

DIVISION 2. - NOISE^[6]

Footnotes:

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Cross reference— Barking or howling dogs, § 6-36; creation of excessive noise in the operation of motor vehicles, § 18-69; motor vehicle zones of quiet, § 18-70.

Sec. 20-161. - Prohibited noise generally.

It shall be unlawful for any person to make or continue, or cause to be made or continued, any unreasonably loud, disturbing noise, or any noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the corporate limits of the city.

In determining whether a violation of this section has occurred, the following characteristics and conditions may be considered:

- (1) The level and intensity of the noise;
- (2) The duration of the noise;
- (3) The time of day or night the noise occurs;
- (4) The nature of the noise, whether usual or unusual and produced naturally or unnaturally;
- (5) The general characteristics of the area where the noise occurs;
- (6) The nature and zoning of the area from which the noise originates;
- (7) The reasonable expectation of quiet of a person on public/private property surrounding the area from which the noise originates; and/or
- (8) Any previous request for abatement of noise.

(Code 1981, § 21-48; Ord. No. 2002-47, § 2, 8-26-2002; Ord. No. 2014-42, §§ 1—6, 9-8-2014)

Sec. 20-162. - Specific noises prohibited.

The following acts, among others, are declared to be loud, disturbing noises in violation of section 20-161, but this enumeration shall not be deemed to be exclusive:

- (1) *Animals, birds, etc.* The keeping of any animal which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (2) *Blowers or engines.* 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.
- (3) *Building operations.* In conducting any building operations between the hours of 9:00 p.m. and 7:00 a.m., to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists or other apparatus, the use of which is attended with loud or unusual noise, in any block in which more than half of the buildings on either side of the street are used exclusively for residence purposes, except by permission from the council.
- (4) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (5) *Use of drums or other instruments to attract attention.* 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.
- (6)

Noisy exhausts. 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) *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (8) *Horns and other signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle 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 of 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.
- (9) *Loading and unloading; opening boxes, crates, etc.* The creation of loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) *Transporting metal rails, pillars, etc.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars or trucks or in any other manner so loaded as to cause loud noises or so as to disturb the peace and quiet of such streets or other public places.
- (11) *Use of loudspeakers, musical instruments, etc., for advertising.* The maintenance and operation in any building or on any premises in the city of any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in such manner as to create unreasonably loud, excessive or disturbing noises and where such device is maintained and operated for advertising purposes or for the purposes of attracting the attention of the passing public, or which is so placed and operated that the sound coming therefrom can be heard to the unreasonable disturbance of travelers upon any street or public place or of persons in neighboring premises.
- (12) *Sound-amplifying devices generally.* Operating or causing or permitting to be operated any automatic or electrical piano, phonograph, graphophone, victrola, radio or loudspeakers, or any instrument or sound-producing or sound-amplifying device of like character, so loud as to unreasonably disturb persons in the vicinity thereof or in such a manner as to render the instrument or device a public nuisance; provided, however, that upon application to and approval by the chief of police, permits may be granted to responsible organizations to broadcast programs of music, speeches, general entertainment or announcements as a part of and incident to community celebration of national, state or city occasions, public festivals or other outstanding events, provided that traffic on the streets is not obstructed by reason thereof.
- (13) *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to 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 persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation.
- (14) *Creation of noise near school, court, church or hospital.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the school, institution, church or court 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 street is a school, hospital or court street.

- (15) *Steam whistles.* The blowing of any 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 the city manager.
- (16) *Yelling, shouting, etc.* 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.
- (17) *Racing engines of motor vehicles.* The racing of the engine of any motor vehicle while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the vehicle.
- (18) *Residential areas.* In any residentially zoned area or within 300 feet of any residentially occupied structure in any zone, the noise resulting from any activity, whether open or enclosed, shall not exceed 60 decibels at any point on or beyond the lot line. For the purpose of determining decibels as referred to in this section, the noise shall be measured on the A-weighting scale and the slow response on a Type 2 sound level meter of standard design and quality having characteristics established by the American National Standards Institute. The following shall be exceptions to this subsection (18):
 - a. The emission of any sound for the purpose of alerting persons to the existence of an emergency, crime or attempted crime;
 - b. Sound produced by an authorized emergency vehicle;
 - c. Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following a fire, disaster or natural disaster;
 - d. Sound which was generated:
 1. At a lawfully scheduled stadium event;
 2. By a parade and spectators and participants on the parade route during a permitted parade;
 3. By spectators and participants at a lawfully scheduled amphitheater event;
 4. By patrons and participants using cannons and gunfire during historic battle reenactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 5. By a pyrotechnic display that was inspected and approved by the fire marshal;
 6. By spectators and participants of any outdoor event, fun race, festival, fiesta or concert which was sponsored, cosponsored or permitted by the city; or
 7. Any other lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution.
 - e. Sound produced by the erection, excavation, construction, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in such activity conducted between the hours of 7:00 a.m. and 8:00 p.m. and which activity did not produce a sound exceeding 75 dB(A) when measured from the nearest residential property where the sound is being received;
 - f. Sound produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of- way;
 - g. Sound produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower or other similar device used between the hours of 7:00 a.m. and 8:00 p.m. and which activity did not produce a sound exceeding 85 dB(A) when measured from the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was used;
 - h.

Sound which was generated as authorized under the terms of a permit issued pursuant to this Code;
or

- i. Sound which was generated by an HVAC unit.

(Code 1981, § 21-49; Ord. No. 2001-79, § 2, 12-17-2001; Ord. No. 2002-47, §§ 3, 4, 8-26-2002; Ord. No. 2014-42, §§ 1—6, 9-8-2014)

Secs. 20-163—20-190. - Reserved.