

## Division 16-4-2 - Noise

### 16-4-2-421 - Purpose of division.

The purpose of this division is to prevent undue interference with a person's quiet enjoyment of his premises, to prohibit the production, creation, generation or amplification of any excessive noise or sound from motor vehicles when said vehicles are being driven or parked on public property, public ways or public rights-of-way and to preserve the peace and quiet of the city.

**State Law reference**— Noise abatement and control, 63 O.S. Secs. 1-1511 et seq.; city's power to restrain and prohibit noise, 11 O.S. Sec. 22-110.

**Cross reference**— Sound trucks, equipment permits, Secs. 7-2301 et seq. of this code.

### 16-4-2-422 - Scope of division.

The use of all land and any building or portion of a lot or area within any building, or public property, public ways or public rights-of-way within the city shall be used only in conformity with the provisions of this division.

### 16-4-2-423 - Certain noises prohibited.

No person shall make or permit any noise which unreasonably, continuously or substantially annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

(Ord. No. 09-29, § 5, 8-25-2009)

**State Law reference**— City's power to restrain and prohibit unnecessary noise, 11 O.S. Sec. 22-110.

### 16-4-2-424 - Prohibited noises enumerated.

- A. The following acts, among others, are declared to be unreasonably or substantially loud or disturbing noises in violation of Section 16-423, but shall not be deemed to be exclusive:
1. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar 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 or 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;
  2. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loud-speaker, sound amplifier, or other machine or device for the producing or reproducing of sound from any building, structure or other stationary source in such manner as to unreasonably, continuously or substantially 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 on the property or premises or in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto or 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. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure or vehicle or property line in which it is located shall be prima facie evidence of a violation of this section;
  3. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. 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;

4. 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;
5. 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;
6. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
7. 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;
8. 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;
9. The erection (including excavation), 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 (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) 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;
10. 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 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;
11. The shouting and crying of itinerant vendors which unreasonably, continuously or substantially disturbs the peace and quiet of the neighborhood;
12. 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; or
13. 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.
14. For the owner or attendant of a car wash to permit the operation of a car wash where the noise emanating from the facility, including the business' machinery and customer vehicles and stereos located at said car wash to exceed seventy (70) decibels (db-A) between the hours of 7:00 A.M. to 10:00 P.M. and fifty-five (55) decibels (db-A) between the hours of 10:00 P.M. and 7:00 A.M. at the property line of the lot on which the car wash is located.

(Ord. 2005-03, Amended, 02/24/2005; Ord. 2002-37, Amended, 08/27/2002)

(Ord. No. 09-29, § 6, 8-25-2009)

16-4-2-424.1 - Certain noises from vehicles prohibited.

It shall be unlawful for any person to operate a motor vehicle within the city which produces, creates, generates, amplifies, continues or causes to be produced, created, generated or amplified any excessive noise or sound, when such vehicle is being driven or is parked on public property, public ways, public rights-of-way, or private property to which the public is invited. For the purpose of this section, the term "excessive noise" shall mean noise or sound which unreasonably, continuously or substantially annoys, disturbs, injures or endangers the comfort, repose, peace, safety or health of others and which is produced, created, generated, or amplified by radios, stereos, television equipment, electronic audio equipment, musical instruments and similar devices which is plainly audible to any person twenty-five (25) feet or more from the motor vehicle which produces, creates, generates, amplifies continues or causes to be produced, created, generated or amplified the excessive noise or sound, and the term "plainly audible" means any person can hear the content of the sound produced by the noise source including but not limited to, musical rhythms, spoken words, and vocal sounds, except persons using "sound-amplifying equipment" pursuant to a license granted under the provisions of Sections 7-2301 through 7-2305, Chapter 7, of this code.

(Ord. 2002-37, Amended, 08/27/2002)

(Ord. No. 09-29, § 7, 8-25-2009)

16-4-2-425 - Operation of loud machinery.

- A. No person shall operate or permit the operation of any machinery or motor vehicle on any property owned by such person which creates a noise exceeding eighty-nine (89) decibels at any adjoining property line.
- B. This section shall not be construed to be applicable to any of the following:
  1. The operation of motor vehicles with proper mufflers and other equipment licensed for operation on the highways of this state; or
  2. The operation of equipment or machinery, pursuant to a resolution adopted by the council in cases of emergency, where the welfare of persons or property may be jeopardized by the strict enforcement of the provisions of this section; or
  3. The operation of equipment or machinery necessary for the elimination of an imminent health or safety hazard, pursuant to the recommendation and/or order of the code official or the health officer of the city approved by the city manager; or
  4. The operation of any equipment owned or contracted for by the state or the city.
  5. The operation of car washes, which is covered by Section 16-4-2-424.

(Ord. 2005-03, Amended, 02/24/2005; Ord. 2004-31, Amended, 07/27/2004; 2000-26, Amended, 08/08/2000; 2000-24, Amended, 08/08/2000)

16-4-2-426 - Business licenses—Conformity with required.

The city shall issue no license to build or to operate any business within the limits of the city until it has determined that the applicant shall comply with the terms of this division.

**Cross reference—** Business generally, Secs. 7-101 et seq. of this code; building codes, Secs. 6-101 et seq. of this code.

16-4-2-427 - Advertising in business district.

No person shall advertise in the business section of the city in or upon the streets of that area, by use of loudspeakers, amplifying systems, music machines, music or sound track devices.

**Cross reference—** Advertising generally, see Secs. 7-201 et seq. of this code.