

7-12.1 Declaration of Policy.

It is hereby declared to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels, noises are detrimental to the health and welfare of the citizenry and in the public interest shall be systematically proscribed. (Added by Ord. #1587, § 4706)

7-12.2 Definitions.

As used in this section:

Ambient Noise shall mean the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far. For the purpose of this section, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

Decibel (dB) shall mean a unit of level which denotes the ratio between (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.

Frequency of a function periodic in time shall mean the reciprocal of the smallest increment of time for which the function repeats itself. The unit is the cycle per second or hertz.

Person shall mean a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

Sound level (noise level) in decibels is sound measured using the A-weighting network of a sound level meter. Slow response of the sound level meter needle shall be used except where the sound is impulsive or rapidly varying in nature, in which case fast response shall be used.

Sound level meter shall mean an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American National Standards Institute's Specification 51.4-1971 or the most recent revision thereof for type S-2A general purpose sound level meters.

Motor vehicles shall include, but not be limited to, minibikes and go-carts.

Sound-amplifying equipment shall mean 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 section shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

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

Commercial purpose shall mean and include the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating such sound equipment.

Noncommercial purpose shall mean the use, operation or maintenance of any sound equipment for other than a "commercial purpose." "Noncommercial purpose" shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

Supplementary Definitions and Technical Terms. Definitions of technical terms not defined herein shall be obtained from the American National Standards Institute's Acoustical Terminology S1-1-1971 or the most recent revision thereof.

(Added by Ord. #1587, § 4706.1)

7-12.3 Sound Level Measurement Criteria.

Any sound level measurement made pursuant to the provisions of this section shall be measured with a sound level meter using the "A" weighting. (Added by Ord. #1587, § 4706.2)

7-12.4 Presumed Ambient Noise Level.

When "ambient noise level" is referred to in this section, it shall mean the higher of the following: (1) actual ambient noise level, or (2) presumed ambient noise level as determined from the chart below:

Zone	Time	Sound Level A, Decibels Community Environment Classification				
		Very Quiet		Quiet	Slightly Noisy	
		Rural	Suburban	Suburban	Suburban	Urban
R1 and R2	10:00 p.m. to 7:00 a.m.	35	50	40	55	45
R1 and R2	7:00 p.m. to 10:00 p.m.	40	55	45	60	50
R1 and R2	7:00 a.m. to 7:00 p.m.	45	65	50	65	55
R3 and R4	10:00 p.m. to 7:00 a.m.	40	70	45	70	50

R3 and R4	7:00 a.m. to 10:00 p.m.	45	50	55
Commercial	10:00 p.m. to 7:00 a.m.			
Commercial	7:00 a.m. to 10:00 p.m.			
M1	anytime			
M2	anytime			

(Added by Ord. #1587, § 4706.3)

7-12.5 Violations.

a. *Misdemeanors.* Any person violating any of the provisions of Section 7-12 et seq. shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as established in Chapter I, Section 1-6.

b. *Additional Remedies: Injunctions.* As additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

c. *Severability.* If any provision, clause, sentence or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this section which can be given effect without the invalid provisions or application; and, to this end, the provisions of this section are hereby declared to be severable.

(Added by Ord. #1587, § 4706.4)

Part 2: Special Noise Sources

7-12.6 Radios, Television Sets and Similar Devices.

a. *Use Restricted.* It shall be unlawful for any person within any residential zone of the City to use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day) in such a manner as to disturb the peace, quiet and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

b. *Prima Facie Violation.* Any noise level exceeding the ambient noise level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.

(Added by Ord. #1587, § 4706.5)

7-12.7 Hawkers and Peddlers.

It shall be unlawful for any person within the City to sell anything by outcry. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events. (Added by Ord. #1587, § 4706.6; Ord. #1732, § 3)

7-12.8 Drums.

It shall be unlawful for any person to use any drums or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the City. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct. (Added by Ord. #1587, § 4706.7)

7-12.9 Schools, Hospitals and Churches.

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of learning or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital. (Added by Ord. #1587, § 4706.8)

7-12.10 Animals and Fowl.

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied or controlled by such person any animal or fowl otherwise permitted to be kept which, by any sound, cry or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood. (Added by Ord. #1587, § 4706.9)

7-12.11 Machinery, Equipment, Fans and Air Conditioning.

