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APPROVED
BY THE CITY COUNCIL

AUG 6 1998

DEPARTMENT OF
POLICE

ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO OFFICE OF THE
CALIFORNIA CITY CLERK

July 23, 1998

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City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: AN ORDINANCE AMENDING SECTION 25.01.019-1 OF TITLE 25 OF THE
SACRAMENTO CITY CODE RELATING TO AUDIO EQUIPMENT IN
VEHICLES**

LOCATION AND COUNCIL DISTRICT: City wide

RECOMMENDATION:

This report recommends that the City Council immediately adopt the attached ordinance amending Section 25.01.019-1 of the City Code relating to the use or operation of a radio, tape player, tape recorder, record player, television, or similar device in a vehicle. The amendment adds off street parking facilities as locations where this ordinance can be enforced.

CONTACT PERSON: Lt. Michael Uyeda, Office of Operations, Police Department,
277-6001

Michael Carlson, Administrative Analyst, Office of
Operations, Police Department, 264-8478

FOR THE COUNCIL MEETING OF: August 6, 1998

SUMMARY:

The Police Department proposes the amendment of Section 25.01.019-1 of the City Code relating to the use or operation of a radio, tape player, tape recorder, record player, television, or similar device in a vehicle. This ordinance prohibits that any use of such device be audible to a person of normal hearing sensitivity more that 25 feet away from said vehicle.

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The change to this ordinance adds the phrase "off street parking facility". The revised ordinance would allow enforcement in any publicly owned property or place, or in an off street parking facility. In addition to public facilities, this would include any privately owned facility where no fee is charged and is held open for common public use of retail customers. This change eliminates the problem of vehicles driving into a parking lot to escape the enforcement of this ordinance.

COMMITTEE/COMMISSION ACTION:

This item was heard by the Law and Legislation Committee on June 4, 1998, and recommended for adoption by the full City Council.

BACKGROUND:

Complaints from the public regarding loud, amplified music have caused difficulties for the Police Department when interpreting current City Code.

When investigating a loud car stereo complaint, an officer is limited by Chapter 25.01.019-1, which only allows enforcement if the vehicle in question is on a street. The revised ordinance would allow enforcement in any publicly owned property or place, or in an off street parking facility. The off street parking facility would include privately owned facilities where no fee is charged and which are open for common public use of retail customers.

FINANCIAL CONSIDERATIONS:

This proposed amendment to the City Code may yield an insignificant increase in the amount of fines generated through the citation process, due to the added locations that a citation may be issued.

ENVIRONMENTAL CONSIDERATIONS:

This report does not involve an activity which would be covered by the California Environmental Quality Act (CEQA).

POLICY CONSIDERATIONS:

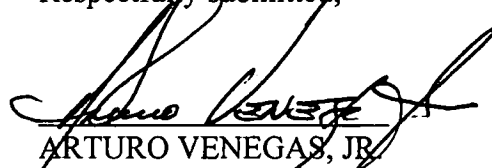
The proposed ordinance amendment is consistent with City policy in providing a safe environment for both vehicular and pedestrian traffic, and provides protection from loud noise and disturbances of the peace and quiet in the vicinity thereof.

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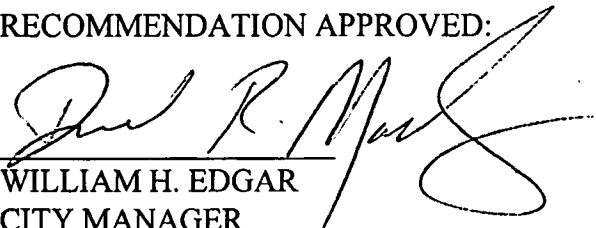
MBE/WBE CONSIDERATIONS:

None.

Respectfully submitted,


ARTURO VENEGAS, JR.
CHIEF OF POLICE

RECOMMENDATION APPROVED:


WILLIAM H. EDGAR
CITY MANAGER

AV:mcc
REF: 7-30

Attachment: Proposed Ordinance Amendment

APPROVED
BY THE CITY COUNCIL

ORDINANCE NO.

AUG 6 1998

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 25.01.019-1 OF TITLE 25 OF THE SACRAMENTO CITY CODE RELATING TO AUDIO EQUIPMENT IN VEHICLES

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

SECTION 1.

Title 25, Section 25.01.019-1 of the Sacramento City Code is hereby amended to read as follows:

(a) No person shall use or operate a radio, tape player, ~~CD player, tape recorder,~~ record player, television or similar device in a vehicle on a street, ~~or on or in any publicly owned property or place, or in a vehicle in an off street parking facility, in a manner~~ which results in sound from the device being 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"~~ ~~off street parking facility~~ means a person who has a hearing threshold level of between zero (0) decibels any off street facility held open for use by the public for parking vehicles and twenty-five (25) decibels HL averaged over the frequencies 500, 1000 and 2000 Hertz includes publicly owned facilities for off street parking and privately owned facilities for off street parking where no fee is charged for the privilege to park and which are held open for the common public use of retail customers.

(c) ~~Violation of this section is an infraction. The penalty for~~ As used in subsection (a), "person of normal hearing sensitivity" means a first violation is person who has a \$200.00 fine; for a second violation within one hearing threshold level of between zero (0) decibels and twenty-five (25) year, the penalty is a \$200.00 fine; for each additional violation within one (1) year, the penalty is a \$500.00 fine decibels HL averaged over the frequencies 500, 1000 and 2000 Hertz.

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DATE ADOPTED: _____

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(d) ~~Sound associated with outdoor gatherings including, but not limited to, shows and entertainment events, shall be exempted from the provisions of this section provided said gathering or event is (1) lawfully approved and permitted by the private or public owner of the place or parking facility and (2) the vehicle(s) are located on or at the place or parking facility which is the site of the gathering or event.~~

(e) ~~Violation of this section is an infraction. The penalty for a first violation is a \$100.00 fine; for a second violation within one (1) year, the penalty is a \$200.00 fine, for each additional violation within one (1) year, the penalty is a \$500.00 fine.~~

(f) ~~This section shall apply only to vehicles and the use or operation of the devices identified in subsection (a) above.~~

(g) ~~Nothing in this section shall supersede or exempt any person from any provisions of Title 66 of the Sacramento City Code.~~

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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APPROVED
BY THE CITY COUNCIL

ORDINANCE NO. 98-029

AUG 6 1998

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF _____

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TITLE 25 OF THE SACRAMENTO CITY CODE RELATING
TO AUDIO EQUIPMENT IN VEHICLES**

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(b) As used in subsection (a), "off street parking facility" means any off street facility held open for use by the public for parking vehicles and includes publicly owned facilities for off street parking and privately owned facilities for off street parking where no fee is charged for the privilege to park and which are held open for the common public use of retail customers.

(c) 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.

(d) Sound associated with outdoor gatherings including, but not limited to, shows and entertainment events, shall be exempted from the provisions of this section provided said gathering or event is (1) lawfully approved and permitted by the private or public owner

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of the place or parking facility and (2) the vehicle(s) are located on or at the place or parking facility which is the site of the gathering or event.

(e) Violation of this section is an infraction. The penalty for a first violation is a \$100.00 fine; for a second violation within one (1) year, the penalty is a \$200.00 fine; for each additional violation within one (1) year, the penalty is a \$500.00 fine.

(f) This section shall apply only to vehicles and the use or operation of the devices identified in subsection (a) above.

(g) Nothing in this section shall supersede or exempt any person from any provisions of Title 66 of the Sacramento City Code.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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ORDINANCE NO. _____

DATE ADOPTED: _____

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