

REVISED LEGISLATIVE DIGEST
(Amended in Committee - June 28, 2017)

[Police Code - Outdoor Amplified Sound Permits]

Ordinance amending the Police Code to recodify and revamp permit procedures for outdoor amplified sound by providing for distinct permits for Fixed Place Outdoor Amplified Sound, One Time Outdoor Amplified Sound, and Sound Trucks, and establishing fees for those permits, while also providing amplified sound requirements for Place of Entertainment and Limited Live Performance permits; to impose a fee for Sound Monitoring; to increase the fee for One Time Event permits; to declare operation of a business without these various permits (when required) to be a public nuisance; and to strengthen penalties for permit-related violations and noise violations; and making environmental findings.

Existing Law

Article 1, Sections 43 through 48 of the Police Code authorize the Entertainment Commission to issue permits for the use of loudspeakers or sound amplifying equipment outdoors, and for the use of sound trucks. Section 2.26 of the Police Code sets the filing fees for permits issued by the Entertainment Commission, and Section 2.27 sets the annual license fees for Entertainment Commission permits.

Article 15.1 of the Police Code authorizes the Entertainment Commission to issue permits for Places of Entertainment, Limited Live Performance Locales, and for One Time Events.

Amendments to Current Law

The proposed ordinance modifies the Entertainment Commission's permitting scheme to comprehensively address the use of outdoor amplified sound equipment in connection with activities permitted by the Entertainment Commission. The ordinance also makes a number of other minor changes.

Changes to Existing Permit Scheme

Regarding the Entertainment Commission's existing authority to grant Place of Entertainment, Limited Live Performance, and One Time Event permits, the proposed ordinance requires that a permit application specify the nature and extent of any proposed use of outdoor amplified sound equipment. The ordinance grants the Entertainment Commission authority to allow outdoor amplified sound in connection with granting these permits.

As to Sound Truck Permits, which govern the use of amplified sound equipment when attached to a motor vehicle, the proposed ordinance renames the permit and moves the permitting scheme from Article 1, Sections 46-48 of the Police Code to Article 15.1, where the

other permits under the Entertainment Commission's jurisdiction are codified. The ordinance modifies the process for obtaining a Sound Truck permit to conform to the processes for obtaining other permits from the Entertainment Commission and makes minor modifications to the regulations applicable to activities conducted under Sound Truck permits.

New Types of Amplified Sound Permits

The proposed ordinance creates two new types of permits for the use of amplified sound equipment outdoors: Fixed Place Outdoor Amplified Sound Permits and One Time Outdoor Amplified Sound Permits. These permits would allow the use of amplified sound equipment outdoors where it is not connected to a place of entertainment or offered in connection with an entertainment event. If outdoor amplified sound is contemplated in connection with a location or event where entertainment is offered, the applicant must seek a Place of Entertainment Permit, Limited Live Performance Permit, or One Time Event Permit, as applicable. These new permits replace the existing Loudspeaker Permit currently codified in Article 1, Sections 43-45.

A Fixed Place Outdoor Amplified Sound Permit would allow a permittee, such as a business or restaurant that does not have a Place of Entertainment Permit or Limited Live Performance Permit, to place amplified sound equipment outdoors on a permanent basis, if specified conditions are satisfied and regulations are followed.

A One Time Outdoor Amplified Sound Permit would allow the permittee to use amplified sound equipment outdoors in an event or gathering that does not also involve entertainment. If the proprietor of a premises desires to offer outdoor amplified sound on more than 12 occasions in a 12-month period, the applicant must seek a Fixed Place Outdoor Amplified Sound Permit rather than seeking individual One Time Outdoor Amplified Sound Permits.

The ordinance establishes the process for obtaining these permits and the standards the Director or Commission applies in reviewing permit applications.

Amplified Sound Regulations

The proposed ordinance creates standards that apply to any permit issued by the Entertainment Commission that authorizes outdoor amplified sound. These regulations include hours of operation and volume regulations.

Other Changes

Fees – The Commission or the Director may condition any permit involving amplified sound on the requirement that sound monitoring be performed by a Commission sound inspector. The proposed ordinance establishes a sound monitoring fee for that purpose. The ordinance also sets fees for the newly created permits, increases the One Time Event permit fee, and removes the concession fee for itinerant shows.

Fee Exemption and Waiver – The proposed ordinance creates an exemption from fees for City-funded One Time Event Permits and One Time Outdoor Amplified Sound Permits. The ordinance also gives the Director the authority to waive fees for One Time Event Permits and One Time Outdoor Amplified Sound Permits where the applicant shows financial hardship or where the applicant is a nonprofit, neighborhood organization, or similar community-based group.

Penalties – The proposed ordinance revises the criminal penalties for second and subsequent violations of Section 49 and Article 15.1 in a 12-month period to require that such violations be charged as misdemeanors. It also revises the criminal penalties available under Article 29, which regulates noise, to add the possibility of charging a violation as a misdemeanor. As to administrative penalties, the ordinance provides the Director authority to pursue collection of unpaid administrative citations, and the City Attorney may pursue such unpaid penalties in a civil action. As to civil penalties, the City Attorney is granted authority to seek an injunction in a civil action brought to enforce Article 15.1.

Declaration of Public Nuisance – The ordinance declares that a business operating without a permit, when such permit is required, is deemed a public nuisance and may be subject to enforcement by the Director, the Commission, or may be abated through a civil action.

Changes to Definitions in Section 1060 – The proposed ordinance also includes non-substantive revisions to existing definitions in Section 1060.

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