

ARTICLE V. - NOISE^[4]

The purpose of this article is to prevent any loud, disturbing and unnecessary noise which is reasonably calculated to disturb the ordinary sensibilities of a reasonable and prudent person unless otherwise further restricted by this article.

(Ord. No. 99-12-12, § I, 12-13-99)

Footnotes:

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Editor's note—Ord. No. 99-12-12, § I, adopted Dec. 13, 1999, repealed former Art. V of this chapter and added new provisions as Art. V to read as herein set out. Former Art. V, §§ 14-85—14-91, pertained to similar subject matter and derived from Ord. No. 87-4-26, § 1, adopted April 27, 1987.

Cross reference— Animal noise, § 4-22.

Sec. 14-85. - Making of noise detrimental to life or health prohibited.

It shall be unlawful for any person to knowingly make or allow noise of such character, intensity and duration that is detrimental to the life or health of any individual in the city.

(Ord. No. 99-12-12, § I, 12-13-99)

Sec. 14-86. - Noise interfering with enjoyment of property or public peace and comfort.

It shall be unlawful for any person to knowingly make, cause to be made or allow any loud, disturbing and unnecessary noise in the city which is offensive to the sensibilities of a reasonable and prudent person, so that it renders the enjoyment of life or property uncomfortable, or interferes with the public peace and comfort.

(Ord. No. 99-12-12, § I, 12-13-99)

Sec. 14-87. - Acts creating unlawful noises.

The following acts are declared to create loud, disturbing and unnecessary noises, and a person commits an offense if they knowingly perform or allow the following:

- (1) *Animals*: Owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual noisemaking, is disturbing to a reasonable and prudent person of ordinary sensibilities. The provisions of this subsection shall apply to all public and private facilities, including any animal shelter, commercial kennel, or veterinary clinic that holds or treats animals.
- (2) *Radios, television sets, musical instruments and similar devices*: Operate or permit to be operated any radio receiver set, musical instrument, television, phonograph, stereo, or device in such a manner as to unreasonably disturb or interfere with the public peace and comfort, or disturb the ordinary sensibilities of a reasonable and prudent person.
- (3) *Vehicle loudspeaker*: Operate or permit to be operated any loudspeaker or sound-amplifying equipment in a fixed or movable position mounted on or in any vehicle in or upon any street, alley, sidewalk, park, or other public property so that the sound is clearly audible for fifty feet from its source.
- (4) *Power and pneumatic equipment*: Operate or permit to be operated any power or pneumatic equipment outdoors in a residential zone or within one hundred fifty (150) feet of the boundary line of a residence between the hours of 10:00 p.m. and 7:00 a.m. Motorized electric or fuel powered equipment including but not limited to tractors, lawnmowers and other similar devices or equipment shall be considered power equipment.

(5)

Powered model or mechanical devices: Flying of model aircraft powered by internal combustion engines, whether tethered or not, or the flying or operating of model rocket vehicles or similar noise-producing devices, in a residential area between the hours of 10:00 p.m. and 7:00 a.m.

- (6) *Refuse collection:* The collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m. in any area zoned residential, or within three hundred (300) feet of an area zoned residential.
- (7) *General amplification of sound:* Operate or cause to be operated any mechanical or electrical device, machine, apparatus, or instrument that will intensify, amplify or reproduce the human voice or any other sound whereby the sound is plainly audible to adjacent private property or for fifty (50) feet onto public property.

(Ord. No. 99-12-12, § I, 12-13-99)

Sec. 14-88. - Exemptions.

The following activities are exempt from this article:

- (1) Sound caused by emergency or public service work, including police, fire and public utility operations, when the sound is associated with the performance of lawful duties to protect the health, safety or welfare of the community.
- (2) Amplifiers used on vehicles to attract patrons that are operated by ice cream and snow-cone vendors that produce jingles or music from 8:00 a.m. to 8:00 p.m. However, such amplified jingles or music shall not be done in a loud manner so as to be offensive to the ordinary sensibilities of a reasonable and prudent person.
- (3) The use and operation of an amplified, mechanical bell system in connection with the use and occupancy of a church structure. However, such systems shall not be used or operated in a manner so as to be offensive to the ordinary sensibilities of a reasonable and prudent person..
- (4) Individuals possessing an authorized permit from the city such as a special event or parade permit shall be allowed to engage in activity authorized by the permit. Under no circumstances should the amplification of sound be in a manner that is offensive to the ordinary sensibilities of a reasonable and prudent person or in such a manner as to interfere with the public peace and comfort.

(Ord. No. 99-12-12, § I, 12-13-99)

Secs. 14-89—14-91. - Reserved.