

Chapter 16 - NOISE

5-16.01 - Intent and purpose of provisions.

The intent and purpose of the provisions of this chapter are to protect the inhabitants of the City against all forms of nuisances, public or private, not specifically prohibited by State laws, growing out of any action, activity, condition, circumstances, or situation existing or permitted to exist within the City and caused or produced by any person, animal, fowl, reptile, insect, or mechanical or other contrivance, and which are injurious to health, or detrimental to the public safety, morals, or general welfare, or indecent or offensive to the senses, or an obstruction to the free use of property to such an extent as to interfere with the comfortable enjoyment of life or property by the entire community or neighborhood, or by any considerable number of persons.

(§ 6290, S.V.M.C., as added by Ord. 64)

5-16.02 - Unlawful acts: Public nuisances.

The following acts are hereby expressly declared to be nuisances, and any person maintaining or permitting such nuisances, or any of them, to be maintained or to exist in or on his premises, whether as owner, lessee, or otherwise, shall be deemed guilty of a misdemeanor for each day during which such nuisance shall be permitted to be continued:

- (a) *Other unlawful noises.* In addition to conduct which is unlawful pursuant to other subsections of this section, the willful making or continuation of, or causing the making or continuation of, any loud, unnecessary or unusual noise (other than constitutionally protected expressive activity) which disturbs the peace or quiet, or which causes discomfort or annoyance to a reasonable person of normal sensitiveness in an adjacent residence or business affected by the noise;
- (b) *Radios, electronic and amplification devices.* The playing, using, or operating, or permitting to be played, used, or operated between the hours of 11:00 p.m. and 7:00 a.m. on Friday or Saturday and between the hours of 10:00 p.m. and 7:00 a.m. on Sunday through Thursday of any radio, musical instrument, television set, or similar instrument, electronic or amplification device for the production or reproduction of sound in volume sufficiently loud to disturb the peace, quiet, or repose of a person of ordinary and normal sensitiveness who is in the immediate vicinity of such machine or device;
- (c) *Band and orchestral rehearsals.* The conducting or carrying on of band or orchestral concerts, rehearsals, or practices between the hours of 11:00 p.m. and 7:00 a.m. on Friday or Saturday and between the hours of 10:00 p.m. and 7:00 a.m. on Sunday through Thursday in any area, building, or structure wherein any adjoining occupied building used for human habitation is within 200 feet of the source of the sound;
- (d) *Engines, motors, and mechanical devices in and near residential districts.* The operation between the hours of 11:00 p.m. and 7:00 a.m. on Friday or Saturday and between the hours of 10:00 p.m. and 7:00 a.m. on Sunday through Thursday of any motor or engine or the use or operation of any automobile, motorcycle, machine, mechanical device, or other contrivance or facility, unless such motor, engine, automobile, motorcycle, machine, or mechanical device is enclosed within a sound-insulated structure so as to prevent noise and sounds from being plainly audible at a distance of fifty (50') feet from such structure or within ten (10') feet of any residence; provided, however, any such vehicle which is operated upon any public highway, street, or right-of-way shall be excluded from the provisions of this subsection;
- (e) *Noises by animals, birds, and fowl.* The keeping or harboring of any animal, bird, fowl, reptile, or insect which emits between the hours of 11:00 p.m. and 7:00 a.m. on Friday or Saturday and between the hours of 10:00 p.m. and 7:00 a.m. on Sunday through Thursday any unreasonable sound or cry which

disturbs or may disturb the peace and comfort or repose of the residents of the neighborhood or area in which such animal, bird, fowl, reptile, or insect is located or kept. Except for barking dogs, this subsection shall not apply in the animal overlay zones to animals permitted therein;

- (f) *Amplifying devices for hawkers and peddlers.* The operation of any vehicle or instrument equipped with, or to which is attached and used, any loudspeaker or sound amplifying device or the operation of any device or instrument, either mobile or stationary, through which device spoken words or other sounds are produced or reproduced in such increased volume as to be clearly audible to a person of normal hearing under normal and ordinary conditions for a distance of more than 200 feet from the source of such sound or between the hours of 11:00 p.m. and 7:00 a.m. on Friday or Saturday and between the hours of 10:00 p.m. and 7:00 a.m. on Sunday through Thursday;
- (g) *Motor vehicles.* The racing of any motor vehicle or needlessly bringing to a sudden start or stop any motor vehicle, which act produces unreasonably loud engine noise or tire noise;
- (h) *Pile drivers, hammers, and the like.* The operation between the hours of 7:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, hoist, or other appliance, the use of which is attended by loud or unusual noise;
- (i) *Construction and repair of buildings.* The erection, excavation, demolition, alteration, construction, or repair of any structure or building, other than between the hours of 7:00 a.m. and 7:00 p.m., except when the urgent necessity, in the interests of the public health and safety, requires and the City Engineer consents thereto. When substantial loss or inconvenience would result to any party denied permission to do so, the City Engineer may grant permission for such work on any day or at such times within such hours and on such conditions as he or she shall fix in accordance with his or her findings; and
- (j) *Yelling, shouting, and the like.* Yelling, shouting, hooting, whistling, or singing on the public streets or in a public place between the hours of 11:00 p.m. and 7:00 a.m. on Friday or Saturday and between the hours of 10:00 p.m. and 7:00 a.m. on Sunday through Thursday or at any time or place so as to annoy or disturb unreasonably the quiet, comfort, or repose of persons in any house or in any residence or of any other persons in the vicinity.
- (k) Continuation of conduct prohibited by this section after notification by a Peace Officer that the activity is unlawful shall be prima facie evidence of malicious and willful intent.

(§§ 6291, 6291.1 through 6291.4, S.V.M.C., as added by Ord. 64, § 6291.5, S.V.M.C., as added by Ord. 64, as amended by Ord. 186, §§ 6291.6 through 6291.12, S.V.M.C., as added by Ord. 64, and § 1, Ord. 968, eff. February 24, 2000)

5-16.03 - Exemptions: Public utilities for emergency purposes.

Notwithstanding any of the provisions of this chapter, any governmental agency or private or public utility may, for emergency purposes, perform emergency work and/or provide at any time supplies, materials, equipment, and labor for the repair, erection, restoration, maintenance, and alteration of its services and facilities.

For the purposes of this section "emergency" shall mean a sudden or unexpected happening or occasion which is, or presents, a threat of harm to the health, safety, or welfare to life and/or property of the community calling for immediate action, and "emergency work" shall mean the work necessary to restore property to a safe condition following a public calamity where all the work required is to protect persons or property from an imminent public exposure to danger.

(§ 6291.13, S.V.M.C., as added by § 1, Ord. 89 and by § 2, Ord. 182, and § 6291.13.1, S.V.M.C., as added by § 2, Ord. 182)