



COUNTY OF SACRAMENTO

Department of Regional Parks

Park Ranger Division

Sacramento County Park Ordinances

August 2017

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Chapter 9.36 PARK REGULATIONS

9.36.010 Definitions.

As used in this chapter:

- A. "County" means the County of Sacramento.
- B. "Director" means the Director of the Department of Regional Parks of the County or authorized representative.
- C. "Department" means the Department of Regional Parks of the County.
- D. "Facility" or "park facility" means any body of water, land, campsite, recreation area, building, structure, system, equipment, machinery or other appurtenance owned, managed, controlled or operated by the Department of Regional Parks.
- E. "Barbeque" means any framework, such as a grill or a spit, a fireplace for cooking food over an open fire, open hearth or pit.
- F. "Incendiary Device" means any device that can be used to start a fire or used to cook food including, but not limited to, the following: matches, lighters, flints, gas or electric barbeques, gas, propane and torches.
- G. "Designated Picnic Area" means any location where a Department provided barbeque is located. (SCC 1586 § 1, 2015; SCC 1584 § 1, 2015; SCC 1331 § 4, 2006; SCC 36 § 2, 1971.)

9.36.015 Application of Chapter to Park Districts.

The provisions of this chapter apply to all facilities under the jurisdiction of the County of Sacramento and to all facilities under the jurisdiction of a recreation and park district organized pursuant to the provisions of the Public Resources Code commencing with Section 5780, including any such district governed by the Board of Supervisors acting ex officio as the district Board of Directors and any such district governed by an elected Board of Directors. As used in this chapter with reference to a facility under the jurisdiction of any such district:

- a. "Director" means the administrator of the recreation and park district which has jurisdiction or other authorized representative of such district.
- b. "Department" means the recreation and park district which has jurisdiction.
- c. "Facility" or "park facility" means any body of water, land, campsite, recreation area, building, structure, system, equipment, machinery, or other appurtenances owned, managed, controlled or operated by the recreation and park district having jurisdiction.
- d. "Board of Supervisors" means the board of directors of the district which has jurisdiction. (SCC 241 § 1, 1976.)

9.36.020 Permit—Application Contents.

Whenever a permit is required by provisions in this chapter, an application shall be filed with the Director stating:

- a. The name and address of the applicant;

- b. The name and address of the person, group, organization or corporation sponsoring the activity;
- c. The nature of the proposed activity;
- d. The dates, hours, and park facility for which the permit is desired;
- e. An estimate of attendance; and
- f. Any other information which the Director, regarding public health, safety and welfare, finds reasonably necessary to a fair determination as to whether a permit should issue. (SCC 36 § 2, 1971.)

9.36.021 Permit—Standards for Issuance.

The Director shall issue a permit hereunder when he finds:

- a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- b. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;
- c. That all conditions including, where applicable, the payment of fees, approval of the Board of Supervisors, and insurance coverage, are met;
- d. That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;
- e. That the proposed activity or use will not entail unusual, extraordinary, or burdensome expense or security operation by the Department; and
- f. That the facilities desired have not been reserved for other use. (SCC 36 § 2, 1971.)

9.36.030 Violation of Regulations—Sanctions.

- a. Notwithstanding the provisions of Section 1.01.190, and except as provided in Section 9.36.035(e), and unless otherwise stated in this chapter, a violation of any of the provisions of Chapter 9.36, or failure to comply with any of the regulatory requirements of Chapter 9.36, is an infraction subject to the procedures described in Sections 19(c) and 19(d) of the California Penal Code.
- b. The Director shall have the authority to revoke a permit upon a finding of violation of any regulation contained in this chapter or upon a finding of violation of other county ordinance or law of this state.
- c. The Director shall have the authority to eject from any park facility any person acting in violation of regulations contained in this chapter.
- d. The regulations contained herein shall not prohibit any person authorized by the Director from the normal exercise of requested, assigned, or contractual duties. (SCC 0919 § 5, 1993; SCC 576 § 12, 1983.)

9.36.035 Penalties.

- a. Except as provided in Section 9.36.035(e), every violation of Chapter 9.36 constituting an infraction is punishable by (1) a fine not exceeding fifty dollars (\$50.00) for a first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for a second violation of the same ordinance provisions within one year; (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of the same ordinance provision within one year.

b. Except as provided in Section 9.36.035(e), every violation of Chapter 9.36 constituting a misdemeanor, is punishable by a fine not in excess of five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than six months, or by both.

c. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by any such person, and shall be punished accordingly.

d. Malicious injury or destruction of any real or personal property which constitutes vandalism under the provisions of Section 594 of the Penal Code of the State of California, shall be prosecuted as a violation of Penal Code Section 594 and shall be punishable as either a misdemeanor or a felony, as provided in Penal Code Section 594. Under Penal Code Section 594, if vandalism results in damage of one thousand dollars (\$1,000.00) or more, the vandalism may constitute a felony punishable by a fine of one thousand dollars (\$1,000.00) or up to a year in state prison, or both.

e. Effective July 1, 1993, any person violating or failing to comply with the provisions of Sections 9.36.048(a), 9.36.048(b), 9.36.065(d), or 9.36.065(e) of this chapter shall be subject to civil penalties, fees, charges and procedures as set forth in Title 10, Chapter 10.04, Section 10.04.100 of this Sacramento County Code. (SCC 0919 § 6, 1993; SCC 576 § 3, 1983.)

9.36.040 Closure of Facilities.

The Director shall have the authority to close any park facility or portion thereof and require the exit of all persons therein when he or she determines that conditions exist in said facility or portion thereof which present a hazard to the facility or to public safety. (SCC 36 § 2, 1971.)

9.36.042 Park Fees—Purpose.

Section 50402 of the Government Code of the State of California provides that a County may charge for use or services provided in County parks so long as the charges do not exceed the cost of service. The purpose of this section and Sections 9.36.044, 9.36.046, 9.36.048, and 9.36.049 is to provide for park fees to be charged by the Department of Regional Parks for various park services and facilities within the parks in amounts reasonably necessary to recover the cost of operating the parks and providing the various services and facilities therein. (SCC 1331 § 5, 2006; SCC 695 § 1, 1987; SCC 660 § 2, 1986; SCC 441 § 1, 1980.)

9.36.044 Park Fees—Establishment.

By resolution duly adopted, the Department of Regional Parks may charge fees for park use and use of various facilities or services at one or more of the County parks or recreation facilities, and add to, subtract from, increase or decrease such charges. (SCC 1331 § 6, 2006; SCC 695 § 2, 1987.)

9.36.046 Park Fees—Criteria.

Park fees and user fees for County parks, recreation facilities and services within County parks established pursuant to this chapter shall comply with the following criteria:

A. Park fees on a per person or per vehicle basis, or both, may be charged in amounts reasonable necessary to recover the costs of facilities, capital improvements, maintenance and operation of County parks

and recreation facilities, enforcement and policing of regulations governing park use, and associated administrative costs.

