

CITY OF SACRAMENTO



DEPARTMENT OF LAW

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December 10, 1981

Honorable City Council
City of Sacramento
City Hall
Sacramento, California

In re: NOISE FROM RADIOS, TAPE PLAYERS, ETC. IN AUTOMOBILES

Members in Session:

SUMMARY

Attached is the ordinance requested by the Council at last week's meeting. It makes it an infraction to play a radio, tape player or similar device in an automobile on a public street so as to be audible more than 25 feet away.

RECOMMENDATION

If the Council desires to make the above-described conduct an infraction, the attached ordinance should be adopted.

Very truly yours,

THEODORE H. KOBAY, JR.
Assistant City Attorney

THK:kn

Attachment

RECOMMENDATION APPROVED:

CITY MANAGER

APPROVED
BY THE CITY COUNCIL

DEC 15 1981

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 81-115

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 25.19-1 TO THE CITY CODE AND AMENDING VARIOUS SECTIONS OF THE CITY CODE RELATING TO NOISE FROM RADIOS, TAPE PLAYERS, TAPE RECORDERS, RECORD PLAYERS, TELEVISIONS OR SIMILAR DEVICES IN VEHICLES AND DECLARING ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

Section 25.19-1 is hereby added to the Sacramento City Code to read as follows:

Sec. 25.19-1. Radios, etc., in Vehicles.

(a) No person shall use or operate a radio, tape player, tape recorder, record player, television or similar device in a vehicle on a street, which is audible to a person of normal hearing sensitivity, more than twenty-five (25) feet from said vehicle.

(b) As used in subsection (a), "person of normal hearing sensitivity" means a person who has a hearing threshold level of between zero (0) decibels and twenty-five (25) decibels HL averaged over the frequencies 500, 1000 and 2000 Hertz.

SECTION 2.

Subsection (m) of Section 66.302 of the Sacramento City Code is hereby amended to read as follows:

Sec. 66.302. Specified Unlawful Noises.

(m) Any noise emitted from a radio, tape player, tape recorder, record player, or television outdoors on or in any publicly owned property or place, including but not limited to public parks, when such noise is audible to a person of normal hearing sensitivity one hundred (100) feet from said radio, tape player, tape recorder, record player or television.

(1) Notwithstanding any other provision of this chapter, no notice to appear shall be issued or criminal complaint shall be filed for a violation of this subsection (m) unless the offending party is first given a verbal or written notification of violation by any peace officer or other person charged with enforcing this subsection (m) and a reasonable opportunity to correct said violation.

(2) Notwithstanding any other provision of this Code, any person violating this subsection (m) shall be guilty of an infraction and upon conviction thereof, shall be fined in accordance with the provisions of Section 36900(b) of the California Government Code.

This subsection (m) shall not apply to any act prohibited by Section 25.19-1 of this Code or to broadcasting from any vehicle as defined and regulated by Sections 25.20 through 25.29 of this Code, to the use of radios, tape players, tape recorders, record players or televisions in the course of an assembly for which a permit has been issued pursuant to Sections 27.120 through 27.150 of this Code or to a parade as defined and regulated by Sections 38.150 through 38.157 of this Code, or to the use of radios, tape players, tape recorders, record players or televisions regulated by Section 51.409 of this Code. This subsection (m) shall apply notwithstanding the provisions of subsection (b) of Section 66.203.

As used in this subsection (m), "person of normal hearing sensitivity" means a person who has a hearing threshold level of between zero (0) and twenty-five (25) decibels HL averaged over the frequencies 500, 1000 and 2000 Hertz.

SECTION 3.

Section 27.50(c) is hereby amended to read as follows:

Sec. 27.50(c) use any amplified sound without first obtaining an amplified sound permit. This prohibition shall not apply to the use of any radio, tape player, tape recorder, record player or television in compliance with Section 27.19-1 or Section 66.302(m) of the City Code or to broadcasts from any vehicle to which the provisions of Sections 25.20 through 25.29 of the City Code are applicable.

SECTION 4.

Section 27.90(b)(4)(B) is hereby amended to read as follows:

Sec. 27.90(b)(4)(B) use of any radio, tape player, tape recorder, record player, or television to which the provisions of Section 27.19-1 or Section 66.302(m) of this Code are applicable.

SECTION 5.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the need to immediately provide a clearly defined prohibition of the operation of radios, tape players, tape recorders, record players, televisions or similar devices in such a manner as to constitute a hazard to traffic safety and an unnecessary intrusion into the

peace and quiet of streets and neighborhoods.

DATED ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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(1) Notwithstanding any other provision of this chapter, no notice to appear shall be issued or criminal complaint shall be filed for a violation of this subsection (m) unless the offending party is first given a verbal or written notification of violation by any peace officer or other person charged with enforcing this subsection (m) and a reasonable opportunity to correct said violation.

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