

STATE LAWS & LOCAL ORDINANCES

California Civil Code Section 3479:

“Anything which is injurious to health . . . or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any . . . public park, square, street, or highway, is a nuisance.”

California Penal Code Section 415(2):

It is a misdemeanor to “maliciously and willfully disturb[] another person by loud and unreasonable noise.”

California Penal Code Section 602.1:

It is a misdemeanor to “intentionally interfere[] with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting to carry on business, or their customers, and . . . refuse[] to leave the premises of the business establishment after being requested to leave by the owner or the owner’s agent”

California Penal Code Section 602(k):

It is a misdemeanor to “[e]nter[] any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner’s agent or by a person in lawful possession.”

California Penal Code Section 602(o):

It is a misdemeanor to “[r]efuse[] or fail[] to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by . . . (2) the owner, the owner’s agent, or the person in lawful possession.”

This subsection, and only this subsection contains an exception for *lawful* labor union activities that would otherwise be exempt from this subsection of the Penal Code. However, the picketers’ conduct has been and is arguably unlawful.

California Penal Code Section 602(m):

It is a misdemeanor to “[e]nter[] and occupy[] real property or structures of any kind without the consent of the owner, the owner’s agent, or the person in lawful possession.”

San Francisco Police Code, Article 1, Sections 22-24:

It is unlawful in San Francisco to “wilfully and substantially obstruct the free passage of any person or persons on any street, sidewalk, passageway or other public place.” (Spelling in original.)

San Francisco Police Code, Article 1 Section 47.2:

“Use of any sound amplifying equipment, whether truckmounted or otherwise, within the City and County of San Francisco shall be subject to the following regulations:

...

“(3) Except as permitted by the Entertainment Commission, sound shall not be issued within 450 feet of hospitals, schools, churches, courthouses, public libraries or mortuaries;

...

“(5) Amplified human speech and music shall not be unreasonably loud, raucous, jarring or disturbing to persons of normal sensitiveness within the area of audibility, nor louder than permitted in Subsections (6) and (7) hereof;

...

“(7) Except as permitted by the Entertainment Commission for public gatherings, in all cases where sound amplifying equipment remains at one location or when the sound truck is not in motion, the volume of sound shall be controlled so that it will not be audible for a distance in excess of 250 feet from the periphery of the attendant audience”

San Francisco Police Code, Article 1, Section 45:

“The provisions of Sections 43 to 48, inclusive, of this Article shall not apply . . . (d) pedestrian operated bullhorns, not exceeding 10 watts, E.I.A.; provided, however, that the provisions of Section 49 hereof shall be applicable to all such sets or devices.”

San Francisco Police Code, Article 1, Section 49:

It is unlawful in the San Francisco city limits to “use, operate, maintain, or permit to be played, used or operated any radio or television receiving set, musical instrument, phonograph, juke box, broadcasting equipment or other machine or device for the producing, reproducing or amplification of sound or human voice in such manner as to produce raucous noises or in such manner so as to disturb the peace, quiet and comfort of persons in the neighborhood or with volume louder than is necessary for convenient hearing for the person or persons for whom said machine, instrument or device is operated.”

...

“The operation of any such set, instrument, phonograph, juke box, broadcasting equipment, machine or device between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of 50 feet from the property line of the property from whence the sound is emitted, shall be prima facie evidence of a violation of this Section.”

...

“The operation of any such set, instrument, phonograph, juke box, broadcasting equipment, machine or device at any time in such a manner as to cause a noise level in excess of the ambient noise level by more than five decibels (5 dBA), as those terms are defined in Section 2901 of this Code, when measured at the nearest property line of the property from whence the sound is emitted or, in the case of multiple-family residential buildings, when measured anywhere in one dwelling unit with respect to a noise emanating from another dwelling unit or from common space in the same building, shall be prima facie evidence of a violation of this Section.”

San Francisco Police Code, Article 29, Section 2901.11:

“Unnecessary, excessive, or offensive noise shall mean any sound or noise conflicting with the criteria, standards, or levels set forth in this Article for permissible noises. In the absence of specific maximum noise levels, a noise level which exceeds the ambient noise level by 5 DBA or more, when measured at the nearest property line or, in the case of multiple-family residential buildings, when measured anywhere in one dwelling unit with respect to a noise emanating from another dwelling unit or from common space in the same building, shall be deemed a prima facie violation of this Article.”

San Francisco Police Code, Article 29, Section 2903:

It is unlawful in the San Francisco city limits to “to create any unnecessary, excessive or offensive noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while any of the same is in use, or adjacent to any hospital at any time, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, institution of learning, church or hospital.”

San Francisco Police Code, Article 29, Section 2915:

It is unlawful in the San Francisco city limits “without justification to make or continue, or cause or permit to be made or continued, any unnecessary, excessive, or offensive noise, as defined in Section 2901.11, and including vocal or instrumental music and related sounds, whether live or reproduced mechanically by radio, television, stereo or otherwise, and which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance of any reasonable person of normal sensitivity residing or working in the area.”

The criteria which shall be considered in determining whether a violation of the provisions of this Section exist shall include, but not be limited to, the following:

- (a) The volume of the noise, music or related sound;
- (b) The intensity of the noise, music or related sound;
- (c) The continuousness or repetitive nature of the noise, music or related sound;
- (d) Whether the nature of the noise is usual or unusual for the area in which it occurs;
- (e) Whether the origin of the noise, music or related sound is natural or unnatural to the area in which it occurs;
- (f) The volume and intensity of the background noise or sound, if any;
- (g) The proximity of the noise, music or related sound to residential sleeping facilities;
- (h) The proximity to offices, places of business or other areas where work is known to be carried on of the noise, music or related sound;

(i) The nature and zoning of the area within which the noise, music or related sound emanates;

(j) The density of the inhabitation of the area within which the noise, music or related sound emanates;

(k) The time of day or night the noise, music or related sound occurs, and the relationship of the time to the normal activities of the area in which it occurs;

(l) The duration of the noise, music or related sound;

(m) Whether the noise, music or related sound is recurrent, intermittent, or constant;

(n) Whether the noise, music or related sound is produced by a commercial or a noncommercial activity.

California Vehicle Code Section 27001:

“(a) The driver of a motor vehicle when reasonably necessary to insure safe operation shall give audible warning with his horn.

(b) The horn shall not otherwise be used, except as a theft alarm system which operates as specified in Article 13 (commencing with Section 28085) of this chapter.”

San Francisco Traffic Code, Article 5, Section 94:

It is unlawful in the San Francisco city limits “for the operator of any vehicle to sound any horn or other device or make any loud, unusual or unnecessary noise within the distance of one block from any public or private hospital, except when necessary to avoid an accident”