B. User fees for facilities and services within County parks and recreational facilities shall be charged in amounts reasonably necessary to recover the cost of providing the facilities and services. Examples of the types of facilities and services for which fees may be charged include, but are not limited to, the following: parking; swimming; reservation of buildings and other facilities for exclusive use; participation in organized athletic and other programs of recreation; and golf greens fees. (SCC 695 § 3, 1987; SCC 660 § 4, 1986; SCC 441 § 1, 1980.)

9.36.048 Violations.

A. It is unlawful for any person to enter or remain in any park facility without having paid the required fee.

B. Whenever the Director determines that parking or standing of vehicles in County parks would be disruptive to park users or create dangerous conditions, then the Director shall provide for the erection and posting of signs indicating that the parking or standing of vehicles is prohibited, limited or restricted. It is unlawful for any person to park a vehicle or allow a vehicle to stand in a County park contrary to the prohibitions of any sign authorized by this section. (SCC 695 § 4, 1987; SCC 660 § 5, 1986; SCC 441 § 1, 1980.)

9.36.048.5 Violations—Group Vehicle Parking Fees.

The prohibitions of Section 9.36.048 shall not apply to vehicle parking fees for any organization or group which is expressly authorized in writing by the Director, to pay such fees following use of a park facility. (SCC 0726 § 1, 1988.)

9.36.049 Schedule of Fees.

The schedule of fees may be established by duly adopted resolution and shall be applicable to the indicated Sacramento County parks and recreation facilities during the hours of operation of those parks and facilities.

The Director shall determine the hours of operation of Sacramento County parks and recreation facilities based on the following criteria:

- A. Weather conditions;
- B. Seasonal recreation activities scheduled or expected to occur at the parks or recreation facilities;
- C. Nature or extent of public use of the parks or recreation facilities;
- D. Cost effectiveness of operation of the parks or recreation facilities. (SCC 695 § 5, 1987; SCC 660 § 6, 1986; SCC 642 § 1, 1985; SCC 609 § 2, 1984; SCC 441 § 1, 1980.)

9.36.050 Failure to Obtain Required Permit.

No person shall use, occupy, or otherwise remain in any park facility or portion thereof for which a permit is required without first having obtained such permit. (SCC 36 § 2, 1971.)

9.36.051 Priority of Use.

Any person using a park facility or portion thereof which may be reserved by obtaining a permit, but who has not obtained such a permit, shall vacate said area when holders of a valid permit present themselves. (SCC 36 § 2, 1971.)

9.36.052 Exhibiting Permit.

No person shall fail to produce and exhibit a permit he or she claims to have upon request of any department employee or any peace officer who desires to inspect said permit for the purpose of enforcing compliance with any regulations in this chapter. (SCC 36 § 2, 1971.)

9.36.053 Selling and Advertising.

A. Within the boundaries of any park facility, no person shall sell, vend, peddle, expose, offer for sale, or distribute after sale to the public, any merchandise, service, or property, or sell tickets for any event, nor shall any person distribute, circulate, give away, throw, or deposit in or on any park facility any handbills, circulars, pamphlets, papers, or advertisements, which material calls the public attention in any way to any article or service for sale or hire, nor within any park facility shall any person solicit or collect donations of money or other goods from the public, without express approval of the Board of Supervisors for such activity within the specific park facility.

B. A request for approval as required by this section shall be submitted to the Board of Supervisors for any activity which requires a written contractual agreement. The director may approve any other request unless, in the discretion of the Director, the request is an unusual one which should be submitted to the board for approval. (SCC 349 § 1, 1978; SCC 36 § 2, 1971.)

9.36.054 Restrooms and Washrooms.

Male persons shall not enter any restroom or washroom set apart for females, and female persons shall not enter any restroom or washroom set apart for males, except this shall not apply to children under the age of six years who are accompanied by a person who is of the sex designated for that facility and who has reason to be responsible for that child. A violation of the provisions of this section is a misdemeanor. (SCC 576 § 14, 1983.)

9.36.055 Water Pollution.

While within the boundaries of any park facility, no person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, or other body of water or in any tributary, stream, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, including, but without limitation to, particles or objects made of paper, metal, glass, garbage, rubbish, rubber, fuel, food matter, wood, fiber, and plastics. (SCC 36 § 2, 1971.)

9.36.056 Refuse.

No person shall dump, deposit, or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or trash in or on any park facility, except that refuse which is incidental to the use of the facility may be deposited in the receptacles provided therefor. For purposes of this section, an incinerator, stove, fire ring, barbecue, or other device used to contain fires or for cooking is not a proper receptacle for refuse or other waste material. (SCC 36 § 2, 1971.)

9.36.057 Smoking.

- A. No person shall smoke any substance in any area designated as a nature trail or nature area or in or on any park facility where smoking is prohibited.
- B. Smoking is prohibited in all areas of the American River Parkway except:
1. Designated picnic areas;
 2. Asphalt trails and surfaces;
 3. Levee and levee tops; and
 4. Golf courses. (SCC 1567 § 1, 2014; SCC 36 § 2, 1971.)

9.36.057.5 Consumption of Alcoholic Beverages.

- A. No person shall possess any can, bottle or other receptacle containing any alcoholic beverage whether such container is opened, or un-opened, in any area designated as a nature trail or nature area or on or within any park or park facility which has been posted with signs prohibiting such possession. The governing body of the entity owning the park facility may, by resolution, designate, or authorize the Director to designate, the park or park facilities to be posted.
- B. Notwithstanding any other provision of this code to the contrary, violation of the provisions of this section shall constitute an infraction, and shall be punishable pursuant to the provisions of Government Code Section 25132. (SCC 1607 § 1, 2017; SCC 500 § 1, 1982.)

9.36.058 Fires.

- A. No person shall ignite, maintain, or use any fire, or ignite or maintain a fire using a gas or electric barbeque cooker, in any place within any park facility except in a barbecue cooker or other cooking device authorized by the Director for that purpose or when allowed by a permit issued by the Director.
- B. No person shall ignite or maintain a fire of material deposited in any can, box, trench, pit or other receptacle for the purpose of garbage disposal or incineration.
- C. No person shall ignite or maintain a fire using solid fuel such as charcoal, or other material except in → *signed* areas designated as a picnic area or when issued a permit by the Director.
- D. Any person violating this subdivision is guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 9.36.035.
- E. The presence of any barbeque or other incendiary device in any place within any park facility, except in designated picnic areas or when allowed by a permit issued by the Director, shall be unlawful and constitutes a public nuisance subject to summary abatement as an imminent threat to public health and safety. Any such barbeque or other incendiary device shall be seized and immediately removed from the park facility by the Department and, thereafter, stored in a secure facility subject to retrieval by the owner of such property under such administrative procedures as may be adopted by the Department. (SCC 1586 § 2, 2015; SCC 1584 § 2, 2015; SCC 1568 § 1, 2014; SCC 36 § 2, 1971.)

9.36.059 Fireworks.

No person shall possess or ignite in any manner any firecracker or fireworks, including any article for the making of a pyrotechnic display. Nothing contained in this section, however, shall prohibit any discharge or

display of fireworks defined and classified as “safe and sane fireworks” in Section 12504 of the California Health and Safety Code at any public gathering or patriotic celebration provided a permit for such discharge or display has been obtained from the Director. (SCC 36 § 2, 1971.)

