

Noise Ordinance

365.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the safe, orderly, and effective disposition of large parties or disturbances. The handling officer's discretion is fully applicable in all disturbance calls that are likely to result in a second response. The intent of both the policy and the Disturbance Ordinance applies where a disturbance is a nuisance that becomes; "a threat to the public peace, health, safety or general welfare." The ordinance is not intended to be invoked for all disturbing parties or disturbances, but rather those that involve an uncooperative host that refuses to, or fails to comply with the officer's attempts to stop the disturbances.

365.2 INITIAL RESPONSE

In all instances of a loud party or noise disturbance complaint, it is necessary for the responding officers to determine if a violation of the public peace is occurring. If there is no apparent disturbance, the officer should contact the complaining party to obtain any additional information that might indicate that this ordinance should be enforced.

On all first call notifications, officers should make it clear that the aim is to end the disturbance, not the party, or the gathering. Officers will make every attempt to cooperate with the host(s) as they try to prevent the disturbance from continuing, unless such an effort would be clearly fruitless.

An officer's response to a citizen's complaint of a loud or disturbing party will be handled in the following manner:

- (a) Upon arriving at loud, disturbing parties or other noise disturbances, the handling officer will contact a responsible person in the following priority:
 1. Property Owner
 2. the person in control of the property
 3. host/hostess of the party
- (b) Explain to the responsible party the City's Noise Ordinance, the Department's enforcement policy, and that a fine will be assessed if the disturbance is not discontinued. Advise them that in the event a return call is required, a fine will be assessed, possible dispersal of the party could occur, and any partygoer committing any violation(s) of the law will be subject to arrest and/or citation.
 1. Obtain responsible party's name, date of birth and phone number. (Photo identification may be requested if possible)
 2. Enter the information and location of violation and date/time response on the call card.

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- (c) The officer should also explain to the responsible party that any continued noise and/or disturbance will be "willful and malicious" and will be considered a violation. Explain the consequences if the loud party or disturbance is not peacefully discontinued
 - 1. P.C. 415 (willfully or malicious)
 - 2. FMC 18-62 (prohibited noise)
 - 3. FMC 18-63 (enumeration of prohibited noises)
 - (a) Noise that annoys or disturbs persons of ordinary sensibilities from a distance of 50 feet or more from the edge of the property, structure or unit in which the source is located, are declared to be in violation of this article.
 - 4. P.C. 726 (dispersal)
 - 5. P.C. 727 (authority to arrest after dispersal order)
- (d) Dispatchers will note the disposition of the call comments into the CAD Call Card.

365.2.1 SECOND RESPONSE

Should a second or subsequent response be necessary, the same responsible party, if practical, shall be issued a citation for violation of the Fontana Noise Ordinance. It is not necessary to receive a written complaint from any R/P's prior to issuing a noise ordinance violation.

If the event warrants a second enforcement response, the event should not be allowed to continue if it can be legally terminated. It will be the discretion of the supervisor whether to disperse the party participants.

365.2.2 DISPERSAL OF PARTY PARTICIPANTS

- (a) Officers should solicit cooperation of the host or responsible party for a voluntary party shutdown. If cooperation cannot be solicited, the officer, with approval from the Supervisor, may order the partygoers to disperse.
 - 1. Use loudspeaker to announce dispersal (PC 726). The order should be given several times; ensure that the warnings can be heard throughout the party's location.
 - 2. Allow a reasonable amount of time for partygoers to disperse. The amount of time will depend on the size of the crowd.
 - 3. Provide avenues of exit for all pedestrians, vehicles, and partygoers.
 - 4. Attempt to keep traffic flowing from the area.
 - 5. Prevent people from returning to the scene of the party.
- (b) When necessary complete a police report (include time of the original call, recall time(s) if applicable, number of partygoers, violations observed, and number of officers present). A synopsis of the incident and reference to any associated report(s) should

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be detailed in the narrative portion of the report. Attach all associated Cad Logs. It is very important that the officer document the level of disturbance, i.e. noise, trash, traffic congestion, violations of law, caused by the assemblage as well as the name(s) and address of all complaining parties. Be sure to include the number of times the R/P(s) contacted the Department to complain about the disturbance. Digital photos and audio recordings of the disturbance should be taken if possible.

- (c) If the disturbance warrants enforcement action on the first response, procedures normally used for such events should be invoked without regard for the second response policy.