

ARTICLE III. - NOISE<sup>[8]</sup>

Footnotes:

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**Cross reference**— Barking, annoying dogs prohibited, § 5-56.

## DIVISION 1. - GENERALLY

## Sec. 16-256. - Loud noises prohibited.

- (a) It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. This subsection shall not apply to sounds from any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound. This subsection shall not apply to shouting, singing, whistling or verbal utterances.
- (b) The acts described in this division, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

(Code 1964, § 7.265; Ord. No. 20630, § 1, 5-17-10)

## Sec. 16-257. - Horns and signaling devices.

The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creating by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up, is hereby declared unlawful.

(Code 1964, § 7.270)

**Cross reference**— Motor vehicles and traffic, Ch. 14.

## Sec. 16-258. - Radios, phonographs, etc. outside the downtown area.

- (a) It shall be unlawful to play or permit to be played any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound in a manner that disturbs the peace, quiet or comfort of the neighboring inhabitants.
- (b) Playing or permitting to be played any device described in subsection (a) between 11:00 p.m. and 7:00 a.m. so that it is plainly audible at a distance of fifty (50) feet from the building, structure or outdoor area in which the device is located shall be prima facie evidence of a violation of this section.
- (c) Playing or permitting to be played any device described in subsection (a) between 7:00 a.m. and 11:00 p.m. so that it is plainly audible at a distance of one hundred (100) feet from the building, structure or outdoor area in which the device is located shall be prima facie evidence of a violation of this section.
- (d) Except as allowed in division 2 of this article, it shall be unlawful for the operator of any vehicle to play or permit to be played any sound producing or sound amplifying device in or on the vehicle so that it is plainly audible at a distance of fifty (50) feet from the vehicle.
- (e) This section shall not apply to the downtown area as defined in section 16-258.1.

(Code 1964, § 7.275; Ord. No. 12912 § 1, 3-18-91; Ord. No. 16182, § 1, 9-20-99; Ord. No. 20630, § 1, 5-17-10)

## Sec. 16-258.1. - Radios, phonographs, etc. in the downtown area.

- (a) As used in this section, "Downtown area" means the area included within the following boundaries:

Beginning at the intersection of Providence Road and Ash Street; thence east along the centerline of Ash Street to the centerline of Tenth Street; thence north along the centerline of Tenth Street to the centerline of Park Avenue; thence east along the centerline of Park Avenue to the southwest corner of Lot 3 of Harbison's Addition and COLT Railroad Administrative Plat; thence clockwise around the boundary of Lot 3 of Harbison's Addition and COLT Railroad Administrative Plat to a point opposite the centerline of Orr Street; thence south along the centerline of Orr Street to the centerline of Ash Street; thence east along the centerline of Ash Street to the centerline of College Avenue; thence south along the centerline of College Avenue to the centerline of Locust Street; thence west along the centerline of Locust Street to the centerline of Hitt Street; thence south along the centerline of Hitt Street to the centerline of Elm Street; thence west along the centerline of Elm Street to the centerline of Watson Place; thence south along the centerline of Watson Place to an east-west alley; thence west along the centerline of the alley to the centerline of Ninth Street; thence north along the centerline of Ninth Street to the centerline of Elm Street; thence west along the centerline of Elm Street to the centerline of Providence Road; thence north along the centerline of Providence Road to the point of beginning.

- (b) It shall be unlawful to play or permit to be played, in the downtown area, any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound in a manner that either:
- (1) Unreasonably disturbs the peace, quiet or comfort of any person in or outside the downtown area, or
  - (2) Is plainly audible at the following distances from the building, structure or outdoor area where the device is located at the following times:
    - 300 feet Sunday through Wednesday from 7:00 a.m. to 10:00 p.m.
    - 150 feet Sunday through Wednesday from 10:00 p.m. to 1:30 a.m.
    - 300 feet Thursday through Saturday from 7:00 a.m. to 11:00 p.m.
    - 150 feet Thursday through Saturday from 11:00 p.m. to 1:30 a.m.
    - 50 feet every day from 1:30 a.m. to 7:00 a.m.
- (c) Sounds escaping from the opening of exterior doors for entry and exit shall not constitute a violation of this section. This subsection shall not apply to sounds escaping from a door that has been propped open.
- (d) Subsection (b) shall not apply to any sounds generated in connection with an event or activity for which the city council has authorized a street closure.
- (e) Subsection (b) shall not apply to any sounds generated in compliance with a noise permit issued by the city manager. The city manager is authorized to issue noise permits for special occasions such as University of Missouri home football games and outdoor festivals.
- (f) Except as allowed in division 2 of this article, it shall be unlawful for the operator of any vehicle to play or permit to be played any sound producing or sound amplifying device in or on the vehicle so that it is plainly audible at a distance of fifty (50) feet from the vehicle from 7:00 a.m. to 10:00 p.m. and five (5) feet from the vehicle from 10:00 p.m. to 7:00 a.m.
- (g) It shall be unlawful to play or permit to be played, outdoors in the downtown area, any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound, before 7:00 a.m. on any day or after 10:00 p.m. Sunday through Wednesday or after 11:00 p.m. Thursday through Saturday.