9.36.060 Firearms, Air Guns, and Other Weapons.

No person other than peace officers in the discharge of their duties shall use, maintain, possess, fire, or discharge any firearm, air gun, spring gun, bow and arrow, slingshot, or any other weapon potentially dangerous to wildlife or human safety, except in areas, at times, and under conditions designated by the Director for such use. A violation of the provisions of this section is a misdemeanor. (SCC 576 § 15, 1983.)

9.36.061 Animals.

a. No person shall:

1. Hunt, molest, harm, provide a noxious substance to, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal within the boundaries of any park facility, nor remove nor have in his or her possession the young, eggs, or nest of any such creature;

2. Abandon any animal, dead or alive, within any park facility;

3. Remove any animal not his or her own within any park facility; exception is made to the foregoing in that in proper season, fish may be fished and removed from areas designated for fishing by licensed persons, and boarded horses may be removed from a park facility upon proper notification to the Department;

4. Bring into, maintain or allow in or upon any park facility any dog, cat, or other animal except a horse, unless such animal at all times is kept on a leash of sufficient strength and durability that it cannot be broken by the animal so leashed, and no longer than six feet in length, and be under the full and complete physical control of its owner or custodian at all times. Notwithstanding the provision of this subsection (a)(4), the Director may designate:

i. Areas and times where such animals may be unleashed for purposes of show, demonstration, or training,

ii. Areas and times where such animals are wholly restricted from entering designated parks or park areas;

5. Permit cattle, sheep, goats, horses, or other animals owned by him or her or in his or her possession to graze within the boundaries of any park facility without express approval of the Board of Supervisors;

6. Ride a horse, pony, mule, burro, or any other animal upon, over or across any park facility, except at times and upon roads or trails designated for the riding of such animals;

7. Permit any animal owned by him or her, or in his or her possession, to be brought into or remain upon the premises of any park facility, if the Director has given oral or written notice to remove that animal from such premises. The Director may give such notice if such animal is known to the Director to at any time have caused any injury or damage to any person, other animal or property of another while upon the premises of any park facility;

8. Permit or suffer any animal owned by him or her, or in his or her possession, custody, or control, to defecate upon park facility property without immediately removing such animal feces, placing said feces in a sealed bag or other sealed container, and placing such bag or container with feces in a proper refuse receptacle. Persons with horses in their possession, custody, or control, at times and upon roads or trails designated for the riding of such animal, and, unsighted persons while relying on a guide dog, are exempt from the provisions of this subsection.

- b. Notwithstanding the provisions of subsection (a), all animals shall be prohibited at all times in, upon, or within fifteen (15) feet of any area, designated as a nature study area.
- c. A violation of any of the provisions of this section shall be punishable as follows:
1. A first violation of any of the provisions of this section is punishable as an infraction; and
 2. A second or subsequent violation of the same provisions of this section committed within thirty (30) days of the previous violation shall be a misdemeanor. (SCC 1542 § 1, 2013; SCC 0957 § 1, 1994; SCC 0713 § 3, 1988; SCC 576 § 16, 1983.)

9.36.062 Real Property—Appropriation or Encumbrance.

No person shall deposit any earth, sand, rock, stone, or other substance within any park facility, nor shall he dig or remove any such material from within any park facility, nor shall he erect or attempt to erect any building, wharf, or structure of any kind by driving or setting up posts or piles, nor in any manner appropriate or encumber any portion of the real property owned, operated, controlled, or managed by the Department, without a permit from the Director. (SCC 36 § 2, 1971.)

9.36.063 Property—Use Of.

No person shall:

- a. Dig up, pick, remove, mutilate, injure, cut, or destroy any turf, tree, plant, shrub, bloom, flower, artifact, or archeological site, or any portion thereof;
- b. Cut, break, injure, deface, or disturb any building, sign, fence, bench, structure, apparatus, equipment, or property, or any portion thereof; or
- c. Without a permit from the Director, make or place on any tree, plant, shrub, bloom, flower, building, sign, fence, bench, structure, apparatus, equipment, or property, or any portion thereof, any rope, wire, mark, writing, printing, sign, card, display, or similar inscription or device. (SCC 36 § 2, 1971.)

9.36.064 Locks and Keys.

No person other than one acting under the direction of the Director shall duplicate or cause to be duplicated a key used by the Department for a padlock or door lock of any type or description, nor shall any person divulge the combination of any lock so equipped to any unauthorized person. (SCC 36 § 2, 1971.)

9.36.065 Motorized Vehicles.

A. While within the boundaries of any park facility, no person shall drive or operate any automobile, motorcycle, motor scooter, trail bike, Class 3 electric bicycle as defined by California Vehicle Code section 312.5, motorized bicycle or moped as defined by California Vehicle Code section 406, dune buggy, truck, or other motorized vehicle on roads or trails other than those designated for that purpose without a permit from the Director.

B. While within the boundaries of any park facility, no person shall drive any automobile, motorcycle, motor scooter, truck, Class 3 electric bicycle as defined by California Vehicle Code section 312.5, motorized bicycle or moped as defined by California Vehicle Code section 406, or other motorized conveyance, except an authorized emergency vehicle, at a rate of speed exceeding twenty-five (25) miles per hour, except as may be otherwise posted by the Director, or in any case at speeds exceeding safe conditions dictated by prevailing circumstances.

C. No person shall operate any automobile, Class 3 electric bicycle as defined by California Vehicle Code section 312.5, motorized bicycle or moped as defined by California Vehicle Code section 406, or other motorized vehicle within the boundaries of any park facility unless such vehicle is currently licensed, except unlicensed vehicles may be operated in areas designated and posted for such use and in accordance with the rules established for such areas.

D. No person shall park any automobile, Class 3 electric bicycle as defined by California Vehicle Code section 312.5, motorized bicycle or moped as defined by California Vehicle Code section 406, or other motorized vehicle within any park facility except in areas specifically designated as parking areas. In no case shall any person park a motorized vehicle in a manner that presents a hazard to the public.

E. No person shall park or otherwise allow automobiles and other conveyances to remain within the boundaries of any park facility during the hours the facility is closed without a permit from the Director.

F. No person shall abandon any motorized vehicle within the boundaries of a park facility.

G. No person shall wash or repair any automobile or other motorized vehicle within the boundaries of any park facility.

H. All motorized vehicles within the boundaries of any park facility shall be equipped with a properly installed muffler device which is in constant operation and which prevents excessive or unusual noise. No such muffler device or exhaust system shall be equipped with a cutout, bypass, or similar device. (SCC 1607 § 2, 2017; SCC 36 § 2, 1971.)

