

9.05.060 Amplified sound.**(a) Definitions.**

- (1) "Enforcement officer" means that City officer or employee who may be designated from time to time in writing by the City Manager to enforce this section and/or SCCC 9.05.120, as authorized by Penal Code Section 836.5, or any peace officer.
- (2) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, municipal corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (3) "Sound system" includes, but is not limited to, sound amplifier, microphone, speaker, amplified or electrified instrument, connective cable or wire, and power source connections.
- (4) "Operate" means to operate, maintain, use, connect, and/or permit to be operated, maintained, used, or connected.

(b) Permit Required.

- (1) Outdoor Amplification of Music. Except in accordance with the terms and conditions of a valid permit issued pursuant to this section, it shall be unlawful for any person to operate any sound system outdoors or to cause amplified music, including music from a live performance, to be projected outdoors in the City for a period of more than five minutes in any one day for any purpose.
- (2) Outdoor Amplification of Sound Other than Music. Except in accordance with the terms and conditions of a valid permit issued pursuant to this section, it shall be unlawful for any person to operate any sound system outdoors, to cause amplified sound to be projected outside of any building, or to cause amplified sound to be projected from any vehicle in the City for a period of more than five minutes in any one day for any purpose.

(c) Application for Permit. The application for an amplified sound permit shall meet each of the following requirements:

- (1) The application shall be signed by the person applying for the permit and by a person with control of the premises (if that person is different from the person applying for the permit). Each person signing the application must be over the age of eighteen (18).
- (2) The application shall be accompanied by the nonrefundable application fee, set forth in the City's fee schedule, established by City Council resolution. No fee is required for applications

for City-sponsored events conducted on City-owned property.

(d) Consideration of Permit Application. Except as provided in this subsection, all applications shall be referred to the City Council for consideration. The City Manager, or designee, may issue a permit for the activities identified in subsection (b) of this section in the following circumstances:

(1) The amplification location is the City's Central Park or the Santa Clara University campus;
or

(2) The amplification location is a private residence that has had no police-verified disturbances during the prior year (as measured from July 1st to June 30th of the following year). The permit issued shall limit the amplification of sound to the hours between 9:00 A.M. and 10:00 P.M.; or

(3) The amplification location is City-owned property and the application is for a City-sponsored event.

(e) Federal Communications Commission Pre-emption. The provisions of this section shall not apply to any person having a fixed place of business in the City and paying a license fee for such business and whose amplification or broadcasting of sound in connection with any radio receiving set receiving regularly broadcasting stations is exclusively controlled by the Federal Communications Commission. (Ord. 455; Ord. 1639 § 3, 7-21-92; Ord. 1668 § 1, 1-10-95. Formerly § 18-11).