

## Article II. - Noise

## Chapter 9.20 - Definitions

## 9.20.010 - Applicability.

The definitions set out at this Chapter shall apply in the interpretation and enforcement of this Article II, except as otherwise provided in this Article II.

(Prior code §15-130(part))

## 9.20.020 - Reserved.

## 9.20.030 - Commercial purpose.

*Commercial purpose* means and includes the use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business, any goods or any services or for the purpose of attracting the attention of the public to, advertising for or soliciting the patronage of customers to or for, any performance, show, entertainment, exhibition or event or for the purpose of demonstrating such sound equipment.

(Prior code §15-130(2))

## 9.20.040 - Commercial district.

*Commercial district* means any parcel of land zoned with any commercial classification pursuant to the Zoning and Land Use Chapter of this Code.

(Ord. 23, 2012 §1; Ord. 04, 2008 §2; Prior code §15-130(3))

## 9.20.050 - Construction activities.

*Construction activities* means any and all activity incidental to the erection, demolition, assembling, altering and installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

(Prior code §15-130(4))

## 9.20.060 - Device.

*Device* means any mechanism which is intended to produce or which actually produces sound when operated or handled.

(Prior code §15-130(5))

## 9.20.070 - Dynamic braking device.

*Dynamic braking device* means a device, used primarily on trucks, for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking.

(Prior code §15-130(6))

## 9.20.080 - Emergency work.

*Emergency work* means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or potential danger.

(Prior code §15-130(7))

## 9.20.090 - Industrial district.

*Industrial district* means any parcel of land zoned with any industrial classification pursuant to the Zoning and Land Use Chapter of this Code.

(Ord. 23, 2012 §1; Prior code §15-130(8))

9.20.100 - Motor vehicles.

*Motor vehicles* means any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

(Prior code §15-130(9))

9.20.110 - Muffler.

*Muffler* means an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

(Prior code §15-130(10))

9.20.120 - Noncommercial purpose.

*Noncommercial purpose* means the use, operation or maintenance of any sound amplifying equipment for other than a commercial purpose. *Noncommercial purpose* means and includes, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

(Prior code §15-130(11))

9.20.125 - Noise.

*Noise* means any sound including but not limited to sounds that are shrill, impulsive, continuous, rhythmic, or periodic, or that create vibrations.

(Ord. No. 3, 2015, § 1(Exh. A), 1-20-2015)

9.20.130 - Plainly audible.

*Plainly audible* means any sound that can be detected and clearly comprehended by a person using their own unaided hearing faculties.

(Ord. No. 3, 2015, § 1(Exh. A), 1-20-2015; Prior code §15-130(12))

9.20.140 - Residential district.

*Residential district* means any parcel of land zoned with any residential classification, or any parcel of land zoned with a residential PUD classification pursuant to the Zoning and Land Use Chapter of this Code.

(Ord. 23, 2012 §1; Prior code §15-130(13))

9.20.150 - Sound amplifying equipment.

*Sound amplifying equipment* means any machine or device for the amplification of a human voice, music or any other sound, or by which the human voice, music or any other sound is amplified.

(Prior code §15-130(14))

9.20.160 - Reserved.

9.20.170 - Technical terminology; definitions by reference.

All technical terminology used in this Article II, unless the context otherwise requires, shall be defined in accordance with American National Standards Institute (ANSI) publication S1.1-1960, revised 1971, or successor publications of ANSI or its successor bodies.

(Prior code §15-130(16))

## Chapter 9.24 - Limitations Generally

9.24.010 - Unlawful noise generally; designated.

- (a) The making or creating of any noise emitted at levels that annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, is unlawful. Noises described in Chapter 9.28 and Sections 9.32.060 and 9.32.070 of this Code are presumptively unlawful.
- (b) Stationary or moving rail vehicles shall comply with the provisions of this Article II except as provided for in the United States Noise Control Act of 1972 (Public Law 92-574).

(Ord. No. 3, 2015, § 1(Exh. A), 1-20-2015; Ord. 23, 2012 §1; Ord. 7, 2006 §1; Prior code §15-131)

9.24.020 - Reserved.

9.24.030 - Reserved.

9.24.040 - Exemptions designated; special permit conditions.

Nothing in Article II of this Title shall be construed to apply to or restrict any activity conducted by any person for the safety or protection of life or property in an emergency situation, nor shall the provisions of the division apply to:

- (1) Authorized emergency vehicles, as defined in Section 20-25.2(b) of the Traffic Code, adopted in Section 11.04.030 of this Code, when such emergency vehicles are responding to, but not returning from, an emergency call, unless the return is of an emergency nature;
- (2) Any bell or chimes from any church, clock or school;
- (3) Authorized construction activity of the City, as approved by the Director of Public Works or his or her designees for emergency construction or necessary street repair; or
- (4) The use of heavy equipment for the removal of snow from private parking lots within twenty-four (24) hours of the termination of the snowfall.

