

ARTICLE V. - NOISE

Sec. 58-46. - Definitions.

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

*Emergency* means any occurrence or set of circumstances involving actual or imminent harm to any person or property or injury to the public health, safety and welfare that demands immediate preventive or remedial action, including any action performed to prevent or alleviate the harm or injury threatened or caused by an emergency.

*Noise* means any sound that annoys or disturbs humans or that causes or tends to cause adverse psychological or physiological effect on humans.

*Noise disturbance* means any sound in quantities that is or may be potentially harmful or injurious to human health or welfare, or that unreasonably interferes with the enjoyment of life or property of a reasonable person with normal sensibilities.

(Ord. No. 2001-39, § 1, 5-22-2001)

Sec. 58-47. - Violations.

- (a) Operating, playing or permitting the operation or playing of any radio, television, tape, record, cd, dvd, musical instrument or other machine or device for the producing, reproducing or amplifying of sound that creates a noise disturbance beyond the physical boundaries of property in a residential neighborhood or in a mixed-use neighborhood of commercial and residential zoning districts.
- (b) Operating or causing the operations of any tools or equipment used in construction, drilling or repair work between the hours of 10:00 p.m. to 7:00 a.m., which shall be presumed a nuisance.

(Ord. No. 2001-39, § 1, 5-22-2001)

Sec. 58-48. - Exceptions.

The provisions of this article shall not apply to the following activities:

- (a) Noise generated for the purpose of alerting people to the existence of any emergency or noise generated in performing emergency activities.
- (b) Any noise generated by any noncommercial public speaking and public assembly activities conducted in any public space or public right-of-way pursuant to lawful authority.
- (c) Any noise generated by the movement of aircraft according to applicable federal laws or regulations.
- (d) Any noise generated by new products or interstate motor or rail carrier vehicles to the extent that local regulation of the noise levels have been preempted by the Noise Control Act of 1972, 49 U.S.C. §§ 4901 et seq., or other applicable federal laws or regulations.
- (e) Any noise generated by the operation of engines, generators, pumps, construction tools or other equipment for emergency use.

(Ord. No. 2001-39, § 1, 5-22-2001)

Secs. 58-49—58-65. - Reserved.