(Ord. No. 20630, § 1, 5-17-10)

Sec. 16-259. - Shouting, etc.

- (a) It shall be unlawful to shout, sing, whistle or make any verbal utterance or noise at a volume that disturbs the peace, quiet or comfort of the neighboring inhabitants.

- (b) Shouting, singing, whistling or making other verbal utterances or noises between 11:00 p.m. and 7:00 a.m. that is plainly audible at a distance of fifty (50) feet from the building, structure or outdoor area in which the person is located shall be prima facie evidence of a violation of this section.

(Code 1964, § 7.280; Ord. No. 18941, § 1, 3-6-06)

Sec. 16-260. - Animals and birds.

The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity is hereby declared unlawful.

(Code 1964, § 7.285)

**Cross reference**— Animals and fowl, Ch. 5.

Sec. 16-261. - Blowing whistles.

The blowing of any locomotive whistle or whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city authorities, is hereby declared unlawful.

(Code 1964, § 7.290)

Sec. 16-262. - Mufflers required.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is hereby declared unlawful.

(Code 1964, § 7.295)

**Cross reference**— Motor vehicles and traffic, Ch. 14.

Sec. 16-263. - Motors out of repair; loads.

The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise, is hereby declared unlawful.

(Code 1964, § 7.300)

Sec. 16-264. - Loading and unloading.

The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is hereby declared unlawful.

(Code 1964, § 7.305)

Sec. 16-265. - Construction, repair and demolition of buildings, streets and utilities.

- (a) *Buildings*. It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by demolishing, constructing, altering or repairing any building or structure other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 5:00 p.m. on Saturdays.
- (b) *Streets*. It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by excavating, grading, paving, constructing, altering or repairing any public or private street, drive or parking lot other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 5:00 p.m. on Saturdays. Nothing in this article shall prevent work on any public street, including utility installation, removal or repair, when the director of public works has determined that the work is necessary in order to minimize traffic disruption.

(c)

*Utilities.* It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by installing, removing or repairing any utility other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 5:00 p.m. on Saturdays. Nothing in this article shall prevent work on any utility in order to maintain or restore utility service.

- (d) *Site preparation.* It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by operating any earthmoving, excavating, paving or tree cutting equipment other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 5:00 p.m. on Saturdays.
- (e) *Permits.* Upon application, the director of public works may grant a permit to any person extending the hours of work set forth in subparagraphs (a) through (d) for an identified project. The permit shall state the nature, location and extended hours of the work to be done. The permit may be granted for a period of time not to exceed three (3) days and may be renewed for periods not to exceed three (3) days on an emergency basis only as determined by the director of public works. A permit authorized by this subsection shall be granted only if the director of public works first determines that the public health and safety will not be impaired by the permitted work and that significant loss or inconvenience would result to any party if the permit were not granted.

(Ord. No. 12622, § 1, 6-4-90; Ord. No. 13202, § 1, 12-16-91)

**Editor's note—** Section 1 of Ord. No. 12622, adopted June 4, 1990, repealed former § 16-265 and enacted new provisions in lieu thereof to read as herein set out. The repealed provisions pertained to erection, repair and demolition of buildings and derived from Code 1964, § 7.310.

**Cross reference—** Buildings and building regulations, Ch. 6.

Sec. 16-266. - In vicinity of schools, hospitals, churches, etc.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same is in use; or, adjacent to any hospital; which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street, is hereby declared unlawful.

(Code 1964, § 7.315)

Sec. 16-267. - Hawkers and peddlers.

The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood is hereby declared unlawful.

(Code 1964, § 7.320)

**Cross reference—** Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 16-268. - Noise at sales.

The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale, is hereby declared unlawful.

