

52



CITY OF SACRAMENTO

JAMES P. JACKSON
CITY ATTORNEY

THEODORE H. KOBEY, JR.
ASSISTANT CITY ATTORNEY

LELIAND J. SAVAGE
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SAM JACKSON
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DEPARTMENT OF LAW

812 TENTH ST. SACRAMENTO, CALIF. 95814
SUITE 201 TELEPHONE (916) 449-5346

April 7, 1981

APPROVED
BY THE CITY COUNCIL

APR 7 1981

OFFICE OF THE
CITY CLERK

Honorable City Council
City of Sacramento
City Hall
Sacramento, California

In re: NOISE ORDINANCE - RADIOS AND TAPE PLAYERS, ETC.

Members in Session:

DISCUSSION

The attached ordinance is the same as the ordinance presently before the Council, except that this ordinance would exempt activity for which an outdoor assembly permit has been issued by the Department of Community Services under Chapter 27 of the City Code. This exemption is consistent with and should be added to the exemptions contained in the existing proposed ordinance.

RECOMMENDATION

If the Council wants to adopt the ordinance relating to the playing of radios, tape recorders, etc. outdoors, it is recommended that the attached ordinance containing the additional exemption above be adopted.

Very truly yours,

THEODORE H. KOBEY, JR.
Assistant City Attorney

THK:kn

Attachment

ORDINANCE NO. 81-019 FOURTH SERIES

ORDINANCE RELATING TO THE USE OF
RADIOS, TAPE PLAYERS, TAPE RECORDERS,
RECORD PLAYERS AND TELEVISIONS ON
PUBLICLY OWNED PROPERTY AS UNLAWFUL NOISES
AND DECLARING THIS ORDINANCE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

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

Section 66.302 Specific 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 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 27.90 through 27.130 of this Code or of 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) decibels and twenty-five (25) decibels HL averaged over the frequencies 500, 1000 and 2000 Hertz.

SECTION 2. Emergency

This ordinance is hereby declared to be an emergency ordinance to take effect immediately. The facts constituting the emergency are the immediate need to preserve the peace and quiet of neighborhoods against the quickly increasing instances of intrusion of loud and disturbing sound prohibited by this ordinance.

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE RELATING TO THE USE OF
RADIOS, TAPE PLAYERS, TAPE RECORDERS,
RECORD PLAYERS AND TELEVISIONS ON
PUBLICLY OWNED PROPERTY AS UNLAWFUL NOISES

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PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK



CITY OF SACRAMENTO

JAMES P. JACKSON
CITY ATTORNEY
THEODORE H. KOBEY, JR.
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SUITE 201 TELEPHONE (916) 449-5346

April 1, 1981

Honorable City Council
City of Sacramento
City Hall
Sacramento, California

APPROVED
BY THE CITY COUNCIL

APR 7 1981

OFFICE OF THE
CITY CLERK

In re: Noise Control Ordinance

Members in Session:

SUMMARY

The attached ordinance would control noise from radios, tape recorders, etc. outdoors in the City parks and other publicly owned places.

DISCUSSION

The attached ordinance would prohibit the playing of radios, tape recorders and the like outdoors in City parks and other publicly owned places so as to be audible to a person of normal hearing sensitivity 100 feet away.

Harry Sen from the County noise control has indicated that the 100 foot limitation is reasonable, an opinion which is concurred in by Jerome Lukas, Ph.D. of the State Office of Noise Control.

Violations are made infractions and the ordinance requires a warning prior to a citation for violation. The ordinance exempts broadcasting as defined and regulated in City Code Chapter 25, parades regulated in Chapter 38 and K Street Mall regulated in Chapter 51.

