

ORDINANCE NO. _____

An ordinance adding Section 115.03 to Article 5 of Chapter XI of the Los Angeles Municipal Code to prohibit sightseeing tour bus operators from using sound amplifying equipment on unenclosed tour buses when operating in the City of Los Angeles, and amending Section 111.05 of the Code to authorize the Police Department to enforce Section 115.03.

WHEREAS, the City of Los Angeles, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents;

WHEREAS, there are a number of sightseeing tour bus operators in the City of Los Angeles who use sound amplifying equipment on unenclosed tour buses to communicate with their passengers. This amplified sound at times disturbs people in their homes, at their places of work, and on the streets along sightseeing bus routes;

WHEREAS, the City has received complaints from individuals, including in residential neighborhoods, regarding the noise emanating from unenclosed tour buses that use sound amplifying equipment;

WHEREAS, unwanted, loud, excessive, and avoidable noise emanating from unenclosed tour buses operating near public and private property disturbs the public health and general welfare of the residents of the City, and threatens residents' quiet enjoyment of property;

WHEREAS, California Vehicle Code Section 21118, which took effect on January 1, 2018, allows local jurisdictions to adopt rules and regulations to prohibit the use of loudspeakers or public address systems by an unenclosed tour bus, and instead require the use of headphones or similar devices by passengers for any information or presentation provided for the passengers; and

WHEREAS, the City seeks to encourage operators of sightseeing tour buses operating in the City to provide audible information or presentations to passengers using sound reduction technology, such as individual headphones or headsets, designed for and capable of communicating information to passengers in a manner that is audible only to the individual listener.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 115.03 is added to Article 5 of Chapter XI of the Los Angeles Municipal Code to read as follows:

SEC. 115.03. AMPLIFIED SOUND ON UNENCLOSED TOUR BUSES.

(a) **Definitions.** As used in this section:

1. **"Operator"** means any person or corporation who conducts a business or enterprise that operates one or more Unenclosed Tour Buses.

2. **"Sound Amplifying Equipment"** shall have the same meaning as in Subsection (j) of Section 111.01 of this chapter, and shall include loud speakers and public address systems.

3. **"Tour Bus"** means a privately-owned bus or passenger vehicle for hire, which is operated by or for a charter-party carrier of passengers or a passenger stage corporation, as set forth in California Vehicle Code Section 612, subsection (a), and as defined in California Public Utilities Code Sections 226 and 5360. A Tour Bus includes any vehicle that is used primarily for the conveyance of passengers over the public streets, for the purpose of visiting or viewing places of interest.

4. **"Unenclosed Tour Bus"** means a Tour Bus that has had its roof substantially structurally modified or removed, as set forth in California Vehicle Code Section 612, Subsection (b), such that it can be and is operated without a solid roof covering all seating areas of the vehicle. An Unenclosed Tour Bus shall also include any Tour Bus that has had its side panels substantially structurally modified and/or removed, such that it can be and is operated without side panels fully enclosing the sides of the vehicle, when doors and windows are closed.

(b) **Use of Sound Amplifying Equipment Prohibited.** It shall be unlawful for any Operator or any person employed by an Operator to cause, allow, or permit the use of Sound Amplifying Equipment on any Unenclosed Tour Bus while the vehicle is operating within the City of Los Angeles.

(c) **Violation and Punishment.** A violation of this Section shall constitute an infraction pursuant to California Vehicle Code Sections 40000.1 and 42001, and shall be punished pursuant to the fine structure set forth in California Vehicle Code Section 42001.

(d) **Severability.** If any subsection, subdivision, sentence, clause, phrase, or portion of this section, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section or its application to other persons. The City Council hereby declares that it would have adopted this section and each subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions,

sentences, clauses, phrases, or portions, or the application thereof to any person, be declared invalid or unconstitutional.

Sec. 2. Subsection (b) of Section 111.05 of Article 1, Chapter XI of the Los Angeles Municipal Code is amended to read as follows:

(b) The Police Department shall have the power and duty to enforce the following noise control provisions of this Code: Section 41.32, Section 41.40, Section 41.42, Section 41.44, Section 41.57, Section 63.51(m), Section 112.01, Section 112.04, Section 112.05, Section 112.06, Section 113.01, Section 114.01 through Section 114.05, inclusive, Section 115.02 through Section 115.03, inclusive, and Section 116.01.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Soraya C. Kelly
SORAYA C. KELLY
Deputy City Attorney

Date April 6, 2018

File No. 17-1116

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____