(Code 1964, § 7.325)

Sec. 16-269. - Transportation of iron, steel, etc.

The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places, is hereby declared unlawful.

(Code 1964, § 7.330)

Sec. 16-270. - Motorbuses.

The causing, permitting or continuing of any excessive, unnecessary and avoidable noise in the operation of a motorbus or coach is hereby declared unlawful.

(Code 1964, § 7.335)

Sec. 16-271. - Pile drivers, derricks, etc.

The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, is hereby declared unlawful.

(Code 1964, § 7.340)

Sec. 16-271.1. - Quarries, blasting, etc.

(a) The operation between the hours of 10:00 p.m. and 7:00 a.m. of any equipment which is used in the mining or quarrying of any rock, mineral or ore, or any equipment to prepare, finish, or wash any rock, mineral, or ore is hereby declared to be a public nuisance and is unlawful.

(b) Blasting in conjunction with any quarrying or mining operation between the hours of 5:00 p.m. and 8:00 a.m. is hereby declared to be a public nuisance and is unlawful.

(c) Violation of this section shall be punished as a Class C misdemeanor.

(Ord. No. 10690, § 1(7.343), 9-3-85)

**Editor's note—** Section 1 of Ord. No. 10690, adopted Sept. 3, 1985, amended the Code 1964 by the addition of § 7.343, which at the discretion of the editor has been included herein as § 16-271.1.

Sec. 16-272. - Blowers, power fans, etc.

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise, is hereby declared unlawful.

(Code 1964, § 7.345)

Sec. 16-273. - Engine brakes.

(a) It shall be unlawful for any person operating a motor vehicle to use an engine brake.

(b) An "engine brake" is a device that retards the forward motion of a motor vehicle by the use of the compression of the engine of the motor vehicle.

(c) This section shall not apply to public safety vehicles.

(Ord. No. 19721, § 1, 11-5-07)

Sec. 16-274. - Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine of not less than seventy-five dollars (\$75.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment for not exceeding three (3) months, or by both such fine and imprisonment.

(Code 1964, § 7.350; Ord. No. 12912 § 1, 3-18-91; Ord. No. 17052, § 1, 10-1-01)

Sec. 16-275. - University of Missouri homecoming.<sup>[9]</sup>

The provisions of Division 1 of this article shall not apply to any construction noise emanating from the area bounded by Providence Road, Kentucky Boulevard, Maryland Avenue and Turner Avenue between the hours of 9:00 a.m. and 12:00 midnight on the Wednesday, Thursday or Friday before the annual University of Missouri homecoming weekend.

(Ord. No. 13486, §§ 1-2, 10-19-92)

*Footnotes:*

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**Editor's note**—Ord. No. 13486 § 1, adopted October 19, 1992, repealed former § 16-275, relative to the Boone County Fair and enacted in lieu thereof a new § 16-275 to read as herein set out. The provisions of former § 16-275 derived from Ord. No. 13044 § 1, enacted on July 15, 1991.

Sec. 16-276. - School marching bands,

The provisions of division 1 of this article shall not apply to any junior or senior high school marching band practicing on school grounds between the hours of 6:30 a.m. and 8:30 p.m. during the academic school year.

(Ord. No. 14975, § 1, 9-3-96; Ord. No. 20495, § 1, 12-7-09)

Sec. 16-277—16-280. - Reserved.

DIVISION 2. - SOUND-AMPLIFYING EQUIPMENT AND TRUCKS<sup>[10]</sup>

*Footnotes:*

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**Cross reference**— Motor vehicles and traffic, Ch. 14.

Sec. 16-281. - Definitions.

As used in this division, the following terms shall have the meaning indicated in this section:

*Sound amplifying equipment:* Any machine or device for the amplification of the human voice, music or any other sound amplifying equipment, including a megaphone, amplifier, "walkie-talkie, " amplifiers on fronts of business buildings or other sound device. "Sound amplifying equipment, " shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic purposes.

*Sound truck or other conveyances:* Any vehicle, whether motorized or not, and any airplane, balloon, dirigible or any other type of aircraft, having mounted therein, thereon or attached thereto, any sound amplifying equipment.

(Code 1964, § 7.355)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 16-282. - Commercial advertising prohibited.

No person shall operate, or cause to be operated, any sound amplifying equipment or sound truck or other conveyance for commercial sound advertising purposes on any street or on any public or private alley in the city or in the air over the city, with sound amplifying equipment in operation; and no person shall operate, or cause to be operated, any sound amplifying equipment on any public square, public street or public playground for commercial advertising purposes in the city.

