

6-1-4. – Noise.

It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify or to amplify or to reproduce the human voice, or any other sound, on any public street within the corporate limits of the City. It shall likewise be unlawful for any person to use or operate, or cause to be used or operated, any such mechanical or electrical device, machine, apparatus or instrument or any other mechanical or electrical device, machine, apparatus or instrument, whether involving amplification or not, that emits or causes any loud, excessive or unusual noise, in any building or on any premises in the City, whereby the sound therefrom is cast directly upon the public streets or places, or where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public or which is so placed or operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place, or of persons in neighboring premises.

6-6-13. - Noise as nuisance.

- (a) Any unreasonably loud, disturbing, raucous, or unnecessary noise that causes distress, discomfort, or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.
- (b) Any noise of such a character, intensity and continued duration that interferes with the comfortable enjoyment of a private residence by people of ordinary sensibilities is hereby declared to be a nuisance.
- (c) A minimum decibel level shall not be required to be in violation of this ordinance.

(Ord. No. 8128, § 2, 19-24-2002)

6-6-14. - Standards for determining violation.

In considering whether or not a violation of [section] 6-6-13 has occurred, the trier of fact shall consider the following:

- (a) The volume of the noise;
- (b) The intensity of the noise;
- (c) The volume and intensity of the background noise, if any;
- (d) The proximity of the noise to residential sleeping facilities;
- (e) The nature and zoning of the area within which the noise emanates;
- (f) The density of the area within which the noise emanates;
- (g) The duration of the noise;
- (h) Whether the noise is recurrent, intermittent, or constant; and
- (i) The time of day or night the noise occurs.

(Ord. No. 8128, § 2, 9-24-2002)

6-6-15. - Specific acts deemed loud and raucous.

The following acts, among others, are declared to create loud and raucous noises, and shall be deemed a violation of [section] 6-6-13, but such enumeration shall not be deemed to be exclusive:

- (a) Musical instruments. The playing of any radio, CD player or similar device, or musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in the immediate vicinity.
- (b) Loudspeakers and amplifiers. The use of any loudspeaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof. Provided, however, that it shall be a defense to prosecution under this subsection for operating such loudspeakers and amplifiers that the same were operated at a public event on property owned by the city, county, a school, or public entity and advance permission for such operation was obtained from the applicable entity.
- (c) Horns or other signal devices on vehicles. The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period of time.
- (d) Operation of vehicles. The operation of any automobile, motorcycle or vehicle in such a manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibrations.
- (e) Exhaust without mufflers. The discharge into the open air of the exhaust of any internal combustion engine, motor vehicle or boat engine except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.
- (f) Devices operated by compressed air. The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
- (g) Near schools and hospitals. The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session or adjacent to any hospital which unreasonably interferes with the workings of such institution.
- (h) Loading and unloading vehicles, etc. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of boxes, crates and containers.
- (i) Use of devices to attract attention. The use of any loudspeaker or other instrument or device which creates unreasonable noise for the purpose of attracting attention to any performance, show or sale of merchandise.

(Ord. No. 8128, § 2, 9-24-2002)

6-6-16. - Defenses.

The following shall be affirmative defenses to prosecution under this Chapter:

- (a) The sound was produced by an authorized emergency vehicle;
- (b) The emission of any sound for the purpose of alerting one or more people to the existence of an emergency, danger, or attempted crime;
- (c) The sound is being made in accordance with a valid license or permit obtained from any department, board or commission of the city, county, school, or public entity authorized to issue a license or permit that specifically allows the sound;
- (d) Sound from the operation of emergency generators used in emergency situations;

- (e) Sound caused by emergency or public service work, including police, fire and public utility operations, when the sound is associated with the performance of lawful duties to protect the health, safety or welfare of the community, to restore property to a safe condition, to repair public utilities or telecommunications facilities, or to protect persons or property from imminent danger;
- (f) Amplifiers used on vehicles to attract patrons that are operated by ice cream and snowcone vendors that produce jingles or music from 10:00 a.m. to 8:00 p.m. provided, however, such amplified jingles or music shall not be done in a loud manner so as to be offensive to the ordinary sensibilities of a reasonable and prudent person;
- (g) The sound resulted from the use and operation of any bell or chime system in connection with the use and occupancy of a church or educational institution structure;
- (h) The sound resulting from the use and operation of a leaf blower, lawnmower, weed eater or edger between the hours of sunrise and sunset;
- (i) The sound was generated;
 - (1) At a lawfully scheduled stadium event;
 - (2) By a parade and spectators and participants on the parade route during a permitted parade;
 - (3) By spectators and participants at lawfully scheduled amphitheater or pavilion events;
 - (4) By patrons and participants using cannons and gunfire during historical battle reenactments for which a permit was obtained and the explosives were inspected by the fire marshal;
 - (5) By a pyrotechnic display that was inspected and approved by the fire marshal;
 - (6) By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert which was sponsored, cosponsored, or permitted by the city, county, school or public entity;
 - (7) Any lawful activity protected under the Americans with Disabilities Act of 1990; or
 - (8) Any other lawful activity that constitutes protected expression pursuant to the First Amendment of the United States Constitution.
- (j) The sound was produced by aircraft in flight or in operation at an airport.
- (k) It is a defense to prosecution if the sound was produced or caused by a person who has verification of deafness of 55 decibels or greater in both ears or a written determination by a physician that the person is deaf.

(Ord. No. 8128, § 2, 9-24-2002)