(Ord. 23, 2012 §1)

9.24.050 - Penalties; repeated offenses.

- (a) Any person found guilty after trial or plea of: guilt; Alford; nolo contendere; or deferred sentence plea to any provision of Section 9.24.010 shall be fined not less than one thousand dollars (\$1,000.00), plus any additional penalties assessed pursuant to Chapter 1.32 of this Code, except as provided in Subsection (b) below.
- (b) A fine may be reduced to two hundred fifty dollars (\$250.00) if the guilty party agrees to attend City-sponsored training related to neighborhood conduct and perform fifteen (15) hours of community service within the City, as so approved by the Municipal Court, within three (3) months following his or her sentencing.
- (c) A repeat offense that occurs within three hundred sixty-five (365) days from the date of a finding of guilt pursuant to this Section shall cause the full amount of the penalty as may be modified under Subsection (b) above to be immediately reinstated in full.
- (d) For purposes of assessing penalties for repeated offenses pursuant to this Section, *violation* includes each violation at any property or for a tenant, regardless of property location within the City; and *violation* is limited to a violation of the same Municipal Code Section number.

(Ord. 7, 2006 §1; Ord. 56, 1994 §1; Ord. 73, 1981 §2; prior code §15-136)

## Chapter 9.28 - Unlawful Noises

9.28.010 - Horns or other signaling devices sounding; exception.

The sounding of any horn or audible signaling device on any truck, automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning signal as provided in the Traffic Code of the City, is unlawful.

(Prior code §15-133(a)(1))

9.28.020 - Reserved.

9.28.030 - Length of sounding.

The sounding of a horn or audible signaling device for any unnecessary and unreasonable period of time is unlawful.

(Prior code §15-133(a)(3))

9.28.040 - Sound-reproduction devices, machines or vehicles; hours and audibility standard.

- (a) Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television set, phonograph or other machine or device for the production or reproduction of sound between the hours of 10:00 p.m. and the following 7:00 a.m. in such a manner as to be plainly audible at the property boundary of the source or plainly audible through party walls within a building is unlawful.
- (b) Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television set, phonograph or other machine or device for the production or reproduction of sound at any time in such a manner as to be plainly audible at fifty (50) feet from such device when operated within a vehicle is unlawful.
- (c) It is unlawful for a person to knowingly create loud and excessive noise during the operation of a motor vehicle, which includes but is not limited to squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, producing smoke from tire slippage or leaving visible tire acceleration marks on the surface of the roadway or ground.
- (d) A violation of this Section is a misdemeanor infraction and shall be punishable under Chapter 1.32 of this Code.

(Ord. 09, 2011 §1; Ord. 27, 2010 §1; Ord. 69, 2001 §1; Ord. 17, 1998 §1; prior code §15-133(a)(4))

9.28.050 - Public entertainment places; violating OSHA standards.

Operating or permitting to be operated in an enclosed place of public entertainment any loudspeaker or other source of amplified sound in such a manner as to violate the permissible noise exposure of the U.S. Occupational Safety and Health Act (OSHA) for any individual in the enclosed place of public entertainment is unlawful.

(Prior code §15-133(a)(5))

9.28.060 - Use of dynamic braking devices; exception.

Operating any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger, is unlawful.

(Prior code §15-133(a)(6))

9.28.070 - Hours of operation for refuse collecting and compacting vehicles.

It shall be unlawful to operate any refuse compacting or collecting vehicle for the purpose of collection or compaction of refuse or recyclable materials in a residential district, or within three hundred (300) feet of any residential district in the City, between the hours of 10:00 p.m. and 7:00 a.m., except such vehicles may begin operation at K—12th grade school sites at 6:00 a.m. during the period of time when such schools are in session.

(Ord. 23, 2012 §1; Ord. 49, 1996 §1; Ord. 37, 1995 §1; prior code §15-133(a)(7))

### 9.28.080 - Motor vehicles beyond ten thousand pounds.

Operating or permitting the operating of any motor of a motor vehicle in excess of ten thousand (10,000) pounds, manufacturer's gross vehicle weight or any attached auxiliary equipment, for a consecutive period longer than ten (10) minutes, while such vehicle is standing on a public right-of-way in a residential district or is on private property in a residential district and is not within a completely enclosed structure, is unlawful.

(Prior code §15-133(a)(8))

## Chapter 9.32 - Sound-Amplifying Equipment

### 9.32.010 - Residential districts; certain installation, use or operation prohibited; permits.

It is unlawful for any person to install, use or operate a loudspeaker or sound-amplifying equipment in a fixed or movable position, or attached to or mounted upon any motor vehicle, within a residential district for the purpose of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons; provided, however, that a permit as described in Sections 9.32.030, 9.32.040 and 9.32.050 may be applied for, for activities such as but not limited to concerts, speeches or lectures held in public parks of the City.

