

Specific Noises Prohibited. San Clemente Municipal Code Sections 8.48.070 (B) and (C) are amended as follows:

- B. **Radios, phonographs, etc. on Private Property or Within Vehicles in Public.** Operating, playing or permitting the operation or playing of any radio, receiving set, television set, phonograph, drum, musical instrument, or similar device, on private property or within vehicles in public, which produces or reproduces sound:
1. In such manner as to disturb the peace, quiet and comfort of a person of normal sensitiveness.
 2. At any time with louder volume than is necessary to provide convenient hearing of the device by voluntary listeners located in the same room, vehicle or chamber as the device.
 3. Between the hours of ten (10:00) p.m. and seven (7:00) a.m. in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Sections 8.48.050 and 8.48.060.
- C. **Loudspeakers, amplifiers ~~for advertising in Public.~~** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device, outside of a vehicle in public, for the producing or reproducing of sound which is cast upon the public streets for ~~any the purpose of commercial advertising or attracting the attention of the public to any building or structure,~~ except as permitted in Section ~~8.48.080 of this chapter~~17.24.055, Commercial Amplified Sound, or conducted pursuant to a Special Event Permit, Temporary Use Permit, or other City-issued approval.

Noise Control, Exemptions from Chapter. San Clemente Municipal Code Section 8.48.090(B) is amended as follows:

- B. Any events (including outdoor gatherings, public dances, shows, amplified sound use, and sporting and entertainment events) conducted pursuant to a Special Event Permit, Temporary Use Permit, or Special Activity Permit issued by the other City-issued approval.

Special Event Permits, Definitions. The definition of "Special Event" in San Clemente Municipal Code in Section 12.34.020 is amended to read as follows:

"Special event" means:

- A. Any organized activity, or persons participating in an organized activity having a common purpose on City property for a duration of less than 30 calendar days and involving at any given time during such period 50 or more persons, or involving 20 or more persons in a small City park;

- B. Any use of City property which is inconsistent with the permanent or ordinary use to which the property is dedicated or ordinarily used, and results in adverse impacts to public property, or the public's free use of public property because:
1. The activity is inconsistent with the occupancy levels for the subject property;
 2. The activity involves the use of signs (as defined in Section 17.84.030 of this code), whether attached to public buildings, structures, ground, or landscaping, or, with the exception of activities meeting the definition of "Expressive Activity" (as defined in this chapter), handheld signs;
 3. The activity includes the placement of temporary structures or devices attached to public property in any manner, or includes the use of temporary structures or devices of combined total area of more than 64 square feet;
 4. The activity involves the use of amplified sound or is likely to result in noise with a sustained volume of more than 65 dB (A) for more than one hour or 80 dB (A) for any duration of time;
 5. The intensity of the activity is likely to result in permanent or temporary damage to public buildings, structures, or landscaping, including, but not limited to, litter, turf damage, or any unsanitary conditions; or
- C. Any organized activity, regardless of the number of persons involved, where goods or services are offered, with or without cost, to members of the public, whether directly associated with the event organizers or participants or not; or
- D. Any event, regardless of the number of persons involved, requiring full or partial closure of, or impedes access to, any portion of the right-of-way, which occurs on a public street, sidewalk, alley, or other public right-of-way, and/or any event occurring on any public property or public right-of-way which is likely to obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, including access to path-of-travel or accessible facilities required by the Americans with Disabilities Act (ADA), access to public transit, public parking, public parks, public institutions, including Police and Fire stations and schools, public and private medical offices and hospitals, business access, or coastal or beach access or use.

The following list of examples is illustrative, but not determinative, of activities that may constitute "special events":

1. Motorized vehicle races or contests.
2. Non-motorized vehicle races or contests.
3. Carnivals, circuses, fairs, festivals, non-domesticated animal acts or exhibitions, and similar activities.
4. Any event with mechanical amusement rides.
5. Promotional or fundraising activities.

6. Parades.
7. Outdoor shows, movies, concerts and exhibitions.
8. Outdoor craft fairs, soapbox derbies, or other similar events.
9. Beach cleanups.
10. Surf competitions.

Special Events Permits, Definitions. The definition of “Amplified Sound” in San Clemente Municipal Code in Section 12.34.020 is added to read as follows, with existing definitions reordered alphabetically:

“Amplified Sound” means sound whose volume has been made louder by any electric, electronic, mechanical, or motor-powered means using equipment like speakers, sound systems, stereos, or bullhorns.

Exceptions to the special event permit requirement. San Clemente Municipal Code in Section 12.34.040 is amended to read as follows:

A special event permit is not required for:

A. Any event conducted pursuant to the following:

~~1. A special activity permit issued by the Community Development Department as provided in Sections 17.16.155 and 17.28.295 of this code;~~

~~2.1.~~ A temporary use permit issued by the Community Development Department as provided in ~~Sections Chapters~~ 17.16.155 and 17.28.295 of this code;

~~3.2.~~ A sidewalk vending permit issued by the Finance Department as provided in Chapter 5.50 of this code; ~~or~~

~~4.3.~~ A street vending permit issued by the Finance Department as provided in Chapter 5.52 of this code; ~~or~~

~~5.4.~~ A filming permit issued by the Beaches, Parks & Recreation Department as provide in Chapter 5.44 of this code.

B. Any organized activity within the scope of a conditional use permit or other land use approval given or required for that use.

C. Any expressive activity on a City street, sidewalk, or park, that does not involve the use of amplified sound, on condition that within 48 hours of such activity, or within such time is practicable for expressive activity that would otherwise constitute a spontaneous special event, any individual(s) or organization(s) leading or participating in such activity provides the City Manager with the information listed in subsections 12.34.070(A)(1),(3), (4), (5), (6), (13), and (21).

D. Funeral processions by a licensed mortuary or funeral home.

- E. Activities conducted by a government agency acting within the scope of its authority.

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