

- 1. Route to PD for approval first
- 2. Remit to City Clerk for approval



**AMPLIFIED SOUND PERMIT
Registration Statement**

FEE: \$15.00 Receipt # _____ Date _____ By: _____

Pursuant to Municipal Code Chapter 10.50 - Noise Regulations (copy attached)

Owner Name: _____ Email Address _____

Owner Address: _____ Phone _____

Event Location: _____
Physical Address City, State, Zip Phone _____

User Name: _____ Phone _____

Date/Time of Event: _____ / _____ Type of Event: _____
(submit 14 days prior to event)

Maximum sound-producing power of the sound-amplifying equipment (including wattage): _____

Volume (in decibels) of sound which will be produced: _____

Approximate distance for which sound will be audible from the sound-amplifying equipment: _____ ft.

License and motor number (if sound truck is to be used): _____

General description of the sound-amplifying equipment which is to be used: _____

Sound-amplifying equipment will be used for _____ Commercial _____ Non-Commercial purposes.

Applicant Signature / Date

Approved on _____ by _____, City Clerk.
Recurring Use of Sound-Amplification Equipment - Approved on _____ by the City Council.
(Must meet and maintain all Regulations defined in Municipal Code Chapter 10.50.190 and 10.50.200)

Disapproved on _____ by _____, Clerk Clerk.
(check all the apply)

- _____ 1. The conditions of the motor vehicle movement are such that, in the opinion of the Chief of Police, use of the equipment would constitute a detriment to traffic safety; or
- _____ 2. The conditions or pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety.

Violations – Refer to Municipal Code Chapter 10.50.210 – 10.50.230

cc: Applicant
Police Dept.
Orig to File

18 Main St., Sutter Creek, CA 95685 • Telephone: (209)267-5647 • Fax: (209)267-0639 • TTY: 711
The City of Sutter Creek is an equal opportunity service provider and employer

Chapter 10.50 - NOISE REGULATIONS

Sections:

10.50.010 - Declaration of policy.

It is 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 interests shall be systematically proscribed.

(Ord. 187 (part), 1976)

10.50.020 - Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

- A. "Ambient noise" means and is 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 chapter, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen 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.
- B. "Commercial purpose" means and includes 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.
- C. "Decibel (dB)" means a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.
- D. "Emergency work" means 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.
- E. "Frequency" of a function periodic in time means the reciprocal of the smallest increment of time for which the function repeats itself. The unit is the cycle per second or hertz.
- F. "Motor vehicles" includes, but is not limited to, minibikes and go-carts.
- G. "Noncommercial purpose" means the use, operation or maintenance of any sound equipment for other than a "commercial purpose." "Noncommercial purpose" means and includes, but is not limited to, philanthropic, political, patriotic and charitable purposes.
- H. "Person" means a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.
- I. "Sound-amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound. "Sound-amplifying equipment" does 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, does not include warning devices of authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

- J. "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.
- K. "Sound level meter" means 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 S1.4-1971 or the most recent revision thereof for type S-2A general purpose sound level meters.
- L. "Sound truck" means 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.
- M. Supplementary Definitions of 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.

(Ord. 187 (part), 1976)

10.50.030 - Sound level measurement criteria.

Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the "A" weighting.

(Ord. 187 (part), 1976)

10.50.040 - Presumed ambient noise level.

When "ambient noise level" is referred to in this chapter, it means the higher of the following:

- A. Actual measured ambient noise level; or
- B. Presumed ambient noise level as determined from the chart below.