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the

ambient noise level by more than five (5) decibels. For the purposes of this section, "noise level" shall mean measured sound level with the following values added as corrections for time duration and character of the noise:

- a. Add one (1) and only one (1) of the following corrections for time duration:
 1. Noise persists for more than five (5) minutes out of any one (1) hour.
 2. Noise persists for more than one (1) minute but not more than five (5) minutes out of any one (1) hour.
 3. Noise persists for one (1) minute or less out of any one (1) hour.
- b. Add one (1) and only one (1) of the following corrections for unusual character:
 1. Noise has no unusual character.
 2. Noise contains a piercing pure tone.
 3. Noise is impulsive or rattling in nature.
 4. Noise carries speech, music or other information content.

(Added by Ord. #1587, § 4706.10)

7-12.12 Special Sound Prohibition.

a. Notwithstanding any other provision of this section, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

b. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

1. The level of the noise;
2. The intensity of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural or unnatural;
5. The level and intensity of the background noise, if any;
6. The proximity of the noise to residential sleeping facilities;
7. The nature and zoning of the area within which the noise emanates;
8. The density of the inhabitation of the area within which the noise emanates;
9. The time of the day or night the noise occurs;
10. The duration of the noise;
11. Whether the noise is recurrent, intermittent or constant; and
12. Whether the noise is produced by a commercial or noncommercial activity.

(Added by Ord. #1587, § 4706.11)

7-12.13 Purpose.

The Council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety and welfare of its citizenry. While recognizing that the use of sound-amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the Council nevertheless feels obligated to reasonably regulate the use of sound-amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisances of loud and unnecessary noise. (Added by Ord. #1587, § 4706.12)

7-12.14 Registration Required.

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the City a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without first filing a registration statement and obtaining approval thereof as set forth in this section. (Added by Ord. #1587, § 4706.13)

7-12.15 Requirements and Duties.

a. *Registration Statements; Filing.* Every user of sound-amplifying equipment shall file a registration statement with the Police Chief fourteen (14) days prior to the date on which the sound-amplifying is intended to be used, which statement shall contain the following information:

1. The name, address and telephone number of both the owner, user and operator of the sound-amplifying equipment;
2. The maximum sound-producing power of the sound-amplifying equipment, which shall include the wattage to be used, the volume in decibels of sound which will be produced and the approximate distance for which sound will be audible from the sound-amplifying equipment;
3. The license and motor number if a sound truck is to be used;
4. A general description of the sound-amplifying equipment which is to be used;

5. Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.
 - b. *Registration Statement Amendment.* All persons using or causing to be used sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to paragraph a. of this subsection within forty-eight (48) hours after any change in the information therein furnished.
 - c. *Registration and Identification.* The Police Chief shall return to each applicant under paragraph a. of this subsection, one (1) copy of the registration statement duly certified by the Police Chief as a correct copy of the application. The certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound-amplifying equipment is in operation, and said copy shall be promptly displayed and shown to any policeman of the City of Compton upon request.
 - d. *Regulations for Use.* Noncommercial use of sound trucks in the City of Compton with sound-amplifying equipment is in operation shall be subject to the following regulations:
 1. The only sounds permitted are music or human speech.
 2. Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
 3. Sound-amplifying equipment shall not be operated unless the sound truck upon which equipment is mounted is operated at a speed of at least ten (10) miles per hour except when the truck is stopped or impeded by traffic. Where stopped by traffic the sound amplifying equipment shall not be operated for longer than one (1) minute at each such stop.
 4. Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.
 5. No sound truck with its amplifying device in operation shall be operated on streets designed as the Downtown Business District.
 6. The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
 7. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
 8. No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

(Added by Ord. #1587, § 4706.14)

7-12.16 Commercial Advertising by Sound Truck.

- a. *License Required.* No person shall operate or cause to be operated any sound truck in the City for commercial advertising purposes with sound-amplifying equipment in operation unless a license has been obtained from the City Clerk. The fee for said license shall be one hundred (\$100.00) dollars annually, thirty (\$30.00) dollars monthly or ten (\$10.00) dollars per day.
- b. *Application for License.* Persons applying for the license required under paragraph a. shall file with the Police Chief an application in writing, giving in said application the information required in the registration statement under subsection 7-12.15a.
- c. *Issuance of License.* The City Treasurer shall issue a license under paragraph a. of this subsection upon payment of the required license fee unless the application required in paragraph b. of this subsection reveals that the applicant would violate the regulations prescribed in paragraph d. of this subsection or the provisions of some other ordinance of this City.
- d. *Possession and Display of License.* A licensee shall keep such license in his possession in the sound truck during the time the sound truck's sound-amplifying equipment is in operation. The license shall be promptly displayed and shown to any policeman of the City upon request.
- e. *Regulations for Use.* No person shall operate or cause to be operated any sound truck for commercial sound advertising purposes in violation of the regulations set forth in paragraph d. of this subsection.

