

## CHAPTER 94. - NOISE POLLUTION

## Sec. 94.01. - Definitions.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively:

*Aircraft.* Any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

*Sound amplifying equipment.* Any machine or device for the amplification of the human voice, music or any other sound. It 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 safety purposes.

*Sound truck.* Any vehicle having mounted thereon, or attached thereto, any sound amplifying equipment.

(Ord. 16966, passed 8-2-50; Am. Ord. 16974, passed 8-23-50)

## Sec. 94.02. - Sound trucks and sound amplifying equipment prohibited; exceptions.

No person shall use or cause to be used a sound truck with sound amplifying equipment in operation within the city. However, in the event of a public disaster, act of God, or other emergency, any public utility company may disseminate information to the public by sound amplifying equipment.

(Ord. 16974, passed 8-23-50; Am. Ord. 22186, passed 8-3-66)

**Cross reference—** Penalty, see § 94.99.

## Sec. 94.03. - Sound amplification from aircraft prohibited.

No person shall operate, or cause to be operated any aircraft for any purpose in or over the city with sound amplifying equipment in operation.

(Ord. 16966, passed 8-2-50)

**Cross reference—** Penalty, see § 94.99.

## Sec. 94.04. - Unnecessary noise prohibited.

No person shall 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.

(Ord. 16964, passed 8-2-50)

**Cross reference—** Penalty, see § 94.99.

## Sec. 94.05. - Unnecessary noises enumerated.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this chapter:

- (A) *Horns; signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle, trolley coach, or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and 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 when traffic is for any reason held up.

- (B) *Radios; phonographs.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 25 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (C) *Loudspeakers, amplifiers for advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (D) *Yelling; shouting.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- (E) *Animals; birds.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.
- (F) *Steam whistles.* The blowing of any locomotive steam whistle or steam 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.
- (G) *Exhausts.* 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.
- (H) *Defect in vehicle or load.* 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.
- (I) *Loading; unloading; opening boxes.* 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.
- (J) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (K) *Schools; courts; churches; hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings 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.

- (L) *Hawkers; peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (M) *Drums.* 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.
- (N) *Metal rails, pillars, and columns, transportation thereof.* 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 or loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (O) *Pile drivers; hammers.* 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.
- (P) *Blowers.* The operating 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.

(Ord. 16964, passed 8-2-50; Am. Ord. 28925-94, passed 10-26-94)

Sec. 94.06. - Disturbance in zones of quiet.

No person shall cause, or permit to be made, any unnecessary noise, or the playing of itinerant musicians upon the public streets, avenues, or alleys within any zone of quiet that disturbs or that may tend to disturb the peace and quiet of the patients of any hospital or the pupils of any public or parochial school.

(Ord. 9840, passed 3-17-15)

**Cross reference—** Penalty, see § 94.99.

Sec. 94.07. - Vehicles carrying noisy loads.

No person shall drive a vehicle loaded with iron or other material likely to produce a great annoying sound, without using proper deadening substances.

(Ord. 12883, passed 6-23-26)

**Cross reference—** Penalty, see § 94.99.

Sec. 94.08. - Muffler on gas engine required.

No person shall operate any gas engine or any other engine operated by internal combustion without a muffling device, or in such a manner as to produce an annoying noise in the neighborhood of said gas engine.

(Ord. 12621, passed 10-28-25)

**Cross reference—** Penalty, see § 94.99.

Sec. 94.09. - Sound amplifying equipment regulated.

- (A) For the purpose of this section "sound amplifying equipment" shall have the same meaning as in § 94.01, and shall also include radios, television receivers, phonographs, tape players, and other electronic equipment played at a volume sufficiently loud to be heard at a distance of 100 feet.
- (B) No person shall use, or cause to be used, sound amplifying equipment within any of the city's parks without the written consent of the Superintendent of Park Maintenance, unless in conjunction with an activity officially sponsored by the Division of Recreation.

(Ord. 25274, passed 4-6-77)

Sec. 94.10. - Motor vehicle noise control regulations.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning. All definitions and terminology used in this section, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

*A-weighted sound level.* The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

*Decibel (db).* A unit of sound pressure measurement as defined by the American National Standards Institute Bulletin.

*dB(A).* This refers to a weighted scale for measuring decibels as defined in the American National Standards Institute Bulletin.

*Noise level.* This shall refer to the A-weighted sound level produced by a motor vehicle.

