

## Chapter 9.08 - OFFENSES AGAINST PUBLIC PEACE

### Sections:

#### 9.08.010 - Declaration of policy.

- A. In order to control loud, raucous and excessive noise and vibration in the city, it is declared to be the policy of the city to prohibit such noise and vibration generated from all or by all sources specified in this title.
- B. It is determined that certain noise levels and vibrations are detrimental to the public health, welfare and safety and contrary to public interest and, therefore, the creating, maintaining, causing or allowing to be created, maintained or caused, of any loud or raucous noise or vibration in a manner not in conformity with the provisions of this title is prohibited. Any loud or raucous noise is a public nuisance and may be abated as such.

(Ord. 2143 § 1, 1996: prior code §§ 4223 and 4223.1)

#### 9.08.020 - Loud and raucous noise prohibited.

No person shall make, create, maintain, cause or allow to be created, maintained or caused any loud or raucous noise.

(Ord. 2143 § 2, 1996: prior code § 4224)

#### 9.08.030 - Definitions.

For the purposes of this chapter, the following definitions shall be applied to the terms utilized in this chapter unless it appears from the context that a different meaning is intended:

"Danger warning" means any audible sound issued to warn of an impending danger such as an approaching train or an emergency response vehicle.

"Day" means any day of the week.

"Loud and raucous noise" means any sound or vibration which disturbs the peace and quiet of a reasonable person of ordinary sensitiveness, and prevents such person from the enjoyment or use for which the property they occupy was intended. Complaints of a noise disturbance from two or more persons shall constitute prima facie evidence that a noise is loud and raucous.

"Motor vehicles" shall include, but not be limited to, mini-bikes, go-carts, automobiles and trucks. Motor vehicle shall include any and all self-propelled vehicles as defined in the California Vehicle Code, including all on-highway type motor vehicles subject to registration under the said Code, and all off-highway type motor vehicles subject to identification under said Code.

"Noise resulting from emergency action" shall refer to a sound or vibration generated by any machinery, vehicle, work or alarm used, employed, performed or operated in order to abate an imminent hazard to a person, property, or the public health, safety or welfare, or to restore a utility service.

"Sound amplifying equipment" means any machine or device for the amplification of the human voice, music, or any other sound. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment" as used in this chapter shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on any vehicles used only for traffic safety purposes.

"Sound truck" means any motor vehicle, or any other vehicle regardless of motor power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

(Ord. 2143 § 3, 1996)

#### 9.08.040 - Special provisions.

The following activities shall be exempted from the provisions of this chapter:

- A. Occasional outdoor entertainment including outdoor dancing and/or the performance of live or recorded music, and show, sporting and entertainment events, provided said events are conducted in accordance with the terms of any permit issued for same;
- B. All noise resulting from emergency action, except that any bell or alarm on any building or structure which is not terminated within 30 minutes from the time it is activated shall not be exempt from this chapter. Noise resulting from emergency action shall refer to a sound or vibration generated by any machinery, vehicle, work or alarm used, employed, performed or operated in order to abate an imminent hazard to a person, property, or the public health, safety or welfare, or to restore a utility service;
- C. Any motor vehicle alarm as defined in Chapter 9.28 of this code which is terminated within five minutes of its being activated.

(Ord. 2143 § 4, 1996)

#### 9.08.050 - Loud and raucous noise.

The following acts, among others, are declared to be loud or raucous noises but the enumeration shall not be deemed to be exclusive:

- A. Horns, Signaling Devices, Etc. The sounding of any horn or similar audible device on any vehicle on any street or public place of the city which is louder or longer than is reasonably needed to warn of a danger, or the use of any horn, whistle, or other similar audible device for an unreasonable period of time;
- B. Radios, Stereos, Etc. The using, operating or permitting to be played, used or operated of any radio, stereo or sound amplifying equipment in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The operation of any such radio, stereo or sound amplifying equipment between the hours of eight p.m. and seven a.m. on any day in such a manner as to be audible to a property and/or structure adjacent to the building, structure, or vehicle from which the sound originates shall be prima facie evidence of a violation of this section;
- C. Sound Trucks, Etc. The use of sound amplifying equipment on a sound truck between the hours of nine p.m. and ten a.m. each day, and the use of said equipment within two hundred feet of churches, schools, hospitals, or city or county buildings;
- D. Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling or singing within a residential or commercial area in such manner as to disturb the peace and quiet enjoyment of a reasonable person. Yelling, shouting, hooting, whistling or singing between the hours of eight p.m. and seven a.m. shall constitute prima facie evidence that said activities disturb the peace and quiet of a reasonable person;
- E. Animals and Birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any persons in the vicinity;
- F. Mechanical Whistles. The blowing of any mechanical whistle attached to a stationary location except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon the request of proper city authorities;
- G. Defect in Vehicle or Load. The use of any motor vehicle so out of repair, so loaded, or in such a manner as to disturb the peace and quiet of a reasonable person;
- H.

Loading, Unloading, Opening Boxes. The creation of any noise which disturbs the peace and quiet of a reasonable person in connection with loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers between the hours of ten p.m. and seven a.m.;

- I. Construction or Repairing of Real Property. Noise sources associated with construction, demolition, grading, repair or remodeling of any real property other than between the hours of seven a.m. and eight p.m. on weekdays (Monday through Friday), and nine a.m. to six p.m. on Saturdays, Sundays and legal holidays, except in the case of an emergency where such action is immediately required to prevent injuries to persons or damage to property as determined by the director of building and safety or his designated representative;
- J. Schools, Courts, Churches, Medical Facilities. The creation of noises adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any medical facility, including but not limited to, a hospital, medical office, clinic, or any location where medical treatment is rendered, which unreasonably interferes with the workings of such institution, or which unreasonably disturbs the occupants of or visitors to these structures;
- K. Hawkers, Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of a reasonable person;
- L. Pile Drivers, Hammers, Etc. Any pile driver, pneumatic hammer, bulldozers or other construction vehicles, motorized hoists or other devices operated between the hours of eight p.m. and seven a.m.;
- M. Blowers. The operation of any noise-creating blower, power fan or internal combustion engine in which the power is produced by the explosion of a fuel and air mixture within the cylinder(s) shall be prohibited unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(Ord. 2164 §§ 1, 2, 1997; Ord. 2143 § 5, 1996)

#### 9.08.060 - Penalty for violations.

- A. Any person who violates any provision of this title is guilty of a misdemeanor or an infraction, and shall be punished according to the discretion of the prosecuting authority.
- B. Each separate noise violation under this title shall constitute a separate offense. Repeated noise disturbance calls to the same location within a twenty-four hour period will result in a service fee charge for all personnel and equipment costs, or other damage and expenses as set by city council resolution.
- C. As an additional remedy, any chronic or repetitive violation of this title shall be deemed and is declared to be a public nuisance and may be abated as provided in Chapter 8.16 of this code, or summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. 2143 § 6, 1996)