



# Noise and Odors Ordinance

## Sec. 17-20. - Noise .

(a)

*Declaration of intent.* It is hereby declared to be the policy of the city to minimize the exposure of citizens to the potential physiological and psychological harm of excessive **noise** and to protect, promote, and preserve the public health, comfort, convenience, safety, and welfare. It is the express intent of the city council to control the level of **noise** in a manner that promotes commerce; protects the sleep and repose of citizens; promotes the use, value, and enjoyment of property; and preserves the quality of the environment.

(b)

*Sound measurement criteria.* For purposes of this chapter, sound measurements will be made using the A-weighting scale on an approved sound-level meter, based on the reference sound pressure (0 dba). Measurement times will be no less than two (2) minutes in length, and violations will be determined based on the highest registered reading in that measurement period. All measurement levels will be inclusive of any ambient **noise** that exists at the time of the measurement.

(c)

*General **noise** violations.*

(1)

It shall be unlawful for a person to make or cause any unreasonably loud or disturbing **noise**, which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof.

(2)

It shall be unlawful for any person to make or cause any **noise** of such character, intensity and continued duration as to substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

(3)

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

a.

The playing of any phonograph, television, radio, or any musical instrument in such manner or with such volume, so as to be clearly audible to a person in a residence the person playing the instrument does not have the right to occupy; and

1.

During the daytime, measure more than sixty-five (65) dba on the A-weighting scale on an approved sound-level meter at more than fifty (50) feet from the source; or

2.

During the nighttime, measure more than sixty-five (65) dba on the A-weighting scale on an approved sound-level meter at more than fifty (50) feet from the source; or

3.

During the daytime, in a multi-family dwelling, measure more than fifty (50) dba on the A-weighting scale on an approved sound-level meter in any adjacent unit; or

4.

During the nighttime, in a multi-family dwelling, be clearly audible within any unit that is not the source of the sound.

b.

The use of any stationary loudspeaker, amplifier, musical instrument, or sound amplifying equipment in such a manner or with such volume so as to be clearly audible to a person in a residence the person using the instrument does not have the right to occupy; and

1.

During the daytime, be of such intensity and volume so as to measure more than sixty-five (65) dba on the A-weighting scale on a sound-level measuring device at more than fifty (50) feet from the source; or

2.

During the nighttime, be of such intensity and volume so as to measure more than sixty-five (65) dba on the A-weighting scale on a sound-level measuring device at more than fifty (50) feet from the source; or

3.

During the daytime, in a multi-family dwelling, measure more than fifty (50) dba on the A-weighting scale on an approved sound-level meter in any adjacent unit; or

4.

During the nighttime, in a multi-family dwelling, be clearly audible within any unit that is not the source of the sound; or

5.

At any time on Sunday.

Provided, however, that the city council may make exceptions upon application for sound levels or hours of operation when the public interest will be served thereby.

c.

The creation of vibration or bass reverberations at any time that is perceptible inside a complaining person's residence, through the sense of touch, or through visual observation of moving objects, or through the sense of hearing.

d.

The use of any radio, stereo, amplifier, sound amplifying equipment, or other musical device installed or contained in a motor vehicle at a volume such that it is clearly audible to any person from more than thirty-five (35) feet from the vehicle.

e.

The blowing of any steam whistle attached to any stationary boiler or the blowing of any other loud or far-reaching steam whistle within the city limits, except to give notice of the time to begin or stop work or as a warning of danger;

f.

The erection, excavation, demolition, alteration, or repair work on any building at anytime other than between the hours of 6:00 a.m. and 8:30 p.m. Monday through Friday from June 1 to September 30; between 7:00 a.m. and 8:30 p.m. Monday through Friday from October 1 to May 31; between 8:00 a.m. and 8:30 p.m. on Saturday; and between 1:00 p.m. and 8:30 p.m. on Sunday; provided, however, that the city council may issue special permits for such work at other hours in case of urgent necessity and in the interest of public safety and convenience;

g.

The creation of any loud and excessive **noise** in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers;

h.

The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by the creation of **noises** to any performance, show, theater, motion picture house, sale of merchandise, or display which causes crowds or people to block or congregate upon the sidewalks or streets near or adjacent thereto.

(d)

*Outdoor music festivals.* At any outdoor music festival, it shall be unlawful for any person or group sponsoring the event to make, cause, allow, or permit any **noise** that:

(1)

Exceeds seventy (70) dba on an approved sound-level meter when measured at the established perimeter of the event.

(2)

Provided, the city council may make exceptions upon application for sound levels or hours of operation when the public interest will be served thereby.

(e)

Prosecution for an offense under this section does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

### **Sec. 17-21. - Odors.**

(a)

It shall be unlawful for any person to create or cause any unreasonably noxious, unpleasant or strong odor which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof.

(b)

It shall be unlawful for any person to create or cause any odor, stench or smell of such character, strength or continued duration as to substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

(c)

The following acts or conditions, among others, are declared to be odor nuisances in violation of this chapter, but such enumeration shall not be deemed to be exclusive:

(1)

Offensive odors from cow lots, hog pens, fowl coops and other similar places where animals are kept or fed which disturb the comfort and repose of persons of ordinary sensibilities;

(2)

Offensive odors from privies and other similar places;

(3)

Offensive odors from the use or possession of chemicals or from industrial processes or activities which disturb the comfort and repose of persons of ordinary sensibilities;

(4)

Offensive odors from smoke from the burning of trash, rubbish, rubber, chemicals or other things or substances; or

(5)

Offensive odors from stagnant pools allowed to remain on any premises or from rotting garbage, refuse, offal or dead animals on any premises.