		Sound Level A, Decibels Community Environment Classification		
Zone	Time	Very Quiet (rural)	Quiet (suburban)	Slightly Noisy (urban)
R-1 and R-2	10:00 p.m. to 7:00 a.m.	35	40	45
R-1 and R-2	7:00 p.m. to 10:00 p.m.	40	45	50
R-1 and R-2	7:00 a.m. to 7:00 p.m.	45	50	55
R-3 and R-4	10:00 p.m. to 7:00 a.m.	40	45	50
R-3 and R-4	7:00 a.m. to 10:00 p.m.	45	50	55

		Very Quiet (suburban)	Slightly Noisy (suburban)
Commercial	10:00 p.m. to 7:00 a.m.	50	55
Commercial	7:00 a.m. to 10:00 p.m.	55	60
M-1	Anytime	65	65
M-2	Anytime	70	70

(Ord. 187 (part), 1976)

10.50.050 - Radios, television sets, etc.—Use restrictions.

It is unlawful for any person within 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 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 city.

(Ord. 187 (part), 1976)

10.50.060 - Radios, television sets, etc.—Prima facie evidence of 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 decibels shall be deemed to be prima facie evidence of a violation of the provisions of section 10.50.050.

(Ord. 187 (part), 1976)

10.50.070 - Hawkers and peddlers.

It is unlawful for any person within the city to sell anything by outcry within any area of the city zoned for residential uses. The provisions of this section 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.

(Ord. 187 (part), 1976)

10.50.080 - Drums.

It is unlawful for any person to use any drum 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.

(Ord. 187 (part), 1976)

10.50.090 - Schools and churches.

It is 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, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys the occupants thereof, provided, conspicuous signs are displayed in such street, sidewalk or public place indicating the presence of a school or church.

(Ord. 187 (part), 1976)

10.50.100 - Animals and fowl.

No person shall keep or permit the keeping of, or maintain, 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.

(Ord. 187 (part), 1976)

10.50.110 - Machinery, equipment, fans and air conditioning.

It is 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 decibels. For the purposes of this section, "noise level" means measured sound level, with the following values added as corrections for time duration and character of the noise:

- A. Add one and only one of the following corrections for time duration:
 - 1. Noise persists for more than five minutes out of any one hour0
 - 2. Noise persists for more than one minute but not more than five minutes out of any one hour-5
 - 3. Noise persists for one minute or less out of any one hour-10
- B. Add one and only one of the following corrections for unusual character:
 - 1. Noise has no unusual character0
 - 2. Noise contains a piercing pure tone+5
 - 3. Noise is impulsive or rattling in nature+5
 - 4. Noise carries speech, music or other information content+5

(Ord. 187 (part), 1976)

10.50.120 - Building and construction noise limitations.

It is unlawful for any person within a residential zone, or within a radius of five hundred feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction-type device, between the hours of 7:00 p.m. of one day and 7:00 a.m. of the next day, in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless, beforehand, a permit therefor has been duly obtained from the planning commission. No permit shall be required to perform emergency work as defined in section 10.50.020 of this chapter.

(Ord. 187 (part), 1976)

10.50.130 - Motor vehicle repair limitations.

It is unlawful for any person within any residential area of the city to repair, rebuild or test any motor vehicle between the hours of 9:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

(Ord. 187 (part), 1976)

10.50.140 - Motor-driven vehicles—Operation restrictions.

It is unlawful for any person to operate any motor-driven vehicle within the city in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street or right-of-way shall be excluded from the provisions of this section.

(Ord. 187 (part), 1976)

10.50.150 - Amplified sound—Purpose of provisions.

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 nuisance of loud and unnecessary noise.

(Ord. 187 (part), 1976)

10.50.160 - Amplified sound—Operation without approved registration prohibited.

It is 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 sections 10.50.150 through 10.50.190.

(Ord. 187 (part), 1976)

10.50.170 - Amplified sound—Registration statement required—Filing procedure.

