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NEIGHBORHOOD SERVICES DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

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August 7, 2002

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Amendment to City Code Section 8.68.200 Specific Unlawful Noises.

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

Staff is responding to a request from the Law and Legislation Committee that the City's noise ordinance be updated to include compact disc players and other audible audio equipment. A correction of the times restricting yelling, shouting, etc. is also included in this amendment. It is recommended that the Law and Legislation Committee review and approve the attached amendment to City Code Section 8.68.200.

CONTACT PERSON: Robert L. Rose, Chief of Code Enforcement, 264-5947

FOR COMMITTEE MEETING OF: August 20, 2002

SUMMARY:

This report and the attached amendment are the follow-up to a request by the Code Enforcement Ad Hoc Committee that the current Noise Control Ordinance Chapter 8.68.200 (M) be updated to also include compact disc players and other audible audio equipment as recommended by the Law and Legislation Committee. In conjunction with this revision to the City noise ordinance, staff also recommends making a time correction in Section 8.68.200 (C).

BACKGROUND:

When the noise ordinance was initially adopted by City Council, some of the current audio equipment did not exist or may not have been as common as today. The

compact disc player is an example of a more recently popular audio equipment that was not included in the original ordinance. Therefore, at the Code Enforcement Ad Hoc Committee's request, the City Attorney's Office has drafted the attached amendment (Exhibit A) to City Code Section 8.68.200 (Specific Unlawful Noises) to also specify compact disc players as well as other future audible audio equipment that may be determined to be loud or disturbing and in violation of City Code. It should be noted that the current ordinance states that "such enumeration shall not be deemed to be exclusive" which further addresses future development of audio equipment or other items/occurrences that also may potentially violate this ordinance.

Also, a correction is recommended of Section 8.68.200 (C) which states the hours when certain possible unlawful noises would be in violation should begin at twelve **a.m.** rather than as stated in the ordinance as twelve **p.m.**

FINANCIAL CONSIDERATIONS:

This report has no fiscal implications at this time.

ENVIRONMENTAL CONSIDERATIONS:

There are no environmental considerations associated with this report.

POLICY CONSIDERATIONS:

This report is consistent with the City of Sacramento's efforts to maintain safe and healthy neighborhoods and enhance the quality of life in the City of Sacramento.

E/SBD ISSUES:


No goods or services are being purchased under this report.

RECOMMENDATION APPROVED:



KEN NISHIMOTO
Deputy City Manager

Respectfully submitted,



MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Attachment

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 8.68.200 OF THE SACRAMENTO CITY CODE ENUMERATING SPECIFIC UNLAWFUL NOISES

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

SECTION 1.

Section 8.68.200 of the Sacramento City Code is hereby amended to read as follows:

8.68.200 Specific unlawful noises.

Notwithstanding any other provision of the chapter to the contrary, the following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive, namely:

A. Motor Noises. Any noise made by the motor of any automobile, truck, tractor, motorcycle, not reasonably required in the operation thereof under the circumstances and shall include but not be limited to backfiring and motor racing.

B. Horns and Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, trolley coach or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and

unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or any other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

C. Yelling and Shouting. Yelling, shouting, hooting, whistling, singing or blowing of horns on the public streets, particularly between the hours of twelve a.m. and seven a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, motel, apartment or other type of residence, or of any persons in the vicinity.

D. Pile Drivers, Hammers, Etc. The operation between the hours of ten p.m. and seven a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

E. Tools. The use of operation between the hours of ten p.m. and seven a.m. of any power saw, power planer, or other powered tool or appliance or saw or hammer, or other tool, so as to disturb the quiet, comfort, or repose of persons in any dwelling, hotel, motel, apartment, or other type of residence, or of any person in the vicinity.

F. Blowers. The operating of any noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

G. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

H. Loading, Unloading--Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

I. Hawkers, Peddlers and Vendors. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of persons in the neighborhood.

J. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

K. Transportation of Metal Rails, Pillars and Columns. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks in any manner so as to cause loud noises or to disturb the peace and quiet of persons in the vicinity thereof.

L. Animals, Birds, Fowls. The keeping of any animal, fowl, or bird which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.

M. Any noise emitted from a radio, tape player, tape recorder, record player, compact disc player or any other audible audio equipment, 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, compact disc player or any other audible audio equipment, 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 10.12.090 of this code or to broadcasting from any vehicle as defined and regulated by Sections 10.60.010 through 10.60.090 of this code, to the use of radios, tape players, tape recorders, record players, compact disc players or any other audible audio equipment, or televisions in the course of an assembly for which a permit has been issued pursuant to Sections 12.72.160 through 12.72.180 of this code or to a parade as defined and regulated by Sections 12.48.010

through 12.48.080 of this code, or to the use of radios, tape players, tape recorders, record players, compact disc players or any other audible audio equipment, or televisions regulated by Section 12.44.270 of this code. This subsection M shall apply notwithstanding the provisions of subsection B of Section 8.68.080 of this chapter.

As used in this subsection M, "person of normal hearing sensitivity" means a person who has a hearing threshold level of between zero and twenty-five (25) decibels HL averaged over the frequencies five hundred (500), one thousand (1000) and two thousand (2000) hertz. (Prior code § 66.03.302)

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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8/9/02

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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