9.36.066 Bicycle Trails and Bicycles.

Within the boundaries of any park facility no person shall:

A. Operate any motorized vehicle, including, without limitation, motorcycles, trail bikes, Class 3 electric bicycle as defined by California Vehicle Code section 312.5, motorized bicycle or moped as defined by California Vehicle Code section 406, upon any bicycle trail except at street, driveway or access road intersections for the purpose of crossing a bicycle trail, without a permit from the Director;

B. Use any portion of a bicycle trail while on roller skates or a skateboard, except that roller skating may be allowed on portions of a bicycle trail designated for such use by the Director and where signs allowing such use have been placed;

C. Hold any competitive event on any bicycle trail without a permit from the Director;

D. Ride a bicycle on any grassy area, path, or walkway designated for pedestrian or equestrian use. A bicyclist shall be permitted to push a bicycle by hand over any such grassy area, path or walkway;

E. Leave a bicycle in any place or position where other persons may trip over or be injured by it;

F. Ride a bicycle on a designated off-street bicycle trail in excess of fifteen (15) miles per hour, except for permitted competitive events; or in a manner which is unsafe or which may be injurious to the rider or other persons except for permitted competitive events;

G. Ride a bicycle upon any unpaved road, trail or area, except on authorized fire roads, service roads or paths designated for bicycle use. (SCC 1607 § 3, 2017; SCC 713 § 4, 1988; SCC 404 § 3, 1979; SCC 402 § 2, 1979; SCC 36 § 2, 1971.)

9.36.066.5 Prohibition of Skates in Park Facilities.

Except as provided in Section 9.36.066 of this chapter and in such areas specifically designated for the use of such devices, no person shall ride upon a skateboard, roller skates, in-line skates, roller skis, or similar device within the boundaries of any park facility where the use of such devices has been prohibited by the

posting of a sign or signs prohibiting such activity in locations which give users of the park facilities adequate notice and which clearly state the areas or locations of prohibition. (SCC 1084 § 2, 1997.)

9.36.066.6 Prohibition of Carts in Park Facilities.

Within the boundaries of the American River Parkway no person shall use a shopping cart, basket that is mounted on wheels or a similar device that is primarily used for the purpose of transporting goods of any kind. (SCC 1314 § 1, 2005.)

9.36.067 Hours of Use.

The Director is authorized to promulgate reasonable opening and closing hours for park facilities. No person shall enter, remain in, or camp in or on any park facility during the hours or any part of the hours said facility is closed without a permit from the Director. (SCC 36 § 2, 1971.)

9.36.068 Games.

The playing of rough or comparatively dangerous games such as football, baseball, horseshoes, soccer or of any games involving thrown, hit, or otherwise propelled objects such as golf balls, balls of other description, stones, arrows, javelins, model airplanes, model helicopters and drones is prohibited except in fields, courts, or areas specifically provided therefor or, with express permission of the Director, in areas compatible to said use. Persons desiring to use a park facility for the specific purpose for which the facility was established shall have priority of use over persons using said facility for another nonproscribed purpose. (SCC 1607 § 4, 2017; SCC 36 § 2, 1971.)

9.36.069 Swimming.

No person shall swim, bathe, or wade in any water or waterways within any park facility when such activity is prohibited and so posted by the Director upon his or her finding that use of the water would be dangerous to the user, incompatible with the function of the facility, or inimical to public health. (SCC 36 § 2, 1971.)

9.36.070 Boats.

Regulations governing the use of boats within any park facility may be established and posted by the Director. Said regulations shall promote the safety of swimmers and boaters, the protection of property, and general public enjoyment of the facility. (SCC 36 § 2, 1971.)

9.36.071 Regulations.

The Director may establish and post regulations governing the use of park facilities which are not inconsistent with regulations contained in this chapter and which promote public health and safety and the preservation of property. (SCC 36 § 2, 1971.)

9.36.072 Sound Amplification Equipment.

Within any park facility, no person shall use sound amplification equipment in excess of the noise levels provided by Chapter 6.68 of this Code without a permit from the Director. (SCC 0713 § 5, 1988; SCC 36 § 2, 1971.)

9.36.073 Severability.

If any section, subsection, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. (SCC 36 § 2, 1971.)

9.36.074 Glass Beverage Containers—Purpose.

The County of Sacramento operates and maintains its parks and park facilities for the use, benefit, recreation and enjoyment of the general public. However, the County's regional park facilities accumulate significant amounts of litter annually, a large percentage of which consists of randomly discarded glass beverage containers. The recurring and increasing presence of broken glass resulting from such discarded containers poses a serious threat to the public safety at such park facilities, and unreasonably interferes with the public's use and enjoyment thereof. Broken glass is a unique form of litter, in that it can virtually elude clean-up efforts. In particular, it accumulates from year to year on beaches and rocky shorelines, often hidden underwater beneath a layer of sand/or silt, constituting an undetectable hazard to swimmers and waders. Submerged or otherwise concealed broken glass has resulted in injuries to park visitors involving deep cuts, lacerations and other complications. In almost all cases, advanced medical care beyond basic first aid was required, with most cases requiring suture of lacerations. Additionally, some victims required treatment for shock. In some cases, it appeared likely that surgery would be required to repair nerve, cartilage or tendon damage. Many more such injuries occur, yet go unreported.

It is therefore essential to the preservation of the public peace, health, welfare and safety, and the furtherance of safe public use and enjoyment of County parks and park facilities, that the presence of glass beverage containers upon such premises be prohibited. (SCC 0713 § 1, 1988.)

9.36.075 Glass Beverage Containers—Prohibition.

No person shall possess any cup, tumbler, bottle, jar or other container made of glass and used for carrying or containing any liquid for drinking purposes within any park or on any body of water in the American River Parkway west of Hazel Avenue, or within any other park or park facility which has been posted with signs prohibiting such possession, except in locations where such containers are permitted under the terms of a lease, operating agreement or permit. The governing body of the public entity owning or managing such park or park facility may by resolution designate, or authorize the Director to designate, the park or park facilities to be posted. (SCC 0713 § 2, 1988.)

9.36.077 Concessions.

a. The sale of goods and services, including, but not limited to, food products, apparel, instructional lessons, and entertainment by natural persons or entities for commercial gain potentially adversely and seriously impacts the use of park lands and park facilities for use by the public for recreational purposes. Any such sales must be regulated through the use of concession contracts to insure that the goods and services marketed will promote the beneficial use of park facilities for recreational purposes.

b. It shall be unlawful for any person or entity to enter on and use park lands or facilities owned by the County for the purpose of selling goods or services for commercial gain without having first applied for and obtained from the Board of Supervisors a concession contract authorizing the sales and otherwise regulating the time, place, and manner of such sales. The violation of this subsection shall be punishable as an infraction as provided in Section 9.36.035 of this chapter.

c. The provisions of this section shall not be deemed to apply to the sale or distribution of newspapers, books, pamphlets, or other activity constituting protected speech under the First Amendment of the United States Constitution or comparable protections under the California Constitution. (SCC 0904 § 1, 1993.)

9.36.079 Public Nuisance.

Any violation of the provisions of this chapter constitutes a public nuisance. (SCC 414 § 2, 1980.)

