

CHAPTER 37.

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Article I. In General.Sec. 37-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Advertising vehicle. Any vehicle which carries, while in motion or standing, for display to the view of the public upon or along public highways, any signs, or any statuary or other advertising objects, symbols or matter; and any vehicle modeled to resemble a locomotive, railroad car, covered-wagon or stagecoach, or which is contrived to buckle, to simulate explosion, or fall apart or to function otherwise in strange or startling fashion, or which is especially fitted up to present a grotesque, arresting or unusual appearance, for advertising purposes or for the purpose of attracting the attention of the public upon or along the public highways.

¹As to billboards and outdoor advertising generally, see Ch. 8 of this Code. As to motor vehicle and traffic regulations generally, see Ch. 29.

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Sec. 37-1

Sec. 37-6

The putting of business notices, signs or emblems upon ordinary business vehicles does not make such vehicles advertising vehicles so long as such vehicles are actually engaged in the usual business or regular work of the owner and are not used merely or mainly for advertising or for attracting the attention of the public.

Sound vehicle. Any vehicle which carries or is equipped with any instrument or device for the production or reproduction of music, spoken words or other sounds, or any loudspeaker or other sound amplifying device designed to enlarge the volume of sound produced by any instrument or by the human voice, which instrument or device is used, or intended to be used, for the purpose of advertising or calling attention to any article, thing or event, or for the purpose of addressing the public or of attracting the attention of the public, along or upon the public highways along which such vehicle travels.

Sound vehicle does not include a vehicle equipped with a siren or horn designed and used for the purpose of warning traffic because of such equipment or use. The incidental sounding of a horn or bell in connection with the ordinary use and operation of a tradesman's, peddler's, huckster's or hawker's, cart or vehicle does not bring such cart or vehicle within the definition of "sound vehicle." (Mun. Code, Secs. 9300 to 9302, 9304)

Sec. 37-2. Government vehicles exempt, from chapter.

A vehicle operated by any governmental agency within the course of its public functions is neither a sound vehicle nor an advertising vehicle. (Mun. Code, Sec. 9303)

Sec. 37-3. Restrictions on hours and places of use of sound vehicles.

A person shall not drive, operate or propel any sound vehicle with the sound-making device, sound-amplifying device or loudspeaker thereof, or any part thereof, in operation:

- (a) Within three hundred feet of any hospital, school, church or other place of religious worship.
- (b) Upon any public highway between the hours of 4:30 P.M. and 9:00 A.M. of the following day.
- (c) Upon any public highway on any Sunday. (Mun. Code, Sec. 9310)

Sec. 37-4. Restrictions on hours of operation of advertising vehicles.

A person shall not drive, operate or propel any advertising vehicle upon any public highway:

- (a) Between the hours of 4:30 P.M. and 9:00 A.M. of the following day.
- (b) On any Sunday. (Mun. Code, Sec. 9311)

Sec. 37-5. Parking on public highway prohibited.

A person shall not park any sound vehicle with the sound-making device, sound-amplifying device or loudspeaker thereof, or any part thereof in operation, or any advertising vehicle upon any public highway at any time. (Mun. Code, Sec. 9312)

Sec. 37-6. Certain uses of sound vehicle prohibited.

A person shall not use or permit, suffer or allow to be used the sound-making device, sound-amplifying device or loudspeaker of any sound vehicle for the utterance or amplification of any obscene, vulgar, profane or indecent language or to suggest, request or incite destruction of or injury to persons or property, or any other illegal act. (Mun. Code, Sec. 9313)

Sec. 37-7. Attaching advertising sign to parked vehicle prohibited.

A person shall not suspend, place or attach any advertising sign on any vehicle parked upon a public highway. This section does not apply to any sign painted directly upon or permanently affixed to the body or other integral part or fixture of the vehicle for permanent decoration, identification or display, and which does not extend the overall width or height of such vehicle. (Mun. Code, Sec. 9314)

Article II. Permits.

Sec. 37-8. Required from city council.

Before using or operating any sound or advertising vehicle on any public highway, the owner, hirer or other person in control thereof shall first obtain a permit from the city council. (Mun. Code, Sec. 9320)

Sec. 37-9. Application--Filing.

Each application for a permit under this article shall be in writing, verified by the applicant and filed in duplicate with the city clerk. (Mun. Code, Sec. 9322)

Sec. 37-10. Same--Contents generally.

Each application for a permit under this article shall set forth the license number and motor number of each vehicle involved. Attached thereto shall be detailed plans and specifications of the special sound or advertising devices or equipment to be used. As to sound vehicles, the maximum noise-producing power of the equipment to be used shall be expressed in terms of decibels or otherwise indicated with certainty. (Mun Code, Sec. 9323)

Sec. 37-11. Same--Designation of areas where vehicles to be operated.

