

ARTICLE VI. - NOISE

FOOTNOTE(S):

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Cross reference— Barking dogs, § 14-75.

DIVISION 1. - GENERALLY

Sec. 42-231. - Prohibited generally.

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 a reasonable person of normal sensitivity.

(Code 1976, § 22-1; Ord. No. 4019, § 1, 11-25-2013)

Sec. 42-232. - Playing radio and other musical instruments.

The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence shall be deemed a violation of this article.

(Code 1976, § 22-2)

Sec. 42-233. - Loudspeakers.

The use of any stationary loudspeaker or amplifier of such intensity that annoys and disturbs a reasonable person of normal sensitivity in the immediate vicinity thereof; or the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of 10:30 p.m. and 7:00 a.m. shall be deemed a violation of this article.

(Code 1976, § 22-3; Ord. No. 4019, § 2, 11-25-2013)

Sec. 42-234. - Animals or fowl.

The keeping of any animal including fowl and birds, but not dogs as contained in section 14-75 of this Code, which by causing frequent or long, continued noise shall disturb the comfort or repose of any person in the vicinity shall be deemed a violation of this article.

(Code 1976, § 22-4)

Cross reference— Keeping requirements of livestock and other animals, § 14-31 et seq.

Sec. 42-235. - Horns and warning devices.

The sounding of any horn or other warning 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 warning device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; and the use of such warning device when traffic for any reason is held up shall be deemed a violation of this article.

(Code 1976, § 22-5)

Sec. 42-236. - 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 shall be deemed a violation of this article.

(Code 1976, § 22-6)

Sec. 42-237. - Engine mufflers.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom shall be deemed a violation of this article.

(Code 1976, § 22-7)

Sec. 42-238. - Compressed air devices.

The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced, shall be deemed a violation of this article.

(Code 1976, § 22-8)

Sec. 42-239. - Construction or demolition work.

The erection, including excavation, demolition, alteration or repair work on 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 the public safety and convenience, and then only by permit from the city council, which permit may be renewed by the council during the time the emergency exists, shall be deemed a violation of this article.

(Code 1976, § 22-9)

Sec. 42-240. - Quiet zones.

The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session or adjacent to any hospital which unreasonably interferes with the workings of such institutions, providing conspicuous signs are displayed in such manner indicating that the same is a school or hospital street, shall be deemed a violation of this article.

(Code 1976, § 22-10)

Sec. 42-241. - Loading and unloading; opening boxes.

The creating 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 shall be deemed a violation of this article.

(Code 1976, § 22-11)

Sec. 42-242. - Violation of article; remedies.

In the event of a violation of this article or any of its provisions by any person, corporation, association, or any other type of business entity, its agents, servants or employees, the city may, in addition to other remedies, institute any appropriate action or proceedings to prevent such violation, including the right to restrain, enjoin, correct, or abate such violation, in any court of competent jurisdiction in accordance with the laws of the state.

(Code 1976, § 22-12)

Sec. 42-243. - Church bells.

There is hereby exempted from the prohibitions of this division 1 of chapter 42 all sounds produced by bells or chimes from any church.

(Ord. No. 4019, § 3, 11-25-2013)

Secs. 42-244—42-270. - Reserved.

DIVISION 2. - SOUND TRUCKS

Subdivision I. - In General

Sec. 42-271. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sound amplifying equipment means any machine or device for the amplification of the human voice, music or other sound; provided, this shall not include standard automobile radios when used and heard only by the 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 means any vehicle having mounted thereon, or attached thereto, any sound amplifying equipment.

(Code 1976, § 22-23)

Cross reference— Definitions generally, § 1-2.

Sec. 42-272. - Sounds restricted.

The only sounds which shall be lawful to use from sound trucks shall be music or human speech; provided, however, that such permitted sounds shall not be profane, lewd, indecent or slanderous.

(Code 1976, § 22-24)

Sec. 42-273. - Volume control.

The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound truck and so that volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(Code 1976, § 22-25)

Sec. 42-274. - Hours of operation.

The operation of sound trucks shall be permitted for one hour each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted one hour of operation shall be between the hours of 4:30 p.m. and 5:30 p.m.

(Code 1976, § 22-26)

Sec. 42-275. - Quiet areas.

Sound shall not be issued from a sound truck within 100 yards of hospitals, schools or churches.

(Code 1976, § 22-27)

Sec. 42-276. - Operation of vehicle.

Sound amplifying equipment shall not be operated unless a sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when such truck is stopped or impeded by traffic. Where stopped by traffic such sound amplifying equipment shall not be operated for longer than one minute at each such stop.

(Code 1976, § 22-28)

Secs. 42-277—42-300. - Reserved.

Subdivision II. - License

Sec. 42-301. - Required.

No person shall operate or cause to be operated any sound truck in the city for any purpose with sound amplifying equipment in operation unless a license has been obtained from the city secretary.

(Code 1976, § 22-35)

Sec. 42-302. - Application.

Any person desiring a license required by the provisions of this division shall file a written application therefor with the city secretary, giving in such application all information requested.

(Code 1976, § 22-36)

Sec. 42-303. - Fees.

The fee for a license required by the provisions of this division shall be \$1.00 for noncommercial or civic one-time use, \$3.00 for commercial one-time use, and \$25.00 for commercial use for one year.

(Code 1976, § 22-37)

Sec. 42-304. - Issuance.

The city secretary shall issue a license under the provisions of this subdivision upon payment of the required fee, unless the application therefor reveals that the applicant would violate the regulations prescribed by this division or the provisions of some other portion of this Code or city ordinance.

(Code 1976, § 22-38)

Sec. 42-305. - Duration.

Each license issued under the provisions of this subdivision shall be valid for the time stated therein, but in no event shall be valid for a period of time in excess of one year.

(Code 1976, § 22-39)

Sec. 42-306. - Possession; display.

A licensee under this subdivision shall keep such license in his possession in the sound truck during the time the truck's sound amplifying equipment is in operation. The license shall be promptly displayed and shown to any city police officer upon request.

(Code 1976, § 22-40)

Secs. 42-307—42-340. - Reserved.