9.36.080 Authority to Arrest and Cite.

a. County of Sacramento Park Facilities—Employees. Pursuant to the Public Resources Code, the County of Sacramento Director of Parks and Recreation, and uniformed Park and Recreation employees that may be designated by the Director, shall have the authority and immunities of public officers and employees as set forth in Section 836.5 of the Penal Code to make arrests and issue citations in accordance with the provisions of Chapter 5C (commencing with Section 853.6), Title 3, Part 2 of the Penal Code, for misdemeanor violations of laws of the State of California, and ordinances of any city within the County of Sacramento, and ordinances of the County of Sacramento, committed within their presence in a County park or County recreation area.

b. County of Sacramento Park Facilities—Park Ranger. Pursuant to authorization granted by Penal Code Section 830.31(b), those employees designated Park Rangers by the County of Sacramento park director shall have the power of peace officers as provided in Penal Code Section 830.31. Such designation as Park Ranger may be made when the employee is regularly employed and paid in that capacity and if the primary duty of the peace officer is the protection of County of Sacramento park facilities and the preservation of peace therein.

c. Recreation and Park Districts—Pursuant to the authorization of Section 5782.26 of the Public Resources Code, the Director of a recreation and park district created pursuant to Public Resources Code Section 5780 et seq., and uniformed park and recreation employees designated by the Director, shall have the authority and immunities of public officers and employees as set forth in Section 836.5 of the Penal Code to make arrests and issue citations in accordance with the provisions of Chapter 5C (commencing with Section 853.5) Title 3, Part 2 of the Penal Code, for misdemeanor and infraction violations of State of California law, ordinances of any city located within the County of Sacramento, ordinances of the County of Sacramento, or park and recreation district regulations or ordinances, when the violation is committed within the park and recreation district and in the presence of the Director or employee issuing the citation. (SCC 0957 § 2, 1994; SCC 250 § 1, 1976; SCC 220 § 1, 1975.)

9.36.081 Parking Regulations Enforcement.

Pursuant to Section 836.5 of the Penal Code, employees of the County assigned to the classes of park ranger assistant, park ranger I, park ranger II, and park ranger III are hereby designated and shall have the duty to enforce parking regulations as enumerated in Chapter 10.24 of the Sacramento County Code and may make arrests and issue citations for violations of such parking regulations as provided in Section 836.5 of the Penal Code. (SCC 468 § 1, 1981.)

9.36.082 Peace Officer Standards and Training Applicable to Park Rangers.

a. The Board of Supervisors of the County of Sacramento, State of California, declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522, Chapter 1 of Title 4, Part 4, of the California [Penal Code](#).

b. Pursuant to [Penal Code](#) Sections 13510.1 and 13512, the County of Sacramento Department of Regional Parks, Park Ranger Unit, will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training.

c. The Commission and its representatives may make such inquiries as deemed necessary to ascertain that the peace officer personnel of the County of Sacramento Department of Regional Parks, Park Ranger Unit, adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (SCC 1380 § 1, 2008.)

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13.08.300 Prohibited Usage.

It is unlawful for any person to: (a) Dive or jump from any bridge, including, but not limited to, the Old Fair Oaks and Pacific Coast Aggregate (PCA) bridges, into public waters;

b. Throw or place in or about any public waters any object in such a way as to interfere with persons using those waters;

c. Erect any barrier or stationary object in any public waters, including, but not limited to, the Sacramento River and the American River, without the prior approval of the Sacramento County Department of Parks and Recreation and/or other appropriate local, state and federal regulatory agencies;

d. A violation of any of the provisions of this section shall constitute a misdemeanor. (SCC 533 § 5, 1983; SCC 576 § 18, 1983.)

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13.08.301 Life Preservers.

a. It is unlawful for any parent to permit his or her child under the age of thirteen (13) or for any guardian to permit any child under the age of thirteen (13) in his or her care to access any public waters unless such child is wearing a life preserver.

b. For purposes of this section, "life preserver" is any device meeting the definition "Personal Flotation Device" as set forth in Title 8 of the California [Code of Regulations](#).

c. A violation of any of the provisions of this section shall constitute a misdemeanor. (SCC 1390 § 1, 2008.)

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13.08.315 Peace Officers and Other Marine Patrol Officials Exempted.

This chapter does not apply to any vessel being used by a peace officer of any federal, state or local agency while engaged in law enforcement activities for which the use of a motorboat is reasonably necessary, or vessels operated by the state or any other official agency, including the Coast Guard Auxiliary, in the performance of official duties. (SCC 533 § 5, 1983.)

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13.16.030 Speed Limit—American River.

No person shall operate any motorboat or other motor-powered vessel at a speed in excess of five miles per hour relative to the stream bottom for upstream speeds and relative to the water surface for downstream speeds on that part of the waters of the American River from the Interstate 80 bridge east to the Nimbus Dam; provided, however, that no motorboats shall operate on that portion of the American River which is closed to fishing during any given year by action of the California Fish and Game Commission because of the salmon spawning period. This prohibition against motorboats shall commence each year concurrently with the commencement of the fishing ban imposed by the California Fish and Game Commission and shall continue in effect until March 15th of each year. (SCC 156 § 1, 1973; SCC 77 § 1, 1972; Ord. 897 § 3, 1965.)

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[Chapter 13.24 SPECIAL USE ZONES](#)

13.24.010 American River Near Nimbus Dam.

Boating, swimming, rafting and floating in any other manner, with or without the use of an inflated tube or other flotation device, is prohibited on or in the waters of the American River for a distance of one hundred fifty feet downstream from the Nimbus Dam. (SCC 302 § 2, 1977.)

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25608.5. (a) On the portion of the Lower American River, as defined in Section 5841 of the Public Resources Code, from the Hazel Avenue Bridge to the Watt Avenue Bridge, a person in a nonmotorized vessel shall not possess a container with an alcoholic beverage, whether opened or closed, during the summer holiday periods that the Sacramento County Board of Supervisors prohibits the consumption or possession of an open alcoholic beverage container on the land portions along the river.

(b) For purposes of this section, "container" means bottle, can, or other receptacle.

(c) A violation of this section is punishable as an infraction pursuant to subdivision (b) of Section 25132 of the Government Code.

(d) Sacramento County shall provide notice on the land portions along the river described in subdivision (a) that a violation of this section is punishable as an infraction.

(*Added by Stats. 2007, Ch. 19, Sec. 1. Effective June 28, 2007.*)

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Chapter 6.68 NOISE CONTROL

6.68.010 Findings.

The Sacramento County Board of Supervisors finds:

- a. Excessive, unnecessary or offensive noise within the County is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the County and therefore is declared a public nuisance; and
- b. Every person in the County is entitled to live in an environment free from excessive, unnecessary or offensive noise levels; and
- c. The establishment of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of county inhabitants. (SCC 254 § 1, 1976.)

6.68.020 Declaration of Policy.

It is declared to be the policy and purpose of this chapter of the Sacramento County Code to assess complaints of noises alleged to exceed the ambient noise levels. Further, it is declared to be the policy to contain sound levels in the County of Sacramento at their present levels with the ultimate goal of reducing such levels, when and where feasible and without causing undue burdens, to meet the noise standards set forth in this chapter. (SCC 254 § 1, 1976.)

