



CITY OF OAKDALE SOUND AMPLIFICATION PERMIT

FEE PAID:

The applicant must be one of the following: 1) The property owner upon whose property sound amplifying equipment is to be used, or 2) The leader of the activity that will be using the sound amplification equipment, or 3) The person directly in charge of the sound amplifying equipment.

THE APPLICANT AND THIS PERMIT must be in the immediate area of the sound amplifying equipment during any testing or use.

THE ATTACHED REGULATIONS must remain attached to this permit.

THIS PERMIT does not grant permission to disturb the peace or violate OMC Article IV Special Events § 20-23 Sound-amplifying equipment (City of Oakdale Noise Regulations attached). Permit Fee is \$120.00.

APPLICANT INFORMATION

- THE APPLICANT IS 1 2 3 OF THE ABOVE (Check one)
- APPLICANT NAME: _____
Last First Middle
- APPLICANT ADDRESS: _____
Number/Street City State Zip Code
- APPLICANT PHONE NUMBER (DAY): _____ (EVENING): _____
- APPLICANT DATE OF BIRTH: _____
- APPLICANT DRIVERS LICENSE #: _____

SOUND AMPLIFICATION INFORMATION

DATE SOUND AMPLIFICATION EQUIPMENT WILL BE USED: _____

TIME SOUND AMPLIFICATION EQUIPMENT WILL BE USED: (START) _____ (END) _____

Oakdale Municipal Code XVI Noise Control, 19-178 (d) specifically prohibits loud noise between the hours of 10:00pm and 7:00am on weekdays and 10:00pm and 9:00am on weekends and holidays.

ALL SOUND AMPLIFICATION MUST END AT 10:00 p.m.

LOCATION EQUIPMENT WILL BE USED: _____

BRIEF DESCRIPTION OF TYPE OF SOUND AMPLIFICATION EQUIPMENT TO BE USED: (electric guitar, public address system, bullhorn, etc. If a band – the name of the band and type of music played)

BRIEF DESCRIPTION OF EVENT AND HOW SOUND AMPLIFICATION EQUIPMENT WILL BE USED:

Applicant Signature: _____

CITY OF OAKDALE APPROVAL

ADMINISTRATION Date

ARTICLE XVI
Noise Control
[Added 5-6-2019 by Ord. No. 1263]

§ 19-175. Declaration of Policy.

It is declared to be the policy of the City to prohibit unnecessary, excessive and annoying sound levels from all sources. It is determined that certain noise levels are detrimental to the public health, welfare and safety, and are contrary to the public interest.

§ 19-176. General Prohibition.

- (a) Notwithstanding any other provisions of this article, 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, intrusive, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- (b) The standards for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
 - (2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (3) The time of day or night the sound occurs;
 - (4) The duration of the sound;
 - (5) Whether the sound is recurrent, intermittent, or constant; and
 - (6) The noise level is consistent with the Oakdale General Plan.

§ 19-177. Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

CONSTRUCTION — Any site preparation, assembly, erection, substantial repair or alteration of any building, structures, or land,

public or private, together with any associated scientific or engineering surveys.

DEMOLITION — Any dismantling, intentional destruction or removal of structures, surfaces or similar property, public or private.

DWELLING — Any building or separate portion thereof used for residential purposes. The term includes, but is not limited to, single-family dwellings, apartments, condominiums, and modular homes.

EMERGENCY — Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY WORK — Any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

INTRUSIVE NOISE — Noise which intrudes over and above the existing background noise at a given location and 1) endangers the health and safety of human beings; and/or 2) annoys or disturbs persons of normal sensitivities. The relative intrusiveness of a sound depends upon its level, duration, frequency, time of occurrence and tonal or informational content as well as prevailing background noise level.

MOTOR VEHICLE — Includes any car, truck, motorcycle, motor scooter, and any and all self-propelled vehicles, as defined in the California Vehicle Code, including but not limited to mini-bikes and go-carts.

NOISE-SENSITIVE AREA — Includes, but is not limited to, real property normally used for sleeping, or normally used as a school, church, hospital or public library.

PLAINLY AUDIBLE — Any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.

PROFANITY — Obscene language at a level beyond plainly audible.

PUBLIC SPACE — Any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

RESIDENTIAL AREA — Any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the City's Zoning Ordinance.¹

SOUND-AMPLIFYING EQUIPMENT — Sound-amplifying equipment means 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 article, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

§ 19-178. Noises Prohibited.

