

Sec. 130.18. - Unlawful noise.

- (A) *Certain noises prohibited.* It shall be unlawful for any person to make, cause to be made, or allow any loud, disturbing or unnecessary noise in the city which is offensive to the ordinary sensibilities of any individual in the city, which noise renders the enjoyment of life or property uncomfortable, or interferes with the public peace and comfort. The following acts are declared to create loud, disturbing and unnecessary noises in violation of this section:
- (1) Operating or permitting to be operated any radio receiver set, musical instrument, television, phonograph, stereo, drum machine or other such device in a manner that unreasonably disturbs or interferes with the peace, comfort and repose of people of ordinary sensibilities in the vicinity.
 - (2) Operating or permitting to be operated any loudspeaker or sound-amplifying equipment in a fixed or movable position mounted on any vehicle in or upon any street, alley, sidewalk, park, place or public property, or in any building or any premises in the city, whereby the sound therefrom is cast directly upon a public street or which is so placed or operated that the sounds therefrom can be heard to the annoyance of travelers on any streets or public places, or of persons in the neighboring premises.
 - (3) Operating of model aircraft, boats, vehicles or other such devices powered by internal combustion or other loud engines, whether tethered or not, within 1,000 feet of a residential area between the hours of 10:00 p.m. and 7:00 a.m. the following day.
 - (4) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicles except as a danger signal, and as may be required by law if another vehicle is backing, starting or turning such a way as to likely cause a collision.
 - (5) The use of any motor vehicles so out of repair or so loaded, which emits or creates loud or unnecessary grating, grinding or rasping noises.
 - (6) The discharge into the open air of the exhaust of any motor vehicle except through a muffler, or other device, which will effectively and efficiently prevent loud and unusual noises.
 - (7) The unnecessary continuous acceleration or racing of a motor vehicle or motor vehicle engine, creating a loud noise adjacent to or in a single- or multi-family residential area.
 - (8) The operation of construction equipment or machinery within 1,000 feet of any residence any time except during the hours between 6:00 a.m. and 8:00 p.m. on weekdays and 8:00 a.m. to 7:00 p.m. on Saturdays.
 - (9) The operation of construction equipment or machinery within 1,000 feet of any residence on Sundays and the following holidays, regardless of the day of week:
 - a. New Year's Day,
 - b. Memorial Day,
 - c. Independence Day,
 - d. Labor Day,
 - e. Thanksgiving Day and the following Friday,
 - f. Christmas Day.
- (B) *Affirmative defenses.* It is an affirmative defense to prosecution under this section that:
- (1) Amplifiers are used on vehicles operated by ice cream and snow cone vendors to produce jingles or music to attract children as patrons. However, such amplified jingles or music shall not be produced by such vendors in a loud manner offensive to the ordinary sensibilities of inhabitants of the city or in such a manner so as to interfere with public peace and comfort. Nor shall such amplified jingles or music be produced between sunset and 8:00 a.m. on the following morning.
 - (2)

Noise is caused in the performance of emergency or public service, including police, fire and public utility operations, acting in the performance of lawful duties to protect the health, safety or welfare of the community.

- (3) Noise occurs between the hours of 8:00 a.m. to 11:00 p.m. and is caused by the use of amplification equipment or sounds created at official municipal functions, parades approved by the city, events occurring at the Carrollton Amphitheater as a municipal function, or the use of amplification equipment in conjunction with functions or events for which a special event permit has been issued under city ordinance Chapter 117.

(C) *Culpable mental state not required.* Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this subsection (A) of this section.

(Ord. 2195, passed 8-6-96; Am. Ord. 2289, passed 11-18-97; Am. Ord. 3201, passed 1-15-2008)

Cross reference— Penalty, 10.99.