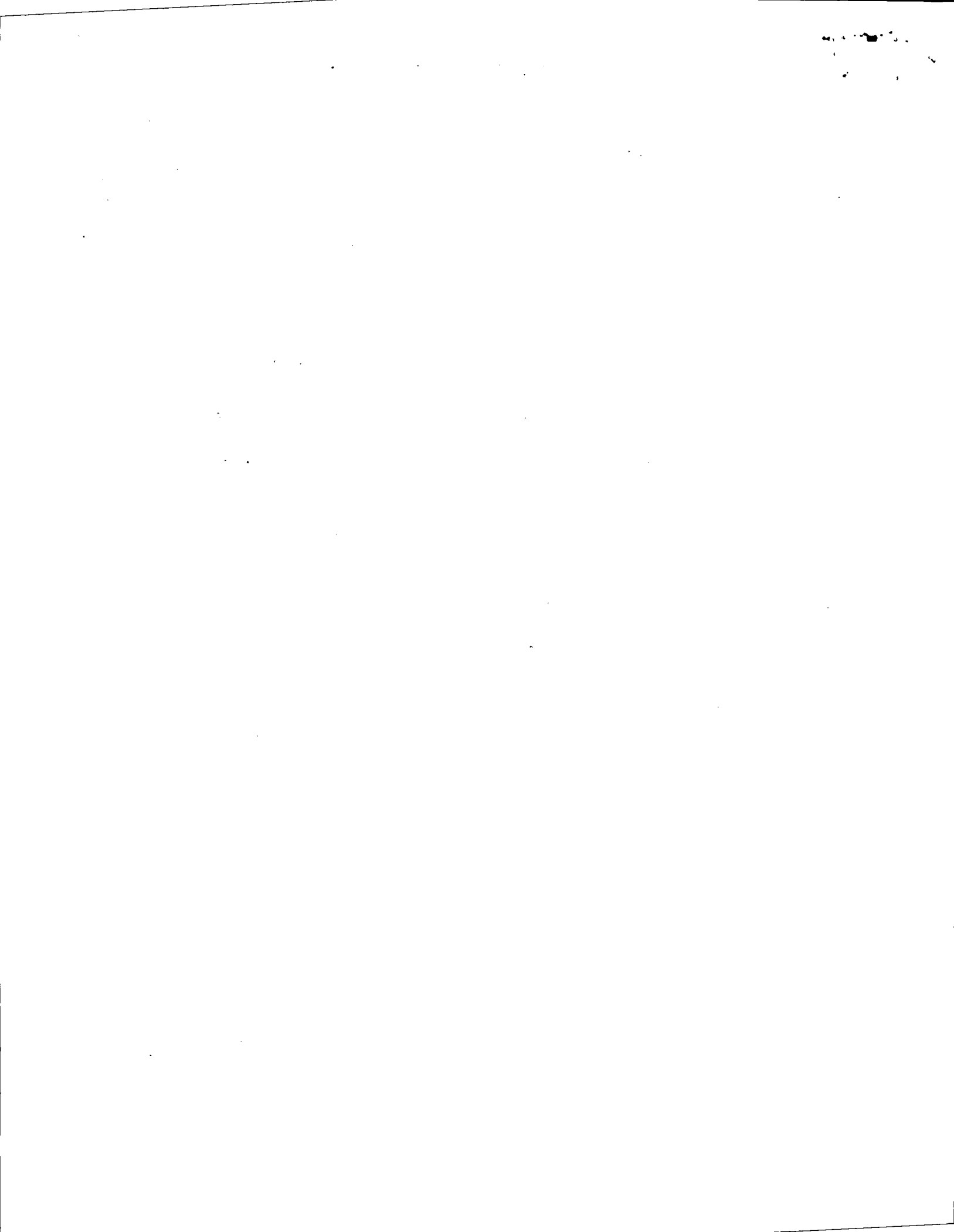
RECOMMENDATION

It is recommended by Councilman Connelly that the attached ordinance be adopted. The Police Department also supports this recommendation.

Very truly yours,

Theodore H. Kobey, Jr.
THEODORE H. KOBEY, JR.
Assistant City Attorney

THK:kn
Attachment





CITY OF SACRAMENTO

32 #10

DEPARTMENT OF LAW

812 TENTH ST. SACRAMENTO, CALIF. 95814
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CHRISTINA PRIM
DEPUTY CITY ATTORNEYS

March 30, 1981

Lloyd Connelly
City Councilman
City of Sacramento
Sacramento, California

APPROVED
BY THE CITY COUNCIL

MAR 31 1981

OFFICE OF THE
CITY CLERK

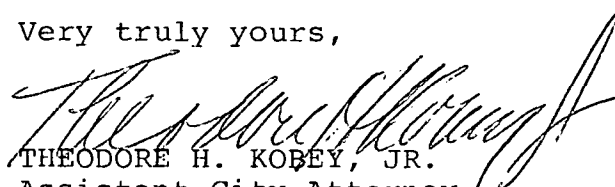
Cont. to
4-7-81

In re: Ordinance Controlling Noise from Portable
Radios, etc. in Parks

Dear Lloyd:

Attached is the ordinance which deals with the use of portable radios and tape decks in City parks (as well as other publicly owned places). Harry Sen from the County has indicated that the 100 foot limitation is reasonable in his opinion. Jerome Lukas, Ph.D. of the State Office of Noise Control concurs in this opinion.

Very truly yours,


THEODORE H. KOBEY, JR.
Assistant City Attorney

THK:kn

Attachment

Cc's: Police Chief Kearns
L. Hinds

ORDINANCE NO. 81-019

FOURTH SERIES

APPROVED
BY THE CITY COUNCIL

APR 7 1981

OFFICE OF THE
CITY CLERK

ORDINANCE RELATING TO THE USE OF
RADIOS, TAPE PLAYERS, TAPE RECORDERS,
RECORD PLAYERS AND TELEVISIONS ON
PUBLICLY OWNED PROPERTY AS UNLAWFUL NOISES

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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.

(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.

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As used in this subsection (m), "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.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

A large, complex handwritten scribble or signature in black ink is drawn across the center of the page. It starts from the top left, loops around, and crosses itself multiple times, eventually extending towards the bottom right. This scribble overlaps and obscures the horizontal lines for the Mayor and City Clerk signatures.