

ARTICLE IV. - NOISE REGULATIONS^[3]

Footnotes:

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Cross reference— Health and sanitation, ch. 13.

DIVISION 1. - GENERALLY

Sec. 15-83. - Definitions.

Unless the context clearly indicates otherwise, the words and phrases used in this article are defined as follows:

Ambient noise means the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

Decibel (db) means a unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

Decibel measurement criteria. Any decibel measurement made pursuant to the provisions of this article shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 and for the combined frequency bands (ALL PASS).

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 to the public health and safety.

Motor vehicles include, but is not limited to, mini-bikes and go-carts.

Sound amplifying equipment means any machine or device for the amplification of the human voice, music or any other sound is amplified. "Sound amplifying equipment," as used in this article, does not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety.

(Code 1960, § 4615)

Cross reference— Definitions for Code generally, §§ 1-8—1-26.

Sec. 15-84. - Declaration of policy.

It is the policy of the city, in the exercise of its police power, to regulate and control annoying noise levels from all sources. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interest shall be systematically proscribed.

(Code 1960, § 4600)

Sec. 15-85. - Loud, unnecessary noises prohibited generally.

Notwithstanding any other provision of this article, it shall be unlawful for any person within any residential zone of the city to willfully make or continue or cause to be made or continued, any loud, unnecessary or unusual noise which unreasonably disturbs the peace and quiet of any residential neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. If the noise

which is being created is plainly audible at a distance of fifty (50) feet from the property line of any property (or if a condominium or apartment house, within any adjoining unit or apartment), building, structure or vehicle in which it is located, it shall be presumed that the noise being created is in violation of the provisions of this section.

(Code 1960, § 4614; Ord. No. 1266, § 1, 5-27-75; Ord. No. 2181, § 1, 11-4-08)

Sec. 15-86. - Notice of personal liability for cost of special security assignment.

- (a) When any loud or unruly assemblage occurs or is held (whether in a residential area or not), and the city's law enforcement agency is required to respond to the scene (whether or not in response to citizen complaints), and the senior police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, then that senior officer shall notify the owner of the premises or the person in charge of the premises or the person responsible for the assemblage that person, or if that person is a minor, that the parents and guardians of that person will be held personally liable for the costs of providing police personnel on special security assignment over and above the normal services provided by the police department to those premises.
- (b) Said person or persons shall be given a first warning, in the form of notification by police officer that the police response shall be deemed to be the normal police services provided.
- (c) The police personnel utilized after the first warning to control the threat to the public peace, health, safety or general welfare shall be deemed to be on special security assignment over and above the normal services provided.
- (d) The accounting and billing procedures as set forth in section 15-87 below shall apply.

(Ord. No. 1787, § 1, 10-10-88; Ord. No. 1939, § 5, 8-16-94)

Sec. 15-87. - Fees and costs for special security assignments.

- (a) The costs of the special security assignment described in section 15-86 shall include personnel and equipment costs expended during the second and any subsequent returns to the premises. Fees and costs shall be established by resolution of the city council, and shall not exceed the reasonable cost of providing such services. In addition, such costs may include damages to city property and/or injuries to city personnel.
- (b) All fees and charges levied for city services described in section 15-86 shall be due and payable upon presentation.
- (c) All fees and charges for such services shall constitute a valid and subsisting debt in favor of the city and against the person to whom such services are rendered, and an immediate cause of action shall accrue to the city for collection thereof in any court of competent jurisdiction.

(Ord. No. 1787, § 1, 10-10-88)

Sec. 15-88. - Remedies.

Collection pursuant to this division is not intended to be the exclusive remedy, either criminal or civil, available to the city relating to the circumstances which gave rise to the need for police response under this division.

(Ord. No. 1787, § 1, 10-10-88)

Sec. 15-89. - Notice and hearing to determine reasonableness of charge.

- (a) The person or persons charged pursuant to this division shall have five (5) days after service of the bill to file a written request with the chief of police for a hearing to determine the reasonableness of the charge.
- (b) Upon receipt of such request, the chief of police or his/her duly authorized representative shall give to the requesting party or parties not less than seven (7) days' written notice of the time and place of the hearing to determine the reasonableness of the fees and charges.

(c)

The hearing shall be conducted by the chief of police or his or her duly authorized representative, who shall act as the hearing officer. An authorized representative shall consider all relevant evidence, including but not limited to applicable staff reports. He or she shall give any interested person a reasonable opportunity to be heard in conjunction therewith. Based upon the evidence so presented, the chief of police or his or her duly authorized representative shall determine the reasonableness of the fees and charges imposed.

