

## **Article 9.5: Noise Abatement and Control**

### **Division 6: Violations And Enforcement**

*(“Violations And Enforcement”  
added 9-18-1973 by O-11122 N.S.)*

#### **§59.5.0601      Violations: Misdemeanors**

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1000.00) or be imprisoned in the City or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Notwithstanding the above described penalties, following the conviction of a defendant for any *prima facie* violations of this article, the prosecutor may bring a motion requesting the court to order the destruction of any or all of the components amplifying or transmitting the sound.

*(Amended 10-30-1989 by O-17380 N.S.)*

#### **§59.5.0602      Violations: Additional Remedies: Injunctions**

As an additional remedy, the operation or maintenance of any activity, device, instrument, vehicle or machinery in violation of any provision of this article, 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.

*(Amended 9-22-1976 by O-11916 N.S.)*

#### **§59.5.0604      Manner of Enforcement**

Violations of this article shall be prosecuted in the same manner as other misdemeanor violations of the San Diego Municipal Code; however, nothing in this article shall prevent the Administrator, in his enforcement of the provisions of this article for which he is responsible, from making efforts to obtain voluntary compliance by way of warning, notice, or educational means.

*(“Manner of Enforcement” added 9-18-1973 by O-11122 N.S.)*

**§59.5.0605 Display of Permits and Other Notices**

Any permit or certificate required herein shall be displayed or maintained on the premises designated on the permit.

(“*Display of Permits and Other Notices*” added 9-18-1973 by O-11122 N.S.)

**§59.5.0606 False and Misleading Statement: Unlawful Reproduction or Alteration of Documents**

- (a) No person shall knowingly make a false or misleading statement or submit a false or misleading document to the Administrator as to any matter within his jurisdiction.
- (b) No person shall make, reproduce, alter, or cause to be made, reproduced, or altered, a permit, certificate, or other document issued by the Administrator or required by this article.

(Amended 9-22-1976 by O-11916 N.S.)

**§59.5.0607 Severability**

If any provision, clause, sentence, or paragraph of this article 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 article which can be given effect without the invalid provision or application, and to this end the provisions of this article are hereby declared to be severable.

(“*Severability*” added 9-22-1976 by O-11916 N.S.)