

(O-90-69)

ORDINANCE NUMBER O- 17380 (NEW SERIES)

ADOPTED ON OCT 30 1989

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 9.5, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 59.5.0502 AND 59.5.0601 RELATING TO THE DECLARATION OF CERTAIN ACTS CONSTITUTING DISTURBING, EXCESSIVE OR OFFENSIVE NOISES, AND THE PENALTY THEREFOR.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 9.5, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Section 59.5.0502 to read as follows:

**SEC. 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, Televisions Sets, Phonographs, Loud Speakers, Amplifiers and Similar Devices

1. Uses Restricted.

The use or operation of any sound production or reproduction device, radio receiving set, musical

instrument, drum, phonograph, television set, loudspeaker, 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, 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 (50) 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 the vehicle.

C. Through F. (No changes.)

Section 2. That Chapter V, Article 9.5, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Section 59.5.0601 to read as follows:

SEC. 59.5.0601 VIOLATIONS: PENALTIES


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 (\$1,000.00) 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.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Richard L. Pinckard
Deputy City Attorney

09/13/89
Or.Dept:Pol.
O-90-69
Form=o.none

69 OCT 11 PM 4: 12

COMMUNICATIONS
SECTION

TO: SAC, [illegible]
FROM: [illegible]
SUBJECT: [illegible]

[illegible handwritten notes]

[illegible typed text]

Passed and adopted by the Council of The City of San Diego on OCT 30 1989,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Quella Blackwell*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 16 1989, and on OCT 30 1989

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Quella Blackwell*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17380</u>	Adopted <u>OCT 30 1989</u>

152807

89 SEP 26 AM 9:48

FEDERAL BUREAU OF INVESTIGATION
SAN DIEGO, CA

[Handwritten signature]
SPECIAL AGENT IN CHARGE

TO DIRECTOR

FROM SAC, SAN DIEGO (157-1000) (P)

RE: [Illegible]

URGENT

OCT 16 1989

OCT 30 1989

URGENT

RE: [Illegible]

[Handwritten signature]
SPECIAL AGENT IN CHARGE

TO DIRECTOR

TO DIRECTOR

- Mr. Tolson
- Mr. DeLoach
- Mr. Mohr
- Mr. Bishop
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

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OCT 30 1989

CERTIFICATE OF PUBLICATION

OFFICE OF THE CITY CLERK
CITY ADM. BLDG.,
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101
ATTN: CHARLES G. ABDELNOUR

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 9.5, DIVISION
5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 59.5.0601
RELATING TO THE DECLARATION OF CERTAIN ACTS CONSTITUTING DISTURBING,
EXCESSIVE OR OFFENSIVE NOISES, AND THE PENALTY THEREFOR

NO.

ORDINANCE NUMBER 0-17380 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 9.5,
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 59.5.0601 RELATING TO THE DEC-
LARATION OF CERTAIN ACTS CONSTITUTING DISTURB-
ING, EXCESSIVE OR OFFENSIVE NOISES, AND THE
PENALTY THEREFOR.
This ordinance adds a new prima facie violation to the existing
nuisance noise provisions. The ordinance outlaws the operation of a
sound device in such a way as to be heard and felt fifty (50) feet from
the source. Additionally, this ordinance increases the penalty for vio-
lation of nuisance noise provisions.
A complete copy of the ordinance is available for inspection in the
Office of the City Clerk of the City of San Diego, 2nd floor, City Ad-
ministration Building, 202 "C" Street, San Diego, CA 92101.
Introduced on OCT 18 1989 Passed and adopted by the Council of
The City of San Diego on OCT 30 1989
AUTHENTICATED BY: MAUREEN O'CONNOR Mayor of The City of
San Diego, California
CHARLES G. ABDELNOUR City Clerk of The City of San Diego,
California
By JUNE A. BLACKNELL, Deputy
Pub. Nov. 13 1989 159224

I, THOMAS D. KELLEHER, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the


ORDINANCE NUMBER 0-17380 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

NOV. 13

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13 day of NOV., 1989.


(Signature)

$2 \frac{1}{4}'' \times 2 = 51.84$