Each application for a permit under this article shall designate the highways or areas upon or within which each vehicle is to be operated, which shall not include any place where such operation is prohibited by this chapter. (Mun. Code, Sec. 9324)

Sec. 37-12. Same--Designation of hours of operation.

Each application for a permit under this article shall set forth the hours during which the vehicle is proposed to be used, which shall not include any time during which such use is prohibited by this chapter. (Mun. Code, Sec. 9325)

Sec. 37-13. Same--Statement of purpose of use.

Each application for a permit under this article shall state whether the vehicle is to be used for commercial advertising purposes. (Mun. Code, Sec. 9326)

Sec. 37-14. Same--Referral to sheriff.

When an application for a permit is filed, the city clerk shall immediately send the duplicate thereof to the sheriff. (Mun. Code, Sec. 9329)

Sec. 37-15. Fee--Commercial advertising.

The applicant for a permit to operate a sound or advertising vehicle used in the business of commercial advertising shall pay, at the time he files his application, a fee fixed by ordinance. (Mun. Code, Sec. 9327)

Sec. 37-16. Same--Noncommercial advertising.

The applicant for a permit to operate a sound or advertising vehicle not to be used in the business of commercial advertising shall pay, at the time he files his application, a fee equal to one-half of that required for a permit for operation of such vehicles in the business of commercial advertising. (Mun. Code, Sec. 9328)

Sec. 37-17. Recommendations of sheriff.

Within seven days after the receipt of a duplicate of an application for a permit under this article, the sheriff shall file with the city council a report in writing in which he shall recommend that the permit be denied, granted as applied for or granted under such conditions as to protect the public peace, safety and general welfare, together with his reasons therefor. (Mun. Code, Sec. 9330)

Sec. 37-18. Issuance; grounds for denial.

The city council shall issue a permit to operate a sound or advertising vehicle if an application is filed conforming in every respect to the provisions of this article, unless the council finds, after notice and hearing, that:

- (a) The proposed use or operation of such vehicle upon the highways or within the areas described in the application at the times mentioned therein would tend to create or increase traffic congestion or delay, or to constitute an undue hazard to life, limb or property.
- (b) The noise of the sound equipment proposed to be used would be likely to drown out the sound of traffic signals or the sirens, or horns of emergency vehicles, or other lawful traffic warnings, or be likely to harass or distract pedestrians or the drivers of other vehicles, to their danger or to the danger of others, or be likely to disturb the rest and quiet of people in their homes and dwelling places.
- (c) The noise of the sound equipment proposed to be used would be likely to unreasonably harass or annoy pedestrians, or persons in adjacent buildings.
- (d) The use of the vehicle as applied for would be likely to incite riots, breaches of the peace or other disturbances. (Mun. Code, Sec. 9331)

Sec. 37-19. Public hearing.

Before denying a permit and before granting a permit for a shorter term or under conditions or restrictions different from the proposed use as applied for, the city council shall first hold a public hearing and give written notice of the time and place thereof to the applicant not less than five days prior to such hearing either by service of such notice upon the applicant in the manner required by law for the service of summons or by certified mail, postage prepaid, unless prior to such hearing:

- (a) The applicant withdraws his application.
- (b) In the case of a proposal to grant a permit for a shorter term or under additional conditions or restrictions, the applicant consents thereto. (Mun. Code, Sec. 9332)

Sec. 37-20. Term.

The term of each sound or advertising vehicle permit shall be one week, one month or one year, as requested in the application, or as otherwise specified by the city council, and may be renewed from time to time as provided in this chapter. (Mun. Code, Sec. 9334)

Sec. 37-21. Posting.

A person shall not use or operate any sound or advertising vehicle upon any public highway unless a duplicate of the permit to so operate is posted or attached at all times in a conspicuous place on such vehicle. (Mun. Code, Sec. 9321)

Sec. 37-22. Revocation; refusal to renew.

After a public hearing thereon, notice of the time and place of which has been given to the holder thereof as in the case of a denial of a permit, the city council may revoke or refuse to renew any permit granted under this article if it finds:

- (a) Any fact which would justify a refusal of the permit in the first instance.
- (b) That the holder thereof has violated any provision of the permit or of this chapter.
- (c) That in the operation of the sound or advertising vehicle the holder of the permit has violated any ordinance, law, statute, rule or regulation. (Mun. Code, Sec. 9333)

(Mun. Code, Secs. 9300, 9301, 9302, 9303, 9304, 9310, 9311, 9312, 9313, 9314, 9320, 9321, 9322, 9323, 9324, 9325, 9326, 9327, 9328, 9329, 9330, 9331, 9332, 9333, 9334)

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