(Code 1964, § 7.360)

**Cross reference**— License, permits and miscellaneous business regulations, Ch. 13.

Sec. 16-283. - Reserved.

**Editor's note**— Ord. No. 22038, § 1, adopted April 21, 2014, repealed § 16-283, which pertained to noncommercial use—registration statement required and derived from § 7.365 of the 1964 Code.

Sec. 16-284. - Noncommercial use—Form and contents of registration statement.

The registration statement required by section 16-283 shall be in writing, shall be filed in duplicate and shall state the following information:

- (a) Name and home address of the applicant.
- (b) Address and place of business of applicant.
- (c) Type, license number and motor number of the sound truck or other conveyance to be used by applicant.
- (d) Name and address of person who owns the sound truck or sound amplifying equipment.
- (e) Name and address of person having direct charge of the sound truck and sound amplifying equipment.
- (f) Name and address of all persons who will use or operate the sound truck or sound amplifying equipment.
- (g) The purpose for which the sound truck or sound amplifying equipment will be used.
- (h) A general statement as to the section of the city, in or over which the sound truck or other conveyance will be used or the public parks or public playgrounds at which the sound amplifying equipment will be used.
- (i) The proposed hours of operation of the sound truck or sound amplifying equipment.
- (j) The number of days of proposed operation of the sound truck or sound amplifying equipment.
- (k) A general description of the sound amplifying equipment which is to be used.
- (l) The maximum sound-producing power of the sound amplifying equipment, or otherwise, stating the following:
  - (1) The wattage to be used.
  - (2) The volume in decibels of the sound which will be produced.
  - (3) The approximate maximum distance for which sound will be thrown from the sound truck or sound amplifying equipment.

(Code 1964, § 7.370)

Sec. 16-285. - Same—Amendments to registration statement.

All persons using, or causing to be used, sound trucks or sound amplifying equipment for noncommercial purposes shall amend any registration statement filed pursuant to section 16-283 of this chapter within forty-eight (48) hours after any change in the information furnished in such statement.

(Code 1964, § 7.375)

Sec. 16-286. - Signed copy of registration statement; identification.

The chief of police or other authorized member of the police department shall return to each applicant under section 16-283 of this chapter one copy of such registration statement duly signed by the chief of police or other authorized member of the police department and such copy shall be in the possession of any person operating the sound truck or sound amplifying equipment at all times while the sound equipment is in operation. Such copy shall be promptly displayed and shown to any police officer of the city upon request.

(Code 1964, § 7.380)

Sec. 16-287. - Regulations for use—On streets.

The noncommercial use of sound amplifying equipment or sound trucks on any of the permitted streets in the city, with sound amplifying equipment in operation, shall be subject to the following regulations:

- (1) The only sounds permitted shall be music or human speech.
- (2) Operations shall be permitted between the hours of 9:30 a.m. and 11:00 p.m. each day.

- (3) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least five (5) miles per hour, except when such truck is stopped or impeded by traffic. Where stopped by traffic, the sound amplifying equipment shall not be operated for longer than one minute at each stop.
- (4) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches.
- (5) No sound truck with its amplifying device in operation shall be operated on any street or on any public or private alley within the fire limits of the city.
- (6) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
- (7) The volume of sound shall be controlled so that it will not be audible for a distance in excess of two hundred (200) feet from the sound truck, and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility; provided, however, that, the limitation of audibility to a distance not in excess of two hundred (200) feet shall not apply to sound issued from aircraft.
- (8) No sound amplifying equipment shall be operated having in excess of fifteen (15) watts of power in the last stage of amplification.

(Code 1964, § 7.385)

Sec. 16-288. - Same—In public parks and playgrounds.

The regulations provided in section 16-287 of this chapter insofar as applicable, shall apply to any noncommercial use of any sound amplifying equipment in any public park or public playground within the corporate limits of the city; provided, however, that operations shall be authorized on all days including Sundays and legal holidays; except that no such sound amplifying equipment shall be used on any public playground in connection with any public school building on days on which such public building is being used for school purposes; and provided, further, that, the volume of sound from such sound amplification equipment when used on public parks and public playgrounds shall be controlled so that it will not be audible for a distance in excess of three hundred (300) feet from the sound amplifying equipment.

(Code 1964, § 7.390)

Secs. 16-289—16-300. - Reserved.