

DIVISION 2. - NOISE

Sec. 50-121. - General prohibition.

Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort, or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and, as such, is liable to be abated, is hereby prohibited, and the person guilty of causing, permitting, or suffering them or any of them upon any premises or upon any building occupied or controlled by him or her or in any street, alley, sidewalk, or gutter immediately adjacent to such premises shall, upon conviction, be fined as provided in section 1-14. Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and, as such, is liable to be abated, is hereby prohibited, and the person guilty of causing, permitting, or suffering same upon any premises or in or on any building occupied or controlled by him or her or in any street, alley, sidewalk, or gutter immediately adjacent to such premises shall, upon conviction, be fined as provided in section 1-14.

(Code 1975, § 17-20; Code 1988, § 11-46)

Sec. 50-122. - Enumeration.

The following acts, among others, are declared to be noise nuisances in violation of this division, but such enumeration shall not be deemed to be exclusive:

- (1) *Musical instruments.* The playing of any radio, record player, or other musical instrument in such manner or with such volume as to disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of abode.
- (2) *Loudspeakers and amplifiers.*
 - a. The use of any stationary loudspeaker or amplifier in such manner or with such volume that it disturbs persons of ordinary sensibilities in the immediate vicinity thereof; or
 - b. The operation of such loudspeaker or amplifier at any time on Sunday; provided, however, upon application by the user of such devices, the city council or his or her designee may make special exemption or exception to this clause for such time or times as the council, city manager or his or her designee feels will serve the public welfare, as provided in this article.
- (3) *Animals and birds.* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
- (4) *Horns or other signal devices on vehicles.* The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonable loud or harsh sound for any unnecessary and unreasonable period of time.
- (5) *Whistle.* 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 a warning of danger or the blowing of any other loud or far-reaching steam whistle within the city.
- (6) *Operation of vehicles.* The running of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud, grating, grinding, jarring, or rattling noise or vibrations.
- (7) *Exhaust without mufflers.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8)

Devices operated by compressed air. The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

- (9) *Construction work.* The erection, including excavation, demolition, alteration, or repair work on any building other than between the hours 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the city manager or his or her designee, which permit may be renewed during the time the emergency exists.
- (10) *New schools, churches, and hospitals.*
- a. The creation of any excessive noise on any street adjacent to any church, school, or institution of learning while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions;
 - b. Provided, conspicuous signs or other evidence are displayed in such manner as to indicate that such is a church, school, or hospital street, or that such institutions are churches, schools, or hospitals.
- (11) *Loading and unloading vehicles.* The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (12) *Shouting of peddlers.* The raucous shouting and crying of peddlers, hawkers, and vendors, which disturbs the peace and quiet of the neighborhood.
- (13) *Use of drums, etc., to attract attention.* The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noises, such as speaking, music or hallooing, to any performance, show, theater, moving picture house, sale of merchandise, or display, which causes crowds of people to block or congregate upon the sidewalks and/or streets near or adjacent thereto.
- (14) *Sounding of sirens, etc., on vehicles.* The sounding of any siren, horn, or other signal device on any automobile, ambulance, truck, motorcycle, bus, or other vehicle in the city, except as a danger or warning signal to persons or animals using the streets, sidewalks, and public thoroughfares, shall constitute a violation of this section.

(Code 1975, § 17-21; Code 1988, § 11-47; Ord. No. 1109, §§ 2, 3, 3-24-1998)

Sec. 50-123. - Sound amplifying equipment—Defined.

The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music, or any other sound. The words "sound amplifying equipment," as used herein, shall not be construed as including standard automobile radios when used by the occupant of the vehicle in which installed or radios in homes or radios being used by radio dealers when being demonstrated for sale, or warning devices on ambulances, police cars, and motorcycles, or firefighting equipment, or horns or other warning devices used only for traffic safety purposes, nor shall the term include the use of sound amplifying equipment at the site of and for the purpose of announcing sporting events.

(Code 1975, § 17-22; Code 1988, § 11-48)

Sec. 50-124. - Same—Use for commercial advertising prohibited.

The use of sound amplifying equipment for commercial advertising purposes is hereby prohibited within the city.

(Code 1975, § 17-24; Code 1988, § 11-49; Ord. No. 1109, §§ 4, 5, 3-24-1998)

Secs. 50-125—50-146. - Reserved.