall be systematically proscribed.

(Ord. No. 1468 (NCS), § 1.)

Sec. 21A-2. - Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

- A. PERSON. "Person" means a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature;
- B. MOTOR VEHICLES. "Motor vehicles" includes, but is not limited to, mini-bikes and go-carts;
- C. CLASS A NOISE. "Class A noise" includes noise created by and emanating from equipment operated in the public interest or for emergency or safety purposes. Such equipment includes, but is not limited to, sirens, street sweepers, spray rigs, chipper machines, garbage trucks, or public utility equipment;
- D. CLASS B NOISE. "Class B noise" includes noise created or generated within or adjacent to residential property which is necessary and normally associated with residential living. "Class B noise" includes, but is not limited to, noise created by power mowers, trimmers, home appliances, home workshops, vehicle repairs and testing, and home construction projects;
- E. CLASS C NOISE. "Class C noise" includes noise created or generated from motorized or mechanical equipment or devices used in sporting, recreational and hobby activities and includes, but is not limited to, motor-equipped mini-bikes, go-carts, motorcycles operating off public rights-of-way, drag races, model planes and cars;
- F. CLASS D NOISE. "Class D noise" includes unnecessary, unnatural or unusual noises or sounds created by means of human voice or animal outcry, or by any other means or methods which are so annoying, or which are so harsh or prolonged, as to be injurious to the health, peace and comfort of any reasonable person of normal sensitiveness residing in the area;
- G. SOUND-AMPLIFYING EQUIPMENT. "Sound-amplifying equipment" means any machine or device for the reproduction or amplification of the human voice, music or any other sound, but shall not include standard automobile radios or other sound-reproducing devices when used or heard only by the occupants of the vehicle in which installed, nor any warning or alerting devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes;
- H. SOUND TRUCK. "Sound truck" means any motor vehicle, or any other vehicle or conveyance regardless of motive power, whether in motion or stationary, having mounted thereon, attached thereto or carrying any sound-amplifying equipment, excepting trucks or other vehicles of any public agency or public utility when in use by such public agency or public utility;

- I. COMMERCIAL PURPOSE. "Commercial purpose" means and includes the-use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition or event;
- J. NONCOMMERCIAL PURPOSE. "Noncommercial purpose" means the use, operation or maintenance of any sound equipment for other than a "commercial purpose." "Noncommercial purpose" means and includes, but is not limited to, philanthropic, political, patriotic, and charitable purposes.

(Ord. No. 1468 (NCS), § 1; Ord. No. 1469 (NCS), § 2.)

Sec. 21A-3. - Penalty for violation of chapter.

Any person violating or failing to comply with any of the provisions of this chapter shall be guilty of an infraction.

(Ord. No. 1704 (NCS), § 12.)

Sec. 21A-4. - Violations: Additional remedies: Injunctions.

As an additional remedy, 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 and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 1468 (NCS), 1.)

Sec. 21A-5. - Severability.

If any provision, clause, sentence or paragraph of this chapter, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are declared to be severable.

(Ord. No. 1468 (NCS), § 1.)

Article II. - General Noise Regulations.

Sec. 21A-6. - Class A noise.

The creation and emission of Class A noise as defined in this code are specifically exempt from the provisions of this chapter.

(Ord. No. 1468 (NCS), § 1.)

Sec. 21A-7. - Class B noise.

It is unlawful to create and emit Class B noise as defined in this code between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day.

(Ord. No. 1468 (NCS), § 1.)

Sec. 21A-8. - Class C noise.

It is unlawful to create and emit Class C noise as defined in this code between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day. The operation of equipment or devices which create or generate Class C noise shall be performed at sufficient distances away from residential property so that persons of normal sensitiveness at such residential locations are not unreasonably disturbed by the noise of the equipment or devices. The conduct and operation of any public event, whether commercial or noncommercial in nature, which has been authorized by permit lawfully issued by the city, are specifically excluded from the restrictions of this section.

(Ord. No. 1468 (NCS), § 1.)

Sec. 21A-9. - Class D noise.

It is unlawful for any person to make or cause, or permit to be made or caused, upon any public or private property, or upon any public street, road, lane, alley or thoroughfare, any Class D noise as defined in this code.

(Ord. No. 1468 (NCS), § 1.)

Sec. 21A-10. - General noise standards.

The standards which shall be considered in determining whether a violation of the provisions of this code exists shall include, but shall not be limited to, the following:

- A. The volume and intensity of the noise;
- B. The number of persons affected by the noise;
- C. The volume and intensity of the background noise, if any;
- D. The use and zoning of the area within which the noise emanates;
- E. The time of the day or night the noise occurs;
- F. Whether the nature of the noise is usual or unusual;
- G. The proximity of the noise to residential sleeping facilities;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. Whether the origin of the noise is natural or unnatural;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent, or constant;
- L. Whether the noise is produced by a commercial or a noncommercial activity.

(Ord. No. 1468 (NCS), § 1.)

Article III. - Amplified Sound.

Sec. 21A-11. - Purpose.

The council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety and welfare for its citizenry. While recognizing that the use of sound-amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the council nevertheless feels obligated to reasonably regulate the use of sound-amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise.

(Ord. No. 1469 (NCS), § 1.)

Sec. 21A-12. - Registration: Required.