(Added by Ord. #1587, § 4706.15)

Part 3: Other Noise Making Devices, or Noise Producing Activities

7-12.17 Exemptions.

The provisions of subsection 7-12.18 et seq. shall not apply to construction, operation, maintenance and repairs of equipment, apparatus or facilities of essential public services and facilities, including those public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission. (Added by Ord. #1598, § 4708)

7-12.18 Horns, Signaling Devices.

No person shall sound any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the City, except in the performance of a duty imposed by law, or as a warning of danger. (Added by Ord. #1577, § 4708.1)

7-12.19 Steam Whistle.

No person shall blow any locomotive steam whistle or steam whistle attached to any stationary boiler except in the performance of a

duty imposed by law, or as a warning of danger, or as a signal of the time to commence or stop work. (Added by Ord. #1577, § 4708.2)

7-12.20 Exhaust Mufflers.

No person shall discharge into the open air the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which effectively will reduce such loud or explosive noises. (Added by Ord. #1577, § 4708.3)

7-12.21 Motorcycle Noises.

a. *Excessive Muffler and Exhaust Noise.* Modification or alteration of motorcycle mufflers or exhaust chamber is prohibited where such modification or alteration produces noise in excess of the noise emitted when the motorcycle was new.

b. *Excessive Noise While Idling.* It shall be a nuisance for a motorcycle operator to cause excessive noise while stopped, whether at traffic signals or in the process of starting, stopping or parking the motorcycle. (Added by Ord. #1577, § 4708.4)

7-12.22 Construction or Repairing of Buildings, Pile Drivers, Hoists, Steam Shovels.

No person shall cause or permit any work to be done or do any work on the erection (including excavation), unless the noise caused thereby is confined within a building, or use any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, unless the noise caused thereby is confined within a building, other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, except in cases of urgent necessity in the interest of public health and safety and then only with a permit from the Building Official. No such permit shall be granted for a period of more than three (3) days, but may be renewed from time to time so long as the emergency exists. (Added by Ord. #1577, § 4708.5)

7-12.23 Manufacturing Operations.

No person shall cause or permit any manufacturing operation, process or work incident thereto to be done in any M-1 Zone in the City, as this zone is defined by Chapter XXX, or within one hundred (100) yards of any portion of the City declared by Chapter XXX to be zoned for dwelling purposes, except between the hours of 7:00 a.m. and 12:00 midnight on Monday through Saturday unless the noise produced or caused thereby or therefrom cannot be heard at a distance of more than fifty (50') feet from the building or lot in which or on which such manufacturing operation, process or work incident thereto is being carried on or done. "Lot" as used in this section shall mean the same as it is defined in Chapter XXX. (Ord. #856, § 4708.6)

7-12.24 Hours of Producing Noise Limited in the M-1 Zone.

In the M-1 and M-2 Zones established by Chapter XXX, between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday and all day on Sunday, the following activities shall be prohibited unless the noise created thereby is confined in a building: Any commercial or manufacturing activity, including, but not limited to, the operation of a pneumatic or electrical hammer, chipper or press, the striking of metal against metal, or the operating of a riveting gun. In case of urgent necessity and in the interests of the public health and safety, such operations may be permitted, but only upon the issuance of a permit by the Building Department. Such permit shall be limited to a maximum of three (3) days but may be renewed from time to time as long as the emergency exists. For the purposes of this section, "building" shall be defined as a permanently located structure enclosed on all sides by walls and having a roof. (Added by Ord. #1577, § 4708.7)

7-12.25 Deliveries to Commercial Zones.

No person shall cause or permit any delivery to any commercial zone in the City, as said zones are defined in this Code, between the hours of 11:00 p.m. and 6:00 a.m. so as to produce or cause any noise thereby or therefrom which can be heard at a distance of more than fifty (50) feet from any building or lot in the P-1 Zone or in any residential zone as defined in this Code, which P-1 or residential zone is actually used for residences. (Added by Ord. #1577, § 4708.8)

7-12.26 Animals, Birds or Fowls.