- (d) The decision of the chief of police or his or her duly authorized representative shall be final and conclusive in the absence of an appeal as provided in this division.
- (e) The chief of police or his or her duly authorized representative shall, within five (5) working days of his or her decision, give written notice of the decision to the person or persons who requested the hearing and to any other person requesting such notice.

(Ord. No. 1787, § 1, 10-10-88)

Sec. 15-90. - Appeal process.

- (a) The person or persons charged shall have the right of appeal to the city council.
- (b) The appeal shall be filed with the city clerk within five (5) days following receipt of notice of the decision of the chief of police. The appeal shall be in writing and shall state the grounds for the appeal.
- (c) The city clerk shall set the matter for a de novo hearing before the council at a date and time not less than ten (10) nor more than thirty (30) days following the filing of the appeal. The city clerk shall then notify the appellant, by mail, of the date and time of the hearing. The city council may continue the hearing date where necessary.
- (d) The council may, by resolution, establish a fee for the processing of an appeal.
- (e) At the time and place set for such hearing, the city council shall review the decision of the chief of police or his or her duly authorized representative and shall afford the appellant a reasonable opportunity to be heard in connection therewith.
- (f) The council shall, by resolution, establish rules of procedure for the conduct of hearing appeals.
- (g) A copy of the council's order shall be mailed to the appellant, and to any other person requesting the same, by the city clerk within five (5) working days after the adoption thereof. The council's decision shall be final and conclusive.

(Ord. No. 1787, § 1, 10-10-88)

Secs. 15-91—15-93. - Reserved.

DIVISION 2. - SPECIFIC NOISE SOURCES

Sec. 15-94. - Radios, television sets, and similar devices.

Between the hours of 10:00 p.m. on one (1) day and 7:00 a.m. of the following day, it shall be unlawful for any person within any residential zone of the city to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound or any device by which voice, music, or any other sound is amplified, in such a manner as to create any noise which causes the noise level at the property line of any property (or if a condominium or apartment house, within any adjoining unit or apartment), building, structure or vehicle to be plainly audible at a distance of fifty (50) feet therefrom.

(Code 1960, § 4610; Ord. No. 2181, § 2, 11-4-08)

Sec. 15-95. - Construction and building projects.

- (a) *Regulation.* Between the hours of 8:00 p.m. of one day and 7:00 a.m. of the next day, it shall be unlawful for any person within a residential zone, or within a radius of five hundred (500) feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction type device in such manner as to create any noise which causes the noise level at the property

line to exceed the ambient noise level by more than five (5) decibels unless a permit therefor has been duly obtained in accordance with paragraph (b) of this section. No permit shall be required to perform emergency work as defined in section 15-83 of this article.

- (b) *Permit procedure.* A permit may be issued authorizing noises prohibited by this section whenever it is found that the public interest will be served thereby. Applications for permits shall be in writing, shall be accompanied by an application fee in the amount of five dollars (\$5.00), and shall set forth in detail facts showing that the public interest will be served by the issuance of such permit. Applications shall be made to the building director; provided, however, that, with respect to work upon or involving the use of a public street, alley, building, or other public place under the jurisdiction of the engineering department, applications shall be made to the city engineer. Anyone dissatisfied with the denial of a permit may appeal to the council.
- (c) *Unloading and Loading.* Between the hours of 8:00 p.m. of one day and 6:00 a.m. of the next day, it shall be unlawful for any person within the radius of five hundred (500) feet of generally occupied residences to unload, load or otherwise perform duties preparatory to the commencement of construction or repair work on buildings or structures. Generally occupied residences shall include, but not be limited to, areas in which there is a reasonable probability of occupancy within the area.

(Code 1960, § 4611; Ord. No. 1826, § 2, 11-13-89)

Sec. 15-96. - Vehicle operation and repairs.

It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle upon private property in such manner as to create any noise which causes the noise level at the property line to exceed the ambient noise level by more than five (5) decibels.

(Code 1960, § 4612)

Sec. 15-97. - Restrictions on the operation of two- and four-stroke engines.

- (a) *Regulation.* Between the hours of 8:00 p.m. and 8:00 a.m. of the next day, it shall be unlawful for any person within a residential zone to operate any gasoline-powered two- or four-stroke engine such as a leaf blower, lawn mower, edger, chain saw, roto-tiller, and other such devices for the purpose of maintaining a lawn or property.
- (b) *Exceptions.*
- (1) This section shall not apply to any publicly owned properties, including but not limited to public schools, parks, fire stations, etc., located within residential zones.
 - (2) This section shall not apply to privately owned schools located within residential zones.

(Ord. No. 1753, § 1, 10-12-87; Ord. No. 1937, § 1, 6-7-94)