- A. Filing. Every user of sound-amplifying equipment shall file a registration statement with the city clerk fourteen days prior to the date on which the sound-amplifying equipment is intended to be used, which statement shall contain the following information:
 - 1. The name, address and telephone number of both the owner and user 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; and
 - 5. Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.
 - 6. The dates during which the sound-amplification equipment is proposed to be used.
- B. Approval. The city clerk shall return to the applicant an approved certified copy of the registration statement unless he finds that:
 - 1. The conditions of the motor vehicle movement are such that, in the opinion of the chief of police, use of the equipment would constitute a detriment to traffic safety; or
 - 2. The conditions or pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety.
- C. Disapproval. In the event the registration statement is disapproved, the city clerk shall endorse upon the statement his reasons for disapproval and return it forthwith to applicant.
- D. Duration. The registration statement authorized pursuant to this section may cover no more than two consecutive or non-consecutive days during any one hundred twenty-day period. Any application to use sound-amplification for more than two such days shall be made to the city council pursuant to section 10.50.195.

(Ord. 187 (part), 1976; Ord. 347 §1B., 2013)

10.50.180 - Amplified sound—Fee required—Exemptions.

Prior to the issuance of the registration statement, a fee in the amount to be paid at such times and in such amounts as shall hereinafter be set forth by the city council from time to time by resolution per day, or any portion thereof, shall be paid to the city, if the loudspeaker or sound amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound amplifying equipment for noncommercial purposes.

(Ord. 187 (part), 1976; Ord. 200 §1 (K), 1980)

10.50.190 - Amplified sound—Operation regulations. ([Revised Ord No. 363 May 16, 2016](#))

The commercial and noncommercial use of sound-amplifying equipment shall be subject to the following regulations:

- A. The only sounds permitted shall be either music or human speech, or both.
- B. Hours.
 - 1. Except as provided in paragraph (2), the operation of sound-amplifying equipment shall only occur between the hours of 9:00 a.m. and 7:00 p.m.

2. Between May 1 and September 30, the operation of sound-amplifying equipment on Fridays, and Saturdays, Sundays, and legal holidays may occur until 9:00 p.m.
- C. Sound level emanating from sound-amplifying equipment shall not exceed fifteen decibels above the ambient noise level.
- D. Notwithstanding the provisions of subsection C of this section, sound-amplifying equipment shall not be operated within two hundred feet of churches, schools or city or county buildings.
- E. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

(Ord. 187 (part), 1976; Ord. 339 §1, 2011)

10.50.195 - Amplified sound—Recurring use of sound-amplification equipment.

- A. If, during any one hundred twenty-day period, any user of sound-amplifying equipment proposes to use such equipment for any three consecutive days, or any three or more non-consecutive days, during that period, he or she shall first obtain the approval of the city council for his or her registration statement.
- B. The city council may approve a registration statement for the use of sound-amplifying equipment for three or more consecutive or non-consecutive days during any one hundred twenty-day period only if it finds that:
 1. The applicant demonstrates that the conditions set forth in paragraph B.1 and B.2. of section 10.50.170 would not exist during the proposed dates for the usage of the sound-amplifying equipment;
 2. The proposed sound amplification will meet all conditions and standards set forth in section 10.50.190 and 10.50.200; and
 3. The use of the sound-amplifying equipment would not be detrimental to the quiet enjoyment of the businesses and residences that surround the location where the sound-amplifying equipment would be used.
- C. In granting an application pursuant to this section, the city council may impose any conditions that it deems reasonably necessary to alleviate the impacts of the proposed sound amplification on vehicle movement, pedestrian movement, and the quiet enjoyment of surrounding businesses and residences. Such conditions may be more stringent than those provided for in sections 10.50.190 and 10.50.200.

(Ord. 347 §1A., 2013)

10.50.200 - General noise regulations.

- A. Notwithstanding any other provision of this chapter, and in addition thereto, it is 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.

(Ord. 187 (part), 1976)

10.50.210 - Severability.

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

(Ord. 187 (part), 1976)

10.50.220 - Violation—Deemed misdemeanor—Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars or be imprisoned in the city or county jail for a period not exceeding six 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.

(Ord. 187 (part), 1976)

10.50.230 - Violation—Deemed nuisance when—Additional remedies.

As an 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.

(Ord. 187 (part), 1976)