

Article 9.5: Noise Abatement and Control

Division 5: Public Nuisance Noise

*(“General Noise Regulations”
added 9-18-1973 by O-11122 N.S.)
(Retitled to “Public Nuisance Noise”
on 9-22-1976 by O-11916 N.S.)*

§59.5.0501 General Prohibitions

- (a) It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of said City, any disturbing, excessive, or offensive noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- (b) The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to the following:
 - (1) The level of the noise;
 - (2) Whether the nature of the noise is usual or unusual;
 - (3) Whether the origin of the noise is natural or unnatural;
 - (4) The level of the ambient noise;
 - (5) The proximity of the noise to sleeping facilities;
 - (6) The nature and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night the noise occurs;
 - (8) The duration of the noise; and
 - (9) Whether the noise is recurrent, intermittent, or constant.

(Amended 1-3-1984 by O-16100 N.S.)

§59.5.0502 Disturbing, Excessive, Offensive Noises — Declaration of Certain Acts Constituting

The following activities, among others, are declared to cause disturbing, excessive or offensive noises in violation of this section and are unlawful, namely:

(a) Horns, Signaling Devices, etc.

Unnecessary use or operation of horns, signaling devices, or other similar devices, on automobiles, motorcycles, or any other vehicle.

(b) Radios, Television Sets, Phonographs, Loud Speaking Amplifiers and Similar Devices.

(1) Uses Restricted

The use or operation of any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speakers and sound amplifier or other similar machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, or comfort of any reasonable person of normal sensitivity in any area of the City is prohibited. This provision shall not apply to any participant in a licensed parade, or to any person who has been otherwise duly authorized by The City of San Diego to engage in such conduct.

(2) Prima Facie Violations

Any of the following shall constitute evidence of a prima facie violation of this section:

(A) The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker and sound amplifier or similar machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure, or vehicle in which it is located.

(B) The operation of any sound amplifier, which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in

such a manner as to be plainly audible at a distance of fifty (50) feet and when operated in such a manner as to cause a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet from the source.

(3) Enforcement of Prima Facie Violations

- (A) Any person who is authorized to enforce the provisions of this Article and who encounters evidence of a prima facie violation of this section is empowered to confiscate and impound as evidence, any or all of the components amplifying or transmitting the sound.
- (B) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of the Penal Code, who encounters evidence of a prima facie violation of this section whereby the component(s) amplifying or transmitting the sound are attached to a vehicle may, in accordance with the provisions of California Vehicle Code section 22655.5, impound the vehicle, as containing evidence of a criminal offense, when the amplifying and/or transmitting component(s) cannot be readily removed from the vehicle without damaging the component(s) or vehicle.

(c) Animals

- (1) The keeping or maintenance, or the permitting to be kept or maintained upon any premises owned, occupied, or controlled by any person of any animal or animals which by any frequent or long-continued noise, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity.
- (2) The noise from any such animal or animals that disturbs two or more residents residing in separate residences adjacent to any part of the property on which the subject animal or animals are kept or maintained, or three or more residents residing in separate residences in close proximity to the property on which the subject animal or animals are kept or maintained shall be prima facie evidence of a violation of this section.

- (d) Hospitals, Schools, Libraries, Rest Homes, Long-Term Medical or Mental Care Facilities

To make noise adjacent to a hospital, school, library, rest home, or long-term medical or mental care facility, which noise unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys occupants in said institutions.

- (e) Playing of Radios on Buses and Trolleys

The operation of any radio, phonograph, or tape player on an urban transit bus or trolley so as to emit noise that is audible to any other person in the vehicle is prohibited.

- (f) Playing of Radios, Phonographs, and Other Sound Production or Reproduction Devices in Public Parks and Beach Areas and Public Parking Lots and Streets Adjacent Thereto.

The operation of any radio, phonograph, television set, or any other sound production or reproduction device in any public park or on any public beach or any public parking lot or street adjacent to such park or beach, without the prior written approval of the City Manager or the Administrator, in such a manner that such radio, phonograph, television set or sound production or reproduction device emits a sound level exceeding those found in the following table at any point ten (10) feet or more from the noise source is prohibited:

TABLE OF APPLICABLE LIMITS

Time of Day.....	Sound Level Limit
7 a.m. to 7 p.m.	65 decibels
7:01 p.m. to 6:59 a.m.	55 decibels

- (g) Leaf Blowers

- (1) A "leaf blower" means any portable, hand-held or back pack, engine powered device with a nozzle that creates a directable airstream which is capable of and intended for moving leaves and light materials.
- (2) No person shall operate a leaf blower in any residential zoned area between the hours of 7 p.m. and 8 a.m. on weekdays and 5 p.m. and 9

a.m. on weekends or on legal holidays specified in section 21.04 of this Code.

- (3) After October 9, 1991 and through June 30, 1993, no person may operate any leaf blower at a sound level in excess of 70 decibels measured at a distance of 50 feet or greater from the point of noise origin. Beginning on July 1, 1993, no person may operate any leaf blower at a sound level in excess of 65 decibels measured at a distance of 50 feet or greater from the point of noise origin.
- (4) Beginning on July 1, 1993, leaf blowers shall be equipped with functional mufflers and an approved sound limiting device required to ensure that the leaf blower is not capable of generating a sound level exceeding any limit prescribed in this section.
- (5) All litter and debris generated by leaf blower operation shall be cleaned up and disposed of in accordance with Chapter 9, Article 4, of this Code.

(Amended 9-9-1991 by O-17676 N.S.)

§59.5.0503 Burglar Alarms

- (a) Audible burglar alarms for structures or motor vehicles are prohibited unless the operation of such burglar alarms can be terminated within 20 minutes of being activated.
- (b) Notwithstanding the requirements of this provision, any member of the Police Department of The City of San Diego shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm installed in any building, dwelling, or motor vehicle at any time during the period of its activation. On or after thirty (30) days from the effective date of this article, any building, dwelling or motor vehicle upon which a burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such building, dwelling, or motor vehicle.

(Amended 1-3-1984 by O-16100 N.S.)