The following acts are declared to be violations of this article. This emulation does not constitute an exclusive list:

- (a) Unreasonable noises: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or intrusive noise, disturbance, loud use of profanity, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building (also refer to Article III, § 19-49.1, of the Municipal Code). The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standard of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.
- (b) Vehicle horns signaling devices, and similar devices: The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City, for more than 10 consecutive seconds. The sounding of any horn, signaling device, or other similar device as an emergency warning is exempt from this prohibition.
- (c) Non-emergency signaling devices: Sounding or permitting sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than 10 consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks or by the City for

traffic control purposes are exempt from the operation of the provision.

- (d) Radios, televisions, boomboxes, stereos, musical instruments and similar devices: The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise-sensitive areas, including multifamily or single-family dwellings. The operation of any such set, radio, television, stereos, musical instrument or similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 9:00 a.m. on weekends and holidays shall be in violation of this section.
- (e) Loudspeakers, amplifiers, public address systems, and similar devices: The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 9:00 a.m. on weekends and holidays, shall be in violation of this section in the following areas:
 - (1) Within or adjacent to residential or noise-sensitive areas;
 - (2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.
 - (3) For special events or authorized permit by the City refer to Article IV, § 20-23, of the Municipal Code.
- (f) Yelling, shouting, and similar activities: Yelling, shouting, hooting, whistling or singing in residential or noise-sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable person of ordinary sensitivities. This section is to be applied only to those situations where the disturbance is not a result of the content of communication but due to the volume, duration, location, timing or other factors not based on content.
- (g) Animals and fowl: Unreasonably loud and raucous noise emitted by an animal or fowl for which a person is responsible. A person is responsible for an animal if the person owns, controls or

otherwise cares for the animal or fowl or as indicated in Article III, § 4-17, of the Municipal code.

- (h) Loading or unloading merchandise, materials, equipment: The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at the place of business or residence.
- (i) Construction or repair of building, excavation of streets and highways: The construction, demolition, alteration or repair of any building or the excavation of streets and highways before 7:00 a.m. and after 6:00 p.m. on weekdays, before 8:00 a.m. and after 5:00 p.m. on Saturdays, and no construction on Sundays and holidays unless permission for the latter has been granted by the City. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less. In cases of emergency, construction or repair noises are exempt from this provision.
- (j) Blowers, tools, equipment and similar devices: In residential or noise-sensitive areas, before 7:00 a.m. and after 9:00 p.m. on weekdays, Saturdays, Sundays and holidays, the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property for which it emanates.

§ 19-179. Violations.

- (a) In the event the owner or person responsible for the violation shall fail, neglect or refuse to comply with the notice of order to abate, the City Manager or his or designee shall have the authority to issue an administrative citation in accordance with the provisions of Article V of this chapter.
- (b) Any person violating any of the provisions of this article for the third time within a one-year period is guilty of a misdemeanor and shall be punished by a fine, or by imprisonment in the County jail, or by both such fine and imprisonment not to exceed the maximum fine and/or imprisonment established in Section 36901 of the California Government Code, or successor legislation.
- (c) Upon the third confirmed violation of this article within a twenty-four-hour period of time beginning on the first notice of violation issued, the Police Department may take action as necessary to

abate the noise violation, including but not limited to instructing the host to "close the party," physically arresting the host or taking the amplifying equipment as evidence.

§ 19-180. Exemptions.

The following activities shall be exempt from the provisions of this article:

- (a) Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- (b) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger.
- (c) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- (d) Repairs or excavations of bridges, streets or highways by or on behalf of the City, the state, or the federal government, between the hours of 7:00 a.m. and 6:00 p.m.
- (e) Outdoor schools and playground activities. Reasonable activities conducted on public playgrounds and public or private schools grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- (f) Other outdoor events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.
- (g) Noise necessarily generated in conjunction with health or sanitation services, including but not limited to refuse collection.
- (h) Trains and other railroad equipment, and aircraft.

ARTICLE IV
Special Events

§ 20-23. Sound-amplifying equipment.

Noncommercial use of sound-amplifying equipment may be allowed at Kerr Park or Wood Park, but at no other City parks. Only applicants of special event, authorized by the City Council, may use sound-amplifying equipment and they are subject to the following regulations:

- (1) The only sounds permitted are music or human speech.
- (2) Operation shall be permitted only between the hours of ten a.m. and midnight.
- (3) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
- (4) The volume of sound shall be controlled so that it will not be audible for a distance in excess of two hundred feet from its source and so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
- (5) No sound-amplifying equipment shall be operated with an excess of fifteen watts of power in the last stage of amplification.