*Motor vehicles.* Any automobile, van, motorcycle, motor-driven cycle, motor scooter, dune buggy, snowmobile, all terrain vehicles, go-carts, minibikes, trail bikes, and trucks with gross vehicular weight of less than 8,000 pounds.

*Modified exhaust systems.* An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise or the original noise abatement devices have either been removed or replaced by noise abatement devices which are not as effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

*Sound level meter.* This means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American Standard Association Readings and shall be made on a dB(A) scale.

*Traffic noise.* This means sound made by a motor vehicle operated either on the public right-of-way or private property.

- (B) No person shall cause noise levels from the operation of motor vehicles in excess of 80 dB(A) in any area within the city at any time. Such noise level limit of 80 dB(A) shall be based on a distance of not less than 15 feet from the noise source.
- (C) No person shall operate a motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of an unnecessary rapid acceleration, deceleration, revving, or tire squealing.
- (D) In any criminal prosecution for a violation of this section the court may admit evidence of a noise level as tested by any sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for Type II equipment.
- (E) Any emission of noise from any motor vehicle source in excess of the limitations established by this section shall be deemed and is declared to be a public nuisance.

(Ord. 26237, passed 5-13-81)

**Cross reference—** Penalty, see § 94.99.

Sec. 94.11. - Stationary noise control regulations.

(A) *Definitions.*

- (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (2) All definitions and terminology used in this section, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

*A-weighted sound level.* The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

*Decibel (dB).* A unit of sound pressure measurement as defined by the American National Standards Institute Bulletin.

*dB(A).* This refers to a weighted scale for measuring decibels as defined in the American National Standards Institute Bulletin.

*Noise level.* This refers to the A-weighted sound level produced by a stationary source.

*Person.* Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality thereof.

*Property line.* The line which represents the legal boundary of property (including an apartment, condominium, room, or other dwelling unit) owned, leased, or otherwise occupied by a person. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest public right-of-way line.

*Sound level meter.* An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American Standard Association Readings and shall be made on a dB(A) scale.

*Stationary noise.* Sound made by any machine or device for the amplification of the human voice or music, or any other sound originating from a fixed location.

- (B) *Prohibitions.* No person shall cause or permit noise levels from the operation of a stationary noise device or from any other source in excess of 55 dB(A) in any areas or districts of the city that are zoned residential, office-residential, and university in the zoning code between the hours of 10:00 p.m. and 7:00 a.m. or in excess of 61 dB(A) in any such areas or districts between the hours of 7:00 a.m. and 10:00 p.m. All noise measurements shall be made on the property line where the noise originates.
- (C) In any criminal prosecution for a violation of this section the court may admit evidence of a noise level as tested by any sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for Type II equipment.
- (D) Any emission of noise from any stationary noise device in excess of the limitations established by this section shall be deemed and is declared to be a public nuisance.

(Ord. 26607, passed 9-8-82)

**Cross reference—** Penalty, see § 94.99.

Sec. 94.12. - Sound amplification systems in motor vehicles.

- (A) No person shall operate a motor vehicle on a street or highway if the sound from any sound amplifying equipment located inside of, outside of but attached to, or held by a person inside, the motor vehicle, is discernible at a distance of 25 feet or more from the vehicle.
- (B) This section does not apply to any of the following circumstances:

- (1) The sound amplifying equipment of the motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle operating, or traffic safety condition.
- (2) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.
- (3) The motor vehicle is owned and operated by the state, a political subdivision, or a public utility.
- (4) The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits.
- (5) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal or state law.
- (6) Vendors of ice cream and related products in accordance with § 112.05(B)(6) between the hours of 9:00 a.m. and 8:00 p.m.

(Ord. 28926-94, passed 10-26-94)

Secs. 94.13—94.98. - Reserved.

Sec. 94.99. - Penalty.

- (A) Any person who violates § 94.05(B) or § 94.12 shall be guilty of a minor misdemeanor; for a second offense committed within one year after the commission of the first offense, the person shall be guilty of a fourth degree misdemeanor; for a third and/or subsequent offenses committed within one year after the commission of the first offense, the person shall be guilty of a third degree misdemeanor.
- (B) Any person who violates any other provision of this chapter, other than those cited in subsection (A) above, shall be guilty of a fourth degree misdemeanor.

(Ord. 28926-94, passed 10-26-94)