

## ARTICLE II. - NOISE CONTROL<sup>[2]</sup>

*Footnotes:*

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**Cross reference—** Peddlers creating noise to attract attention prohibited, § 7.59; auctioneers not to create excessive noise, § 7.184; permitting noise or music to emit from dance halls prohibited, § 7.228; harboring noisy dogs, § 9.69.

### Sec. 9.10. - Excessive noise declared nuisance.

All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances.

### Sec. 9.11. - Specific offenses.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person;
- (2) *Construction noises.* The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days, except between the hours of 7:00 a.m. and 6:00 p.m., unless a permit be first obtained from the city department of building and safety engineering;
- (3) *Sound amplifiers.* Use of any loudspeaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except one which is noncommercial in character and when so used shall be subject to the following restrictions:
  - (a) The only sounds permitted are music or human speech;
  - (b) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m., and between the hours of 4:30 p.m. and 6:30 p.m.;
  - (c) Sound-amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when such truck is stopped or impeded by traffic;
  - (d) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches;
  - (e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound-amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility;
  - (f) No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification;
  - (g) The restrictions hereinabove contained in subparagraphs (a) to (f) inclusive shall not apply to the use of church bells and school bells;
- (4) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom;
- (5) *Handling merchandise.* The creation 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;
- (6) *Blowers.* The discharge into the open air of air from any noise-creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such noise;

- (7) *Hawking.* The hawking of goods, merchandise or newspapers in a loud and boisterous manner;
- (8) *Horns and signal devices.* The sounding of any horns or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;
- (9) *Radio and musical instruments.* The playing of any radio, television set, phonograph or any musical instrument in such a manner or with such volume, particularly during 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;
- (10) *Shouting and whistling.* Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any school, place of worship or office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;
- (11) *Whistle or siren.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.
- (12) *Motor vehicles—Sound systems.* The operating or permitting the operation of a radio, tape player, disc player or other sound system, machine or device in or on a moving or parked motor vehicle so as to produce sound that is louder than is necessary for hearing by the person or persons who are in the motor vehicle or which offends the peace and quiet of persons of ordinary sensibilities in the vicinity thereof.

(Ord. No. 933, § 1, 4-11-77; Ord. No. 1308, § 1, 8-27-90)

#### Sec. 9.12. - Exceptions.

None of the terms or prohibitions of section 9.11 shall apply to or be enforced against:

- (1) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) *Highway maintenance and construction.* Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

Secs. 9.13—9.20. - Reserved.