

## DIVISION 2. - NOISE

## Sec. 78-111. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agency* means a political subdivision, governmental agency, public or private school, college or university.

*Business district* means the area contained within, and bounded by, the streets which comprise both the south side and north side business districts as defined in section 106-5.

*Residential district* means any area not described as being within the area contained within, and bounded by, the streets which comprise either the south side or the north side business district as defined in section 106-5.

*Sound-producing device* means a radio, television, tape recorder, phonograph, musical instrument or any other similar sound-producing instrument or device.

(Code 1981, § 26-48)

**Cross reference**— Definitions generally, § 1-2.

## Sec. 78-113. - Prohibited noises enumerated.

(a) The following acts, among others, are declared to be loud and disturbing noises and constitute violations of this division, but this enumeration shall not be deemed to be exclusive:

- (1) *Animal and fowl noises*. The keeping of any animal, bird or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity.
- (2) *Radios, phonographs and musical instruments*.
  - a. *Generally*. No person shall play any radio, phonograph or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling, hotel or other type of residence, or of any person in the vicinity.
  - b. *Playing at night*. No person shall play or cause to be played any musical instrument or device producing musical sound between the hours of 1:30 a.m. and 6:00 a.m.; provided, however, this subsection shall not apply to musical instruments being played in churches as a part of regular church entertainment, social entertainment in private homes, or entertainment in public buildings where an admission fee is charged therefor, or being played in any enclosed structure located at a greater distance than 200 feet from any dwelling, hotel, tourist court, hospital, rest home or sanitarium.
  - c. *Noise emanating from private property in residential district*. No person shall play a sound-producing device in a residential district between the hours of 11:00 p.m. and 7:00 a.m., whether inside or outside of a building, or from a motor vehicle, in a manner or with such volume so as to emit noise which can be heard beyond the property line of the property on which the sound-producing device is located; provided, however, this subsection shall not apply to the playing of a sound-producing device by an agency if the sound-producing device is being played at an event or activity which is authorized or sponsored by such agency on property owned or under the control of such agency.
  - d. *Noise emanating from motor vehicle on street in residential district*. No person shall permit noise to be emitted from a motor vehicle located on a public street or other public right-of-way by the playing of a sound-producing device between the hours of 11:00 p.m. and 7:00 a.m. in a residential district, when the noise from such device can be heard on property other than the street or other public

right-of-way; provided, however, this subsection shall not apply to the playing of a radio or other similar sound-producing device when the radio is being used by a governmental agency in the performance of its work.

- (3) *Loudspeakers and amplifiers.* The use of mechanical loudspeakers or amplifiers on either moving or standing vehicles for advertising, singing, public speaking or other purposes in the business district of the city; and the use of any musical instrument, loudspeaker or other noise-making device for the purpose of attracting attention to any performance, show, sale or display of merchandise, or for any other purpose, in the business district, or in a residential district between the hours of 9:00 p.m. and 8:00 a.m., except parades authorized by a permit from the chief of police; provided that all conveyances carrying and operating such devices in a residential district in accordance with this subsection shall keep moving at a speed of at least eight miles per hour. However, this subsection shall not apply to the reasonable use of amplifiers in the course of public addresses which are noncommercial in character and when such use is outside the public districts, as defined under the definitions of business district, south side central business district and north side central business district under section 106-5, or any activity for which a permit has been issued by the city manager pursuant to section 82-65, or to any use authorized by the city council in Park Central Square when the use is noncommercial in character.
- (4) *Excessive noise in vicinity of schools, churches or hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while it is in session, which unreasonably interferes with the workings or sessions thereof, or the creation of any excessive noise on any street adjacent to any hospital.
- (5) *Loading and unloading merchandise.* The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (6) *Construction in residential districts.* The erection (including excavating), demolition, alteration or repair of any building and the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and one-half hour before sunset, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed 30 days while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of one-half hour before sunset and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of one-half hour before sunset and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work; provided, however, this subsection shall not apply to excavations or repairs of bridges, streets or highways by or on behalf of the city, the county or the state during the nighttime when the public welfare and convenience renders it impracticable to perform such work during the day.
- (7) *Yelling, shouting, whistling, etc.* Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity, both in residence and business districts. No person shall yell, shout, chant, hoot, whistle or sing on private property or on a public street or other right-of-way in a residential district between the hours of 11:00 p.m. and 7:00 a.m. in a manner so as to emit noise which is unreasonably loud and unnecessary; provided, however, this proviso shall not apply if the yelling, hooting, shouting, chanting, whistling or singing occurs on private property under the ownership or control of the person making or permitting such noise, or on a public street or other right-of-way, and provided, further, that such noise does not leave the property or public street or other right-of-way or the noise occurs on property owned or used by an agency at an event or activity which is sponsored or authorized by such agency.
- (8) *Horns or signaling devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle for a prolonged, unnecessary and unreasonable period of time.

- (9) *Steam whistles.* The unreasonable and unnecessary and prolonged blowing of any steam whistle.
  - (10) *Noisy vehicles.* The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
  - (11) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (12) *Loud sound amplification systems.*
    - a. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.
    - b. For purposes of this subsection, the term "sound amplification system" means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.
    - c. For purposes of this subsection, the term "plainly audible" means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible, and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.
    - d. It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:
      - 1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
      - 2. The vehicle was an emergency or public safety vehicle.
      - 3. The vehicle was owned and operated by the city or a gas, electric, communications or refuse company.
      - 4. The system was used for the purpose of giving instructions, directions, talks, addresses or lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the city.
      - 5. The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the city authorized to grant such approval.
  - (b) Any ambulance, any officer of the law while engaged in necessary public business, or any vehicle of the city while engaged in necessary public business shall be excepted from the terms and prohibitions contained in this section.
- (Code 1981, § 26-50)

#### Sec. 78-113.5. - Permission for Certain Activities of Governmental Bodies

Upon the recommendation of the City Manager, the City Council by resolution may permit the performance of certain activities or events within the City, which would otherwise violate the provisions of Sections 78-112 and/or 78-113 for other governmental entities or bodies when the activity which would result in such violations are connected to that governmental entity's functions. The permission shall also be limited in duration, and may incorporate in its grant any conditions the City Manager may deem appropriate to mitigate the amount of noise generated and/or any adverse impact from the noise generated by the event. The permission granted shall not excuse the governmental entity conducting the activity or event from compliance with any other applicable requirements contained in the City Code, or in any other applicable City ordinances, state and federal laws and regulations.

(G.O. No. 5485, § 1, 8-22-2005)

Sec. 78-114. - Peace disturbance.

A person commits the crime of peace disturbance if:

- (1) He unreasonably and knowingly disturbs or alarms another person or persons by:
  - (a) Loud noise; or
  - (b) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
  - (c) Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
  - (d) Fighting; or
  - (e) Creating a noxious and offensive odor;
- (2) He is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
  - (a) Vehicular or pedestrian traffic; or
  - (b) The free ingress or egress to or from a public or private place.

(G.O. No. 5062, § 3, 3-19-2001)

**State Law reference—** RSMo 574.010.

Secs. 78-115—78-130. - Reserved.