No person shall keep any animal, bird or fowl which, by making or causing frequent or long continued noises, shall disturb the comfort, peace or repose of any person in the vicinity of such place where such animal, bird or fowl is kept. (Added by Ord. #1577, § 4708.9)

7-12.27 Vehicle Radios and Sound Devices.

a. It shall be unlawful for any driver, passenger in or owner of a vehicle to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise emanating from vehicle radios or other sound devices which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City whether the vehicle is on private or public property. The prohibitions set forth in this subsection shall apply to vehicles and motor vehicles.

b. That the using, operating or permitting to be played, used or operated any vehicle radio receiving set, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, other vehicle passengers or operations, or other persons in the public is hereby prohibited.

c. That the standards which shall be considered in determining whether a violation of this subsection exists shall include but shall not be limited to the following:

1. The volume of the noise;
2. The intensity of the noise;
3. Complaints of citizens; and
4. Distance from which the noise can be heard.

The operation of any such radio or sound devices in such a manner as to be plainly audible at a distance of twenty-five (25') feet from the vehicle in which it is located shall be prima facie evidence of a violation of this subsection.

d. *Exemptions.* This subsection shall not prohibit or inhibit the operation of emergency vehicles, law enforcement functions or other authorized city functions. The City Council may upon its own motion or through an application process, grant other exemptions.

(Ord. #1743, §§ 1-4)

7-12.28 Loud Party Second Response Fee.

a. It is unlawful for any person to cause, allow or permit the emission or transmission of any "loud or raucous noise" from any sound making or sound amplifying device in his possession or under his control.

1. Upon any private property, or
2. Upon any public street alley, sidewalk or thoroughfare, or
3. In or upon any public park or other public place or property.

b. The words "loud and raucous noise" as used herein shall mean any sound or any recording thereof when amplified or increased by any electrical, mechanical, or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health, or safety of other persons within or upon any one or more of such places or areas. The word "unreasonably" as used herein shall include but not be limited to, consideration of the hour, place, nature, and circumstances of the emission or transmission of any such loud and raucous noise.

c. *Definitions.* Unless the context or subject matter otherwise requires, terms defined herein shall have the following meaning when used in this subsection:

1. *First response notice* shall mean a notice issued by a police officer pursuant to this section advising a responsible person that a loud party is taking place and that the disturbance must cease.

2. *Loud party* shall mean any party, gathering or event where a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare.

3. *Responsible person* shall mean the person or persons who own, lease, reside or is in charge of the premises where the loud party takes place; or the person or persons who organized the loud party. If the responsible person is a minor, then the parents or guardians will also be considered a responsible party and be jointly and severally liable for the second response service fee imposed by this subsection.

4. *Second response notice* shall mean a notice issued by a police officer pursuant to this section assessing a second response services fee for a second, or subsequent, response to a loud party.

5. *Second response service fee* shall mean a fee imposed pursuant to this section to recover special security costs.

6. *Special security assignment* shall mean the assignment of Department personnel and equipment during a second, or subsequent, response to a loud party after the issuing of a first response notice.

7. *Special security costs* shall mean costs of services provided by the department associated with a special security assignment which may include personnel and equipment costs, damage to City property and injuries to City personnel.

d. *Authorization to Assess a Second Response Service Fee.* Whenever a loud party occurs, a police officer may issue a first response notice to a responsible person that the disturbance must cease. A second, or subsequent, response by a police officer, upon the issuing of a second response notice, may result in the imposition of a second response service fee to recover special security costs.

e. *Duties of the Police Department.*

1. The Department shall develop written procedures to provide for training and the uniform implementation of the Loud Party Second Response Fee Ordinance.

2. The Department shall develop a first response notice, a second response notice, and any other form or document necessary to carry out the purposes of this section.

3. The Department shall develop a post second response notice administrative appeal hearing procedure to determine whether the second response service fee was assessed to the proper responsible person or was properly issued.

4. The Department shall determine a second response service fee schedule, subject to approval by the City Manager, which shall be based upon the existing special security costs incurred by the Department.

5. The Police Department shall revise the second response service fee, subject to approval by the City Manager, whenever special security cost data developed by the Department requires adjustment in the second response service fee.

f. The assessed loud party second response fee shall be paid within fifteen (15) days of the billing date to the City Treasurer's office. The billing date is the same as the mailing date of the bill or invoice.