6.68.030 Liberal Construction.

This chapter shall be liberally construed so as to effectuate its purposes. (SCC 254 § 1, 1976.)

6.68.040 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. (SCC 254 § 1, 1976.)

6.68.050 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

- a. "Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- b. "County" means the unincorporated area of the County of Sacramento.
- c. "Cumulative period" means an additive period of time composed of individual time segments which may be continuous or interrupted.

d. "Decibel" or "dB" means a unit which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base of ten of this ratio.

e. "Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in an effort to protect, maintain, provide or restore safe conditions in the community or for citizenry, or work by private or public utilities when restoring utility service.

f. "Hertz" means a unit of measurement of frequency, numerically equal to cycles per second.

g. "Impulsive noise" means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level, such as might be produced by the impact of a pile driver, punch press or a drop hammer, typically with one second or less duration.

h. "Noise level" means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty microPascals. The unit of measurement shall be designated as "dBA."

i. "Person" means a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature.

j. "Residential property" means a parcel of real property which is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

k. "Simple tone noise" or "pure tone noise" means a noise characterized by the presence of a predominant frequency or frequencies such as might be produced by whistle or hum.

l. "Sound level meter" means an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

m. "Sound pressure level" means a sound pressure level of a sound, in decibels, as defined in ANSI Standards 51.2-1962 and 51.13-1921; that is, twenty times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

n. "Zone" means any of the zones specified in Article 2 of Chapter 1 of the Zoning Code of Sacramento County as such zones are presently identified therein and as they may be subsequently modified or altered. (SCC 254 § 1, 1976.)

6.68.060 Sound Level Measurement Generally.

a. Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level meter as defined in Section 6.68.050.

b. The location selected for measuring exterior noise levels shall be at a point at least one foot inside the property line of the affected residential property. Where feasible, the microphone shall be at a height of three to five feet above ground level and shall be at least four feet from walls or similar reflecting surfaces. In the case of interior noise measurements, the windows shall be in normal seasonal configuration and the measurement shall be made at a point at least four feet from the wall, ceiling or floor nearest the affected occupied area. (SCC 254 § 1, 1976.)

6.68.070 Exterior Noise Standards.

a. The following noise standards, unless otherwise specifically indicated in this chapter, shall apply to all properties within a designated noise area.

Noise Area	County Zoning Districts	Time Period	Exterior Noise Standard
1	RE-1, RD-1, RE-2, RD-2, RE-3, RD-3, RD-4, R-1-A, RD-5, R-2, RD-10, R-2A, RD-20, R-3, R-D-30, RD-40, RM-1, RM-2, A-1-B, AR-1, A-2, AR-2, A-5, AR-5	7 a.m.—10 p.m.	55 dBA
		10 p.m.—7 a.m.	50dBA

b. It is unlawful for any person at any location within the County to create any noise which causes the noise levels on an affected property, when measured in the designated noise area, to exceed for the duration of time set forth following, the specified exterior noise standards in any one hour by:

Cumulative Duration of the Intrusive Sound	Allowance Decibels
1. Cumulative period of 30 minutes per hour	0
2. Cumulative period of 15 minutes per hour	+ 5
3. Cumulative period of 5 minutes per hour	+10
4. Cumulative period of 1 minute per hour	+15
5. Level not to be exceeded for any time per hour	+20

c. Each of the noise limits specified in subdivision (b) of this section shall be reduced by five dBA for impulsive or simple tone noises, or for noises consisting of speech or music.

d. If the ambient noise level exceeds that permitted by any of the first four noise-limit categories specified in subdivision (b), the allowable noise limit shall be increased in five dBA increments in each category to encompass the ambient noise level. If the ambient noise level exceeds the fifth noise level category, the maximum ambient noise level shall be the noise limit for that category. (SCC 490 § 2, 1981; SCC 254 § 1, 1976.)

6.68.080 Interior Noise Standards.

a. In any apartment, condominium, townhouse, duplex or multiple dwelling unit it is unlawful for any person to create any noise from inside his unit that causes the noise level when measured in a neighboring unit during the periods ten p.m. to seven a.m. to exceed:

1. Forty-five dBA for a cumulative period of more than 5 minutes in any hour;
2. Fifty dBA for a cumulative period of more than 1 minute in any hour;
3. Fifty-five dBA for any period of time.

b. If the ambient noise level exceeds that permitted by any of the noise level categories specified in subdivision (a) of this section, the allowable noise limit shall be increased in five-dBA increments in each category to encompass the ambient noise level. (SCC 254 § 1, 1976.)

6.68.090 Exemptions.

The following activities shall be exempted from the provisions of this chapter:

- a. School bands, school athletic and school entertainment events;
- b. Outdoor gatherings, public dances, shows and sporting and entertainment events, provided said events are conducted pursuant to a license or permit by the County;
- c. Activities conducted on parks, public playgrounds and school grounds, provided such parks, playgrounds and school grounds are owned and operated by a public entity or private school;
- d. Any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work;
- e. Noise sources associated with construction, repair, remodeling, demolition, paving or grading of any real property, provided said activities do not take place between the hours of eight p.m. and six a.m. on weekdays and Friday commencing at eight p.m. through and including seven a.m. on Saturday; Saturdays commencing at eight p.m. through and including seven a.m. on the next following Sunday and on each Sunday after the hour of eight p.m. Provided, however, when an unforeseen or unavoidable condition occurs during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed, the contractor or owner shall be allowed to continue work after eight p.m. and to operate machinery and equipment necessary until completion of the specific work in progress can be brought to conclusion under conditions which will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner;
- f. Noise sources associated with agricultural operations, provided such operations do not take place between the hours of eight p.m. and six a.m.;
- g. All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of mobile noise sources is necessary for pest control;
- h. Noise sources associated with maintenance of residential area property, provided said activities take place between the hours of six a.m. and eight p.m. on any day except Saturday or Sunday, or between the hours of seven a.m. and eight p.m. on Saturday or Sunday;
- i. Any activity, to the extent provisions of Chapter 65 of Title 42 of the United States Code, and Articles 3 and 3.5 of Chapter 4 of Division 9 of the Public Utilities Code of the State of California preempt local control of noise regulations and land use regulations related to noise control of airports and their surrounding geographical areas, any noise source associated with the construction, development, manufacture, maintenance, testing or operation of any aircraft engine, or of any weapons system or subsystems which are owned, operated or under the jurisdiction of the United States, or any other activity to the extent regulation thereof has been preempted by state or federal law or regulation;
- j. Any noise sources associated with the maintenance and operation of aircraft or airports which are owned or operated by the United States. (SCC 254 § 1, 1976.)

