

## Chapter V - Noise Control

### Article 1 - General Provisions

#### B6-81. - Policy.

The city council finds that at certain levels, noises are detrimental to the health and welfare of the citizenry and in the public interest should be systematically prescribed. It is the policy of the city to prohibit unnecessary, excessive and annoying noises from all sources.

(Prior code § B7-166)

#### B6-82. - Definitions.

In this chapter, unless the context otherwise requires:

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

"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.

"Noncommercial purpose" means the use, operation or maintenance of sound equipment for other than a commercial purpose. "Noncommercial purpose" includes, but is not limited to, philanthropic, political, patriotic, charitable, educational purposes and organized athletic events.

"Sound-amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound.

"Sound-amplifying equipment" does not include:

1. A standard automobile radio when used and heard only by the occupant of the vehicle in which the radio is installed; or
2. A warning device on authorized emergency vehicle or horn or other warning device used for traffic safety purposes.

"Sound truck" is a motor vehicle regardless of motive power, whether in motion or stationary, having sound-amplifying equipment mounted or attached to it.

(Prior code § B7-167)

#### B6-83. - Standards for determination of violation.

Notwithstanding any other provision of this chapter, it is unlawful for a person to wilfully make or continue, or cause to be made or continued, a loud, unnecessary or unusual noise which disturbs the peace or quiet of a neighborhood, or which causes discomfort or annoyance to a reasonable person residing in the area. The standards which shall be considered in determining whether a violation of this section exists shall include, but are not limited to, the following:

- A. Volume of the noise;
- B. Whether the nature of the noise is usual or unusual;

- C. Proximity of the noise to residential sleeping facilities;
- D. Nature and zoning of the area within which the noise emanates;
- E. Time of day or night the noise occurs;
- F. Duration of the noise;
- G. Whether the noise is recurrent, intermittent or constant; and
- H. Whether the noise is produced by a commercial or noncommercial activity.

(Prior code § B7-205)

B6-84. - Permit requirements—Appeal.

- A. Notwithstanding any provisions of this chapter, the city manager and/or his designee may exempt from the requirements of this chapter any use which would otherwise constitute a violation of said chapter upon a finding that such uses are not detrimental to the public health, safety and welfare and are within the general objectives of this chapter, and shall issue a permit authorizing such use.
- B. These permits will list such conditions as the city manager and/or his designee feel necessary to safeguard the interests of the general public.
- C. Permits will be reviewed annually and may be revoked at any time for violation of any condition set forth on the permit.
- D. The decision of the city manager may be appealed within ten calendar days of such decision to the city council. The decision of the city council will be final.

(Prior code §§ B7-216, B6-217)

B6-85. - Emergency exemptions.

Actions made necessary to protect the health, safety or general welfare of the public or of their property shall not be a violation of this chapter.

(Prior code § B7-221)

B6-86 through B6-90. - Reserved.

Article 2 - Noise Sources

B6-91. - Audio and video equipment.

- A. It is unlawful for a person to use, operate or permit to be played, used or operated a radio, receiving set, stereo, television set, jukebox, musical instrument, phonograph or other machine or device for the producing or reproduction of sound in such manner as to disturb the peace, quiet or comfort of the neighboring inhabitants or to do so with a louder volume than is necessary for convenient hearing for persons in the room, vehicle or chamber in which the device is operated.
- B. The operation of any such device specified in subsection A of this section between the hours of ten p.m. and eight a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located is prima facie evidence of a violation of this section.

(Prior code § B7-178)

B6-92. - Hawkers and peddlers.

It is unlawful for a person to sell anything by outcry within any land use district of the city zoned for residential uses. This section does not prohibit the selling by outcry of merchandise, food or beverages at a licensed sporting event, parade, fair, circus or similar licensed public entertainment event.

(Prior code § B7-179)

B6-93. - Musical instruments.

It is unlawful for a person to use a musical instrument or other instrument or device for the purpose of attracting attention by the creation of noise. This section does not apply to a participant in a school band or licensed parade.

(Prior code § B7-180)

B6-94. - Noise adjacent to schools, hospitals or churches.

It is unlawful for a person to create noise on a street, sidewalk or public place adjacent to a school or church while in use or adjacent to a hospital, which noise unreasonably interferes with the working of the institution or which disturbs or unduly annoys a patient in the hospital.

(Prior code § B7-181)

B6-95. - Animals or birds in residential areas.

No person shall keep or maintain an animal, fowl or bird (otherwise permitted to be kept) which, by sound, cry or behavior causes annoyance or discomfort or disturbs the repose of a reasonable person.

(Prior code § B7-182)

B6-96. - Yelling or shouting in buildings.

- A. No person shall yell, shout, whistle or sing in a private residence or building of public assembly between ten p.m. of one day and eight a.m. of the next day in such a manner as to disturb the peace, quiet and comfort of a reasonable person.
- B. Noise prohibited by subsection A of this section which is plainly audible at a distance of fifty feet of the building or structure in which the noise occurs is prima facie evidence of a violation of this section.

(Prior code § B7-183)

B6-97. - Machinery or air conditioning equipment.

