

## LEGISLATIVE DIGEST

[Police Code - Regulating the Use of Amplified Sound on Unenclosed Tour Buses and Establishing Fee]

**Ordinance amending San Francisco Police Code Sections 46, 2901, 2916, and 2922, and adding Section 2913, to: 1) clarify that the definition of "Sound Truck" in Section 46 does not include unenclosed tour buses; 2) clarify that the noise restrictions imposed by Article 29 do not apply to the City and County of San Francisco; 3) prohibit the use of amplified sound systems on unenclosed tour buses unless such systems have been certified by the San Francisco Department of Public Health as not being audible from a distance of 50 or more feet from the vehicle or contain volume limiting electronics to meet that requirement; 4) adding a reporting requirement for the Department of Public Health; 5) adding fees for the Department of Public Health approval and issuance of a Certificate of Authorization to Operate Electronically Amplified Sound on Unenclosed Tour Bus; 6) authorize the Department of Public Health and the Police Department to enforce the requirements of Section 2913; 7) clarify that Article 29 should not be construed to conflict with Federal or State laws; and 8) adopt findings, including environmental findings.**

### Existing Law

San Francisco does not currently have a certification system for the use of amplified sound on unenclosed tour buses. In addition, while the City's noise ordinance does not apply to City agencies, the text of that ordinance does not make this exclusion explicit.

### Amendments to Current Law

The proposed ordinance would amend the City's noise ordinance in Article 29 of the Police Code to regulate the use of amplified sound on unenclosed tour buses. The legislation would require prior authorization from the City's Department of Public Health ("DPH") before an unenclosed tour bus may be operated in San Francisco. DPH would certify a tour bus if either 1) the vehicle has a sound system that is not audible from 50 or more feet away; or 2) is equipped with volume-limiting technology that limits the sound level to this standard except in emergencies. An "unenclosed tour bus" would be defined as a privately-owned vehicle carrying nine or more passengers and used primarily to view or visit places of interest, and which lacks a permanently attached roof and windows. Violations of the ordinance could be enforced by either the Department of Public Health or the Police Department. The Department of Public Health would report on the program to the Board of Supervisors one year after the effective date of the ordinance and every two years thereafter.

The proposed ordinance would also clarify that the definition of "Sound Truck" in the Police Code provisions regulating sound trucks does not include an open top sightseeing bus.

Finally, the proposed ordinance would clarify and reaffirm the long-standing law that the noise ordinance (Police Code Article 29) does not apply to City agencies.

Background Information

The City has received complaints from residents who are disturbed by the sound levels and repetitive nature of the amplified sound from unenclosed tour buses. The sound restriction contained in the proposed ordinance (inaudible at a distance of 50 or more feet outside the vehicle) is consistent with that found in Cal. Vehicle Code Sec. 27007. This ordinance would add the DPH certification requirement to ensure that unenclosed tour buses comply with this standard.