6.68.100 Pre-Existing Industrial or Commercial Facilities—Transition Period.

- a. Any industrial or commercial facility in existence prior to July 1, 1976 shall be allowed a one-year period commencing on said date within which to comply with this chapter.
- b. During said one-year period, all such facilities shall make reasonable efforts to be in compliance and to reduce noise which exceeds the standards specified in this chapter. Commencing at the end of one year after July 1, 1976, any such facility shall be subject to all applicable requirements of this chapter.
- c. If any facility which is not in compliance by the end of said one-year period applies for a variance pursuant to Section 6.68.200, in deciding whether to grant a variance the hearing board shall take into account the extent to which the applicant has endeavored to reduce noise during said one-year period to meet the standards specified in this chapter.
- d. This section applies only to a commercial or industrial facility already in existence or for which the work of improvement has commenced prior to July 1, 1976.
- e. As used in this section "industrial facility" means any building, structure, factory, plant, premises or portion thereof used for manufacturing or industrial purposes, and "commercial facility" means any building, structure, premise or portion thereof used for wholesale or retail commercial purposes. (SCC 254 § 1, 1976.)

6.68.110 Schools, Hospitals and Churches.

It is unlawful for any person to create any noise which causes the noise level at any school, hospital or church, while the same is in use, to exceed the noise standards specified in Section 6.68.070 or to create any noise which unreasonably interferes with the use of such institution or unreasonably disturbs or annoys patients in the hospital. In any disputed case, interfering noise which is ten dBA or more, greater than the ambient noise level at the building, shall be deemed excessive and unlawful. (SCC 254 § 1, 1976.)

6.68.120 Machinery, Equipment, Fans and Air Conditioning.

- a. It is unlawful for any person to operate any mechanical equipment, pump, fan, air conditioning apparatus, stationary pumps, stationary cooling towers, stationary compressors, similar mechanical devices, or any combination thereof installed after July 1, 1976 in any manner so as to create any noise which would cause the maximum noise level to exceed:
 1. Sixty dBA at any point at least one foot inside the property line of the affected residential property and three to five feet above ground level;
 2. Fifty-five dBA in the center of a neighboring patio three to five feet above ground level;
 3. Fifty-five dBA outside of the neighboring living area window nearest the equipment location.Measurements shall be taken with the microphone not more than three feet from the window opening but at least three feet from any other surface.
- b. Equipment installed five years after July 1, 1976 must comply with a maximum limit of fifty-five dBA at any point at least one foot inside the property line of the affected residential property and three to five feet above ground level.
- c. Equipment installed before December 17, 1970 must comply with a limit of sixty-five dBA maximum in sound level at any point at least one foot inside the affected property line and three to five feet above ground level by January 1, 1977. Equipment installed between December 16, 1970 and July 1, 1976 must comply with a limit of sixty-five dBA maximum sound level at any point at least one foot inside the property line of the affected residential property and three to five feet above ground level. (SCC 254 § 1, 1976.)

6.68.130 Off-Road Vehicles.

It is unlawful for any person to operate any motorcycle or recreational off-road vehicle within the County in such a manner that the noise level exceeds the exterior noise standards specified in Section 6.68.070. (SCC 254 § 1, 1976.)

6.68.140 Waste Disposal Vehicles.

It is unlawful for any person authorized to engage in waste disposal service or garbage collection to operate any truck-mounted waste or garbage loading and/or composting equipment or similar mechanical device in any manner so as to create any noise exceeding the following level, when measured at a distance of fifty feet from the equipment in an open area.

- a. New equipment purchased or leased on or after a date six months from July 1, 1976 shall not exceed a noise level of eighty dBA.
- b. New equipment purchased or leased on or after forty-two months from July 1, 1976 shall not exceed a noise level of seventy-five dBA.
- c. Present equipment shall not exceed a noise level of eighty dBA on or after five years from July 1, 1976.

The provisions of this section shall not abridge or conflict with the powers of the state over motor vehicle control. (SCC 254 § 1, 1976.)

6.68.145 Radios, Tape Players on Publicly Owned Property.

Notwithstanding any other provision of this Code and in addition thereto, it is unlawful for any person to permit or cause any noise, sound, music or program to be emitted from any radio, tape player, tape recorder, record player or television outdoors on or in any publicly owned property, park or place when such noise, sound, music or program is audible to a person of normal hearing sensitivity one hundred feet from said radio, tape player, tape recorder, record player or television.

- a. As used herein, "a person of normal hearing sensitivity" means a person who has a hearing threshold level of between zero (0) decibels and twenty-five (25) decibels HL averaged over the frequencies 500, 1,000 and 2,000 Hertz.
- b. Notwithstanding any other provision of this Code, any person violating this section shall be guilty of an infraction and upon conviction thereof, is punishable by a fine not exceeding fifty dollars for a first violation; a fine not exceeding one hundred dollars for a second violation of this section within one year; a fine not exceeding two hundred fifty dollars for each additional violation of this section within one year. A person who violates the provisions of this section shall be deemed to be guilty of a separate offense for each day, or portion thereof, during which the violation continues or is repeated.
- c. Notwithstanding Sections 6.60.010 and 6.68.230 or any other provision of this Code, no citation or notice to appear shall be issued or criminal complaint shall be filed for a violation of this section unless the offending party is first given a verbal or written notification of violation by any peace officer, public officer, park ranger or other person charged with enforcing this section and the offending party given an opportunity to correct said violation.
- d. This section shall not apply to broadcasting from any aircraft, vehicle or stationary sound amplifying equipment as defined and regulated in Chapter 5.56 or to the use of radios, tape players, tape recorders, record players or televisions in the course of an assembly or festival for which a license has been issued pursuant to Section 9.36.072 or a parade for which a permit has been issued pursuant to Section 10.32.020 or any other

activity, assembly or function for which a permit or license has been duly issued pursuant to any provision of the Code. (SCC 490 § 1, 1981.)

6.68.150 General Noise Regulations.

Notwithstanding any other provisions of this chapter and in addition thereto, it is unlawful for any person to wilfully make or continue or cause to be made or continued any loud, 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.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- a. The sound level of the objectionable noise;
- b. The sound level of the ambient noise;
- c. The proximity of the noise to residential sleeping facilities;
- d. The nature and zoning of the area within which the noise emanates;
- e. The density of the inhabitation of the area within which the noise emanates;
- f. The time of day or night the noise occurs;
- g. The duration of the noise and its tonal informational or musical content;
- h. Whether the noise is continuous, recurrent or intermittent;
- i. Whether the noise is produced by a commercial or noncommercial activity. (SCC 254 § 1, 1976.)

6.68.160 Administration.

The administration of this chapter is vested in the Sacramento County Health Officer. The health officer shall be responsible for:

- a. Employing individuals trained in acoustical engineering or an equivalent field to assist the health officer in the administration of this chapter;
- b. Training field inspectors;
- c. Procuring measuring instruments and training inspectors in their calibration and operation;
- d. Conducting a public education program in all aspects of noise control;
- e. Coordinating the noise control program with other governmental agencies. (SCC 254 § 1, 1976.)

6.68.170 Noise Control Program—Recommendations.

At least every third year following July 1, 1976, the health officer shall evaluate the effectiveness of the noise control program in Sacramento County and shall make recommendations to the Board of Supervisors for its improvement. (SCC 254 § 1, 1976.)