It is unlawful for a person to operate machinery, equipment, pump, fan, air conditioning apparatus or similar mechanical device used for commercial purposes in the manner which creates noise, unless the noise is muffled and the device is equipped with a muffler sufficient to deaden the noise.

(Prior code § B7-184)

B6-98. - Whistles or horns.

It is unlawful for a person to blow a horn or steam or air whistle except as a signal or warning.

(Prior code § B7-185)

B6-99. - Internal combustion engines.

It is unlawful for a person to operate or repair an internal combustion engine in the manner which causes excessive noise between the hours of eight p.m. of one day and eight a.m. of the next day without a permit.

(Prior code § B7-186)

B6-100. - Construction projects.

It is unlawful for a person within a residential land use district to operate or perform construction or repair work on a building, structure or project, or to operate a pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other construction-type device on holidays celebrated by the federal government, and on Monday through Friday, prior to seven-thirty a.m. and after seven p.m. on each day and on Saturdays and Sundays, prior to nine a.m. and after six p.m.

(Prior code § B7-187)

**B6-101. - Business and residential relationships.**

- A. Store deliveries by any vehicle in the area between the business and residences is prohibited between ten p.m. and six-thirty a.m. weekdays and between ten p.m. and eight a.m. on weekends and federal holidays. Delivery vehicles will have their engines turned off during deliveries.
- B. Garbage disposal, construction and maintenance by power equipment in the area between the business and residences is prohibited between ten p.m. and six-thirty a.m. weekdays and between ten p.m. and eight a.m. on weekends and federal holidays.
- C. Pedestrian, cycle or unauthorized vehicle traffic in the area between the business and residences is prohibited between ten p.m. and eight a.m.

(Prior code § B7-188)

**B6-102 through B6-110. - Reserved.****Article 3 - Amplified Sound****B6-111. - Purpose of provisions.**

The sole purpose of this article is to secure and promote the public health, comfort, safety and welfare. While recognizing that the use of sound-amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the council nevertheless feels obligated to reasonably regulate the use of sound-amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise.

(Prior code § B7-195)

**B6-112. - Registration required.**

It is unlawful for a person, other than a peace officer, to install, use or operate a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon a sound truck for the purpose of giving an instruction, direction, talk, address, lecture or transmitting music to a person in or upon a street, alley, sidewalk, park, place or public property without first filing a registration statement and obtaining approval as set forth in Section B6-113 of this article.

(Prior code § B7-196)

**B6-113. - Registration statement—Filing—Approval.**

- A. Every user of sound-amplifying equipment shall file a registration statement with the city manager or his/her designee ten days before the date on which the sound-amplifying equipment is intended to be used. The statement shall contain the following information:
  - 1. The name, address and telephone number of both the owner and user of the sound-amplifying equipment;
  - 2. The wattage to be used, and the approximate distance for which sound will be audible from the sound-amplifying equipment;
  - 3. The license and motor number, if a sound truck is to be used;
  - 4. A general description of the sound-amplifying equipment which is to be used;
  - 5. Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes; and
  - 6. Whether measures to reduce noise to neighbors have been considered and will be implemented.
- B. The city manager or his/her designee shall return to the applicant an approved certified copy of the registration statement unless it finds that:
  - 1. The conditions of the motor vehicle movement are such that in the opinion of the city manager or his/her designee use of the equipment would constitute a detriment to traffic safety;
  - 2.

The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety;

3. The registration statement required reveals that the application would violate Section 415 PC of the Penal Code.

C. If the registration statement is disapproved, the city manager or his/her designee shall endorse upon the statement the reason for disapproval and return it promptly to the applicant.

(Prior code § B7-197)

B6-114. - Registration statement—Fee.

The fees for filing a registration statement for commercial or noncommercial purposes is as fixed by resolution of the city council.

(Prior code § B7-199)

B6-115. - Use regulations.

The commercial or noncommercial use of sound-amplifying equipment is subject to the following regulations:

- A. The only sounds permitted shall be either music or human speech, or both.
- B. The operation of sound-amplifying equipment shall occur only between the hours of eight a.m. and ten p.m. each day. No operation of sound-amplifying equipment for commercial purposes is permitted on Saturdays and Sundays or legal holidays.
- C. Sound-amplifying equipment may not be operated within two hundred feet of a church, school, hospital, or city or county building, except under the direction of such church, school, hospital, or city or county building.
- D. The volume of sound shall be so controlled that it is not unreasonably loud, raucous, jarring, disturbing or a nuisance to a reasonable person.

(Prior code § B7-200)

B6-116. - Appeals.

Persons who are dissatisfied with the findings of the city manager or his/her designee may appeal to the city council by means of filing a statement stating the reason for requesting reconsideration.

(Prior code § B7-198)

B6-117 through B6-120. - Reserved.

Article 4 - Enforcement

B6-121. - Violation—Penalty.

It is unlawful and constitutes an infraction for a person to violate or fail to comply with a provision of this chapter. An infraction is punishable as provided for in Section A1-32 of this code.

(Prior code § B7-210)

B6-122. - Violation—Additional remedies.

As an additional remedy, the operation or maintenance of a device, instrument, vehicle or machinery in violation of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a public nuisance subject to abatement summarily by a restraining order or injunction.

(Prior code § B7-211)

B6-123 through B6-130. Reserved.