It is unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the city a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, or lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property, without first filing a registration statement and obtaining approval thereof as set forth in this article, except that the provisions of this section shall not apply to sound-amplification systems installed on church buildings for emission of the sound of chimes, bells, carillon or music when used in conjunction with religious services.

(Ord. No. 1469 (NCS), § 1.)

Sec. 21A-13. - Registration: Requirements and duties.

- A. REGISTRATION STATEMENTS: FILING. Every user of sound-amplifying equipment shall file a registration statement with the city manager, using a form to be furnished by that officer, three days prior to the date on which the sound-amplifying equipment is intended to be used, which statement shall contain the following information:
1. The name, address and telephone number of both the owner and the user of the sound-amplifying equipment;
 2. The location at which the sound-amplifying equipment will be placed, and the license registration number if a sound truck is to be used;
 3. A description of the purpose for which the sound-amplification equipment will be used, including a statement as to whether the purpose is commercial or noncommercial;
 4. The exact dates and hours of the proposed operation;
 5. A general description of the sound-amplifying equipment, including power output and the approximate distance for which sound from the equipment will be audible;
 6. A statement of public liability insurance coverage, including name of insurance carrier, policy limits and expiration date of policy;
 7. License number and name of licensee of Salinas business license.
- B. REGISTRATION STATEMENTS: APPROVAL. The city manager shall return to the applicant within twenty-four hours an approved certified copy of the registration statement unless he finds that:

1. The conditions of the motor vehicle movement are such that in the opinion of the chief of police use of the equipment would constitute a detriment to traffic safety; or
 2. The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
 3. The registration statement required reveals that the applicant would violate the provisions set forth in Section 21A-11 of this article or any other provisions of this code.
- C. REGISTRATION STATEMENTS: DISAPPROVAL. In the event the registration statement is disapproved, the city manager shall endorse upon the statement his reasons for disapproval and return it within twenty-four hours to the applicant.

(Ord. No. 1469 (NCS), § 1.)

Sec. 21A-14. - Appeals.

Any person aggrieved by disapproval of a registration statement may appeal by filing a written notice of appeal with the city clerk within five days of receipt by the applicant of disapproval of the registration statement. The city council shall hold a hearing within ten days after the filing of the notice of appeal, at which hearing the applicant and any other interested persons shall have the right to present evidence as to the facts upon which the city manager based the refusal to issue the requested permit, and any other facts which may aid the city council in determining whether this chapter has been violated, whereupon the council may sustain the action of the city manager in refusing to issue the requested permit or may order that such permit be issued forthwith. The city council shall not vary or depart from any of the substantive provisions of this chapter.

(Ord. No. 1469 (NCS), § 1.)

Sec. 21A-15. - Fees.

Prior to the issuance of the registration statement, a fee in an amount to be fixed by the city council by resolution shall be paid to the city, if the loudspeaker or sound-amplifying equipment is to be used for commercial purposes. No fees shall be required for the operation of a loudspeaker or sound-amplifying equipment for noncommercial purposes.

(Ord. No. 1469 (NCS), § 1.)

Sec. 21A-16. - Regulations.

The commercial and noncommercial use of sound-amplifying equipment shall be subject to the following regulations:

- A. The only sounds permitted shall be music or human speech, or both;
- B. Hours of operation of sound equipment shall be between 8:00 a.m. and 10:00 p.m. Operation before 8:00 a.m. or after 10:00 p.m. is permitted only at the location of a public event or affair of general public interest or as otherwise permitted by the sound-amplification permit;
- C. Sound-amplification systems shall not be operated within three hundred fifty feet of hospitals, schools, churches, courthouses, public libraries or mortuaries when same are in use, unless otherwise permitted by the sound-amplification permit;
- D. No operating sound truck shall traverse any one block in the city more than four times in any one calendar day;

- E. Amplified human speech and music shall not be unreasonably loud, raucous, jarring or disturbing to persons of normal sensitiveness within the area of audibility, nor louder than permitted in subsections F and G hereof;
- F. When the sound truck is in motion the volume of sound shall be controlled so that it will not be audible for a distance in excess of four hundred fifty feet from its source, provided that when the sound truck is stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one minute at such stop;
- G. In all cases where sound-amplifying equipment remains at one location or when the sound truck is not in motion, the volume of sound shall not be audible for a distance in excess of three hundred fifty feet from the periphery of the attendant audience, unless otherwise authorized specifically in the sound-amplification permit for public gatherings;
- H. No loudspeaker equipment mounted on sound trucks in motion shall be operated unless the axis of the center of the equipment used shall be parallel to the direction of travel of the sound truck; provided, however, that any sound-reproducing equipment may be so placed upon said sound truck as to not vary more than fifteen degrees either side of the radial; nondirectional type of loudspeakers may be used on said sound trucks either alone or in conjunction with sound-reproducing equipment placed within fifteen degrees of the centerline of the direction of travel.

(Ord. No. 1469 (NCS), § 1.)

Sec. 21A-17. - Sound amplification from aircraft.

No person shall operate or permit to be operated any sound-amplification equipment from any aircraft in or over the city of Salinas for any purpose, except that law enforcement agencies are specifically exempt from the provisions of this section.

(Ord. No. 1469 (NCS), § 1.)