6.68.180 Rules and Standards.

Within one year after July 1, 1976, the health officer, with the advice and assistance of other appropriate governmental agencies, shall investigate and recommend to the Board of Supervisors the following:

- a. Rules and procedures to be used in measuring noise;

- b. Noise standards for motor vehicle operation within the County. However, nothing within this ordinance shall be deemed to abridge or conflict with the powers of the state over motor vehicle control;
- c. Noise standards governing the construction, repair or demolition of a structure, including streets and other thoroughfares;
- d. Recommendations, if appropriate, for the establishment of sound level standards for nonresidentially zoned areas within the County. (SCC 254 § 1, 1976.)

6.68.190 Special Condition Permits.

Notwithstanding any provision of this chapter, the County Health Officer may grant special condition permits for a period not exceeding three days when the general purpose and intent of this chapter can be carried out by the granting of the special condition permit. Said special condition permits may be renewed for periods not exceeding three days at the discretion of the health officer. (SCC 254 § 1, 1976.)

6.68.200 Variance Procedure.

- a. The owner or operator of a noise source which violates any of the provisions of this chapter may file an application with the health officer for a variance from the provisions thereof. The application shall set forth all actions taken to comply with this chapter, the reasons why immediate compliance cannot be achieved, a proposed method for achieving compliance, and a proposed time schedule for its accomplishment. Said application shall be accompanied by a fee in the amount of seventy-five dollars. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or several fixed sources on a single property may be combined into one application. Upon receipt of said application and fee, the health officer shall refer the application, with his recommendation thereon, within ten days to the hearing board.
- b. Upon receipt of an application for a variance, the hearing board shall schedule a public hearing, to be conducted within sixty days of receipt of the application. During the public hearing the applicant and the health officer may submit oral and documentary evidence relative to their respective contentions.
- c. The hearing board may deny the application for a variance or may grant a variance. A variance may be for a limited period and may be subject to any other terms, conditions and requirements as the hearing board may deem reasonable to achieve maximum compliance with the provisions of this chapter. Such terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours.
- d. Each variance shall set forth the approved method of achieving maximum compliance and a time schedule for its accomplishment. In its determinations, the hearing board shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of equipment, and the general public interest and welfare.
- e. In deciding whether to grant a variance, the hearing board shall consider all facts relating to whether strict compliance with the requirement of this chapter will cause practical difficulties, unnecessary hardship or unreasonable expense and any other relevant considerations including, but not limited to, the fact that a commercial or industrial facility as defined in Section 6.68.100 commenced development prior to the existence of a residence affected by noise from such facility.
- f. The hearing board shall render a decision within thirty days of completion of the hearing. The decision of the hearing board shall be transmitted to the applicant and to the health officer. (SCC 254 § 1, 1976.)

6.68.210 Hearing Board.

- a. There is created a joint City-County hearing board consisting of nine members.
- b. Four members of the hearing board shall be appointed by the Mayor of the City of Sacramento with the approval of the City Council. One member shall be an acoustical consultant with a background in engineering and with a demonstrated knowledge and experience in the field of acoustics; one member shall have been admitted to the practice of law in the State of California; one member shall be a mechanical contractor holding a current active State of California C-20 or SC-20 license; and one member shall be representative of the general public.
- c. Four members shall be appointed by the Board of Supervisors of the County of Sacramento. One member shall be a licensed professional mechanical engineer; one member shall be a physician licensed in the State of California, qualified in the field of physiological effects of noise; one member shall be a general contractor engaged in general building or engineering construction holding a current active State of California A or B license; and one member shall be a representative of the general public.
- d. One member shall be appointed by the members of the board who have been appointed by the City of Sacramento and the County of Sacramento pursuant to subsections (b) and (c) of this section. This member shall be a representative of business and industry.
- e. The term of office of each member shall be for three years and until the appointment and qualifications of a successor. The first members of the hearing board shall classify themselves by lot so that the term of three members is for one year, three members is for two years, and three members is for three years.
- f. Any member may be removed by the appointing authority or authorities. Vacancies occurring during a term, whether by removal, resignation or other cause, shall be filled for the unexpired term by the appointing authority or authorities.
- g. The health officer of the County of Sacramento, or his appointing representative, shall be a nonvoting ex officio member of the hearing board and shall act as secretary of the board.
- h. The hearing board shall adopt rules and regulations for its own procedures in carrying out its functions under the provisions of this chapter.
- i. Five members of the hearing board shall constitute a quorum. If five or more members of the hearing board conduct a hearing, concurrence of the majority of those present shall be necessary for decision.
- j. Meetings of the hearing board shall be held at the call of the secretary and at such times and locations as said board shall determine. All such meetings shall be open to the public. (SCC 360 § 1, 1978; SCC 351 § 1, 1978; SCC 273 § 1, 1976; SCC 254 § 1, 1976.)

6.68.220 Appeals.

- a. Within ten days following the decision of the hearing board on an application for a variance, the applicant or the health officer may appeal the decision to the Board of Supervisors by filing a notice of appeal with the secretary of the hearing board.
- b. Within ten days following receipt of a notice of appeal, the secretary of the hearing board shall forward to the Board of Supervisors copies of the application for variance and all papers and exhibits concerning said application received by the hearing board and its decision thereon. Any person may file with the Board of Supervisors written arguments in favor of or against said decision.

c. The Clerk of the Board of Supervisors shall mail to the applicant, health officer and other individuals or entities so requesting a notice of the date set for hearing of the appeal. The notice shall be mailed at least ten days prior to the hearing date.

d. Within thirty days following conduct of the hearing before the Board of Supervisors, the Board shall either affirm, modify or reverse the decision of the hearing board. In deciding the appeal, the Board of Supervisors shall have the same powers as are conferred on the hearing board. The Board of Supervisors may also direct the hearing board to conduct further proceedings on said application. Failure of the Board of Supervisors to affirm, modify or reverse a decision of the hearing board, or to direct the hearing board to conduct further proceedings within a thirty-day period from the date of the hearing, shall constitute an affirmation of the decision of the hearing board. (SCC 254 § 1, 1976.)

6.68.230 Violation.

Upon the receipt of a complaint from any person, the Sacramento County Sheriff, the County Health Officer, or their duly authorized representatives may investigate and assess whether the alleged noise levels exceed the noise standards set forth in this chapter. If such officers have reason to believe that any provision (s) of this chapter has been violated, they may cause written notice to be served upon the alleged violator. Such notice shall specify the provision(s) of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection, and may include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time or any extension thereof approved by the County Health Officer, upon conviction, the violation shall constitute an infraction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (SCC 576 § 6, 1983; SCC 254 § 1, 1976.)

6.68.240 Other Remedies.

a. Provisions of this chapter are to be construed as an added remedy of abatement of the public nuisance declared and not in conflict or derogation of any other action, proceedings or remedies provided by law.

b. Any violation of the provisions of this chapter shall be, and the same is declared to be unlawful and a public nuisance, and the duly constituted authorities of the County shall, upon order of the Board of Supervisors, immediately commence actions or proceedings for the abatement or enjoinder thereof in the manner provided by law and shall take such steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate such nuisance. (SCC 254 § 1, 1976.)

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