(Prior code §15-134(a))

### 9.32.020 - Commercial or industrial districts; permit required.

It is unlawful for any person to install, use or operate a loudspeaker or sound-amplifying equipment in a fixed or movable position, or attached to or mounted upon any motor vehicle, within a commercial or industrial district for the purpose of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons, without first obtaining a permit pursuant to Sections 9.32.030, 9.32.040 and 9.32.050.

(Prior code §15-134(b))

### 9.32.030 - Permit application.

An application for a permit shall be directed to the Chief of Police and shall provide the following information:

- (1) The name, address and telephone number of both the owner and user of the sound-amplifying equipment;
- (2) The license number of a vehicle which is to be used;
- (3) The general description of the sound-amplifying equipment which is to be used;
- (4) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes; and
- (5) The dates and times upon which and the streets over which the equipment is proposed to be operated.

(Ord. 23, 2012 §1; Prior code §15-135(a))

### 9.32.040 - Issuance.

- (a) A permit shall be issued unless the Chief of Police or his or her designee finds that the conditions of motor vehicle movement or pedestrian movement are such that the use of the equipment would constitute an unreasonable interference with traffic safety or that the applicant for the permit cannot or will not comply with the provisions of Section 9.32.050 below, and no variance has been granted.
- (b) The Chief of Police or his or her designee may grant a variance to the requirements set forth in Section 9.32.050 below upon finding that such variance serves the public interest. In making such a determination, the Chief of Police or his or her designee shall consider the needs of the community, the reason for the variance request and the impact to surrounding areas.

(Ord. 23, 2012 §1; Prior code §15-135(b))

## 9.32.050 - Hours of operation.

Unless a variance is granted authorizing additional or different hours of operation, commercial and noncommercial sound-amplifying equipment shall be operated only between the hours of 7:00 a.m. and 10:00 p.m. of each day; except that the operation of sound-amplifying equipment for commercial purposes on Sundays and legal holidays is permitted only between the hours of 10:00 a.m. and 4:00 p.m.

(Ord. 23, 2012 §1; Prior code §15-135(c))

## 9.32.060 - Unlawful acts; hours; sound level; proximity to public sessions; penalties; repeat offenses.

A person commits a violation of this Section if he or she uses or operates sound-amplifying equipment:

- (1) Out of doors, except between 7:00 a.m. and 10:00 p.m.
- (2) Indoors, if the projection of the sound is plainly audible to persons out of doors and at or beyond the property line from which the sound is being emitted.
- (3) At a sound level higher than necessary to accomplish the purposes for which a permit from the Chief of Police was granted.
- (4) Within five hundred feet (500) of any place where a public council, board or court is in session.
- (5) That produces any noise emitted at levels which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of [a] reasonable person of normal sensitivities.

(Ord. No. 3, 2015, § 1(Exh. A), 1-20-2015; Ord. 41, 2006 §1; Ord. 7, 2006 §1; Prior code §15-133(b))

## 9.32.070 - Defense; sound-amplifying equipment defined.

It is an affirmative defense to Section 9.32.060 above that the defendant has been granted a permit from the Chief of Police and that the use and operation of the sound-amplifying equipment has been consistent with the use authorized by the permit. *Sound-amplifying equipment*, as used in this Section and Section 9.32.060 above, means any machine or device for the amplification of the human voice, music or any other sound, but shall not be construed as including such equipment when used in a normal and reasonable manner in or about a residence, business establishment or vehicle if the equipment is designed and intended to be heard only by the occupants thereof.

(Ord. 23, 2012 §1; Prior code §15-133(c))

## 9.32.080 - Penalties; repeated offenses.

- (a) Any person found guilty after trial or plea of: guilt; Alford; nolo contendere; or deferred sentence plea to any provision of Section 9.32.060 above shall be fined not less than one thousand dollars (\$1,000.00), plus any additional penalties assessed pursuant to Chapter 1.32 of this Code, except as provided in Subsection (b) below.
- (b) Up to seven hundred fifty dollars (\$750.00) of the fine may be suspended if the guilty party agrees to attend City-sponsored training related to neighborhood conduct and perform fifteen (15) hours of community service within the City, as so approved by the Municipal Court, within three (3) months following his or her sentencing.
- (c) A repeat offense within three hundred sixty-five (365) days from the date of a finding of guilt pursuant to this Section shall cause the full amount of the penalty as may be modified under Subsection (b) above to be immediately reinstated in full.
- (d) For purposes of assessing penalties for repeated offenses pursuant to this Section, *violation* includes each violation at any property or for a tenant, regardless of property location within the City; and *violation* is limited to a violation of the same Municipal Code Section number.

(Ord. 41, 2006 §2; Ord. 7, 2006 §1)