

Sec. 12-5006. - UNLAWFUL NOISE.

In addition to any other violation of this Code, it *shall* be unlawful to emit, or to cause or permit to be made, any unreasonably loud, annoying, frightening, loud and disturbing or *unnecessary noise* . Specifically, it *shall* be unlawful to emit noise of such character, intensity or duration as to be detrimental to the life or health of reasonable *persons* of ordinary sensibilities.

Factors to consider in determining whether a violation exists include, but are not limited to:

- a) The volume of the noise;
- b) The intensity of the noise;
- c) Whether the nature of the noise is usual or unusual;
- d) Whether the origin of the noise is natural or unnatural;
- e) The volume and intensity of the background noise, if any;
- f) The proximity of the noise to residential sleeping facilities;
- g) The nature and zoning of the area within which the noise emanates;
- h) The density of the inhabitation of the area within which the noise emanates;
- i) The time of the day or night the noise occurs;
- j) The duration of the noise; and,
- k) Whether the noise is recurrent, intermittent, or constant.

(Ord. No. 1977-580, §3, 7-5-77; Ord. No. 2014-349, §12, 10-7-14, eff. 10-12-14)

Sec. 12-5007. - PROHIBITED NOISES.

Except when specifically allowed as a part of a permitted event, in addition to any other violations of this Code, the *following* acts are specifically declared to be unreasonably loud, annoying, frightening, loud and disturbing or *unnecessary noise*, the emission of which *shall* be unlawful. Such enumeration *shall* not be deemed to be exclusive:

- (a) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (b) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.
- (c) The playing of any radio, phonograph, amplifier, television, tape deck, tape recorder, or musical instrument in such a manner or with such volume during the *nighttime hours* as to annoy or disturb the quiet, comfort or repose of any *person* or *persons* in any dwelling, hotel, motel or other type of *residence*.
- (d) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (e) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as warning of danger.
- (f) The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (g) The erection (including excavating), demolition, alteration or repair of any building or other structure in a residential or business district other than between the hours of 7:00 a.m. and 8:30 p.m., except by permit from the building inspector when, in his opinion, such work will not create objectionable noise; upon complaint *in writing* of the occupant of *property* near the location of the work, the building inspector *shall* immediately revoke the permit and the work *shall* be immediately discontinued. The building inspector *may* permit *emergency work* in the preservation of public health or safety at any time.
- (h) The creation of any excessive noise on any *street* adjacent to any school, institution of learning or court, while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients in the hospital.
- (i) The creation of loud and excessive noise in connection with loading or unloading any vehicles or the opening and destruction of bales, boxes, crates and containers.
- (j) The shouting and crying of peddlers, barkers, hawkers or vendors which disturbs the quiet and peace of the neighborhood.
- (k) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- (l) The conducting, operating or maintaining of any garage or filling station, or the repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be

emitted therefrom during the *nighttime hours* .

- (m) The firing or discharging of firearms in the *streets* or elsewhere for the purpose of making noise or disturbance, except by permit from the Police Department.
- (n) The creation of excessive noise by the operation of an airplane over the *City* by stunting, diving or otherwise operating an airplane for the purpose of advertising or otherwise.
- (o) No *person shall* keep or maintain, or permit the keeping of, on any premise, owned, leased; occupied or controlled by such *person* , any animal or fowl otherwise permitted to be kept which, by habitual or frequent sound, cry, howling, barking, squawking, meowing or other noise, *shall* disturb the quiet, comfort or repose of any *person* .
- (p) The operation on public *property* or on public vehicular areas of any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located is prohibited and is a violation of this section.

The provisions of this section *shall* apply neither in the secondary fire district as described in §5-2034 of this Code nor on publicly owned sanitary landfill property.

(Ord. No. 1977-580, §3, 7-5-77; Ord. No. 1980-508, §13, 10-21-80; Ord. No. 1999-538, §1, 4-6-99; Ord. No. 2005-785, §2, 3-1-05; Ord. No. 2014-343, §16, 9-16-14, eff. 9-21-14.)

Sec. 12-5008. - SOUND MAGNIFICATION.

Except for parades, events operated in accordance with a permit issued under the *City Council*'s Special Event Policy, and other related activities, it *shall* be unlawful for any *person* to use or operate on or over any *street* within the *City* any radio, phonograph or other similar mechanical device to produce sound or any mechanical loudspeaker or other *sound-magnifying device* at a level of volume greater than fifty-five (55) *dB(A)*. Any such operation *shall* be unlawful unless such loudspeaker or other mechanical *sound-magnifying device shall* be equipped with a meter by which the power output can be registered and determined, so that the volume *shall* be limited in accordance with the restrictions hereinbefore specified; and it *shall* be unlawful to operate any such equipment or device without a license from the *City* as provided by this Code. No such equipment or device *shall* be used or operated on the *streets* of the *City* during the period between sunset and 9:00 a.m. Further, no such equipment or device *shall* be operated to produce magnified sounds along that portion of any *street* within the block where there is located any school, institution of learning, or court, while the same are in session, or where any hospital, funeral home, undertaking establishment is located, or where a funeral is being conducted at any place. Further, no such equipment or device *shall* be operated on the *streets* of this *City* on Sunday.

(Ord. No. 1977-580, §3, 7-5-77; Ord. No. 1978-773, §3, 4-18-78; Ord. No. 2014-343, §17, 9-16-14, eff. 9-21-14)

Cross reference: Sound amplification or musical instruments, 9-7026.