

8.68.010 Definitions and Standards.

For use in this chapter, unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. "Application" means the application discussed in Section 8.68.060 of this chapter.
2. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
3. "Emergency work" means any work performed for the purpose of alleviating or resolving an emergency.
4. "Motorcycle" means any two or three-wheeled motor vehicle.
5. "Motor vehicle" means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: "motor vehicle" includes most motorcycles.)
6. "Noise" means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
7. "Noise disturbance" means any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.
8. "Plainly audible noise" means any noise for which the information content of that noise is unambiguously transferred to the listener, such as but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
9. "Powered model vehicle" means any self-propelled airborne, waterborne or land borne model plane, vessel or vehicle which is not designed to carry persons, including but not limited to, any model airplane, boat, car or rocket.
10. "Public right-of-way" means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.
11. "Public loudspeakers." Using or operating a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate Section 8.68.030 or cause a noise disturbance unless a permit as provided by Section 8.68.060 is first obtained.
12. "Real property boundary" means an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property division.
13. "Recreational vehicle" means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a "motor vehicle" (or "motorcycle" if two or three-wheeled) and not a "recreational vehicle." (Examples of recreational vehicles are a snowmobile, a minibike, a stock car or motorboat.)
14. "Residential property" means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.
15. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
16. "Sound equipment" means any radio, satellite radio, stereo, motor vehicle stereo, transmitter, receiver, record player, compact disc player, tape deck or player, television, musical instrument, loudspeaker, microphone, amplifier, sound track or other device for producing, reproducing transmitting or amplifying sound, except, however, "sound equipment" does not include
 - (a) Sirens and other equipment used to alert persons to the existence of an emergency,
 - (b) Equipment used by law enforcement and other public safety officials in the performance of their official duties,
 - (c) Church carillons, bells or chimes,
 - (d) Mobile radio or telephone signaling devices and
 - (e) Automobile and truck radios, tape decks or players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom is not audible for more than fifty (50) feet from such automobile or truck.

(Ord. 2014-0306; 2007-0524)

8.68.020 Noise Disturbance Prohibited.

It is unlawful for any person to willfully make or continue or cause or allow to be made or continued any noise disturbance within the City.(Ord. 2007-0524)

8.68.030 Included Sounds.

Except for sounds excluded under any section of this chapter, the term “noise disturbance” means any of the following sounds:

1. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety or health of a human being or disturbs a reasonable human being of normal sensitivities or causes or tends to cause an adverse physiological or physical effect on human beings or devalues or injures property.

2. Selling by “Hawking” or “Barking.” The sound of selling by shout or outcry when made within the area of the City zoned residential or commercial.

3. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing or handling of boxes, crates, containers, building materials or similar objects between the hours of 9:00 p.m. and 7:00 a.m. within any area of the City zoned residential. The sound made by the outdoor loading, unloading, opening, closing or handling of trash cans, trash containers, trash receptacles, trash dumpsters or similar objects which is received between the hours of 9:00 p.m. and 5:00 a.m. plainly audible at the real property boundary of where the source is located.

4. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying or testing of a motor vehicle or recreational vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m. plainly audible at the real property boundary where the source is located.

5. Powered Motor Vehicles. The sound made by the operation of a powered motor vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

6. Musical Instruments. The sound made by a drum, horn, reed instrument, string instrument or other musical instrument or device which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary where the source is located.

7. Off-road Motorcycle and Recreational Vehicle Noise. The sound made on private property or on City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of 9:00 p.m. and 7:00 a.m. audible at the real property boundary where the source is located; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section other than this subsection.

8. Construction Noise. The sound made by tools or equipment in erection, demolition, excavation, drilling or other such construction work which is received between the hours of 9:00 p.m. and 7:00 a.m. audible at the real property boundary where the source is located.

9. Sound Equipment. The sound made by sound equipment operated upon the public right-of-way or in any building or upon any premises, public or private, if plainly audible at the real property boundary where the source is located, unless the person using, operating or causing to be used or operated the sound equipment possesses a current sound equipment permit and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit.

10. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.

11. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.

12. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass. (Ord. 2007-0524)

8.68.040 Excluded Sounds.

Any other provision of this section or other section of this chapter to the contrary notwithstanding, the term “noise disturbance,” as used in this chapter, does not mean or include the following sounds:

1. Use of sound amplification equipment by an employee of a governmental entity engaged in the employee’s official duty.

2. Lawn and Garden Equipment. The sound emitted by motor-powered **muffler-equipped lawn and garden equipment** operated between the hours of 7:00 a.m. and 9:00 p.m.

3. Chain Saws. The sound emitted by motor-powered tree-trimming equipment operated between the hours of 7:00 a.m. and 9:00 p.m.

4. Snow Removal Equipment. **The sound emitted by motor-powered, muffler-equipped snow removal equipment operated between the hours of 5:00 a.m. and 10:00 p.m., and the sound emitted by City-owned or hired snow removal equipment, at any time.**

5. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.

6. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purpose or for the essential testing of such device.

7. Church Bells. The sound emitted by church carillons, bells or chimes.

8. Automobile Radios. **The sound emitted by an automobile or truck radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle’s occupants while such vehicle is on the public right-of-way, provided that the sound emitted there from is not audible for more than fifty (50) feet.**

9. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.

10. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.

11. Law Enforcement. The sounds made or caused to be made by law enforcement and/or other public safety officials in the performance of their official duties.

12. Construction Noise. The sound emitted by construction work (erection, demolition, excavation, drilling, etc.) between the hours of 7:00 a.m. and 9:00 p.m., **which is being performed pursuant to a proper and current building permit.**

13. Mosquito Spraying Equipment. The sound made by the City-owned or hired mosquito spraying equipment.

14. Concrete Sawing. The sawing of concrete in connection with a City project as approved by the City Engineer.

15. Outdoor School and Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events, practices, contests, festivals, and fundraisers.

16. Noise resulting from lawful fireworks and noisemakers used for official purposes.

17. The City of Sioux City, including, but not limited to, Parks and Recreation Department sponsored activities with musical components.

18. Repairs, maintenance or excavations of bridges, streets or highways by or on behalf of the city, the state or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.

19. Noise resulting from a person at a stadium or ball-park during a sports event.

20. Noise resulting from a person operating an audible warning device on a vehicle or train as required by law.

21. Authorized parade or street events. **If a permit has been issued for an authorized parade or street event, individual participants in the parade or street event are not required to obtain a separate permit.** (Ord. 2007-0524)

8.68.050 Sound Permit.

1. No person shall use, operate or cause to be used or operated any sound equipment upon the public rights-of-way or in any building or upon any premises, public or private, if the sound emitted thereby is plainly audible at the real property boundary where the source is located, unless such person has obtained a sound equipment permit in accordance with this section and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit.

2. No person shall operate any motor vehicle stereo (stereo, tape player, compact disc player, radio or any other sound amplification device) in a public place or on any public right-of-way that is plainly audible at fifty (50) feet or more from the motor vehicle stereo unless such person has obtained a sound equipment permit in accordance with this section and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit.

3. The provisions of this section may be enforced following personal observation/hearing of any police officer or other enforcement official or upon receipt of a complaint made or filed with the police department by any person observing and hearing a violation.

4. No permit required under this chapter shall be issued for any activity to be conducted between the hours of 1:30 a.m. and 7:00 a.m.

5. The permit may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the City or the surrounding neighborhood. Reasonable conditions or requirement may include an ending time for activity contemplated under the permit which is prior to 1:30 a.m.

6. In no event shall the duration of any single permit exceed thirty (30) days in length.
(Ord. 2012-0738; 2007-0524)

8.68.060 Application for Permit.

Applications for a permit for relief from the noise restrictions in this chapter shall be made in writing to the Chief of Police for the City of Sioux City and shall contain the following information:

1. Application shall be made on a form approved by and/or provided by the Sioux City Police Department;
2. Application shall be made at least forty-five (45) days prior to the date of the activity;
3. Payment of a fee of twenty-five dollars (\$25.00), except bona fide neighborhood block parties which shall be free;
4. The name, address and contact information of the applicant;
5. The name of the sponsoring individual, group, or organization;
6. The type of event for which the sound permit will be used;
7. The location where the sound permit will be used, including the identity and contact information for the owner of the location;
8. The proposed date and duration of the event and the hours of operation of sound equipment; and
9. Any other information as may be required by the Sioux City Police Department. (Ord. 2007-0524)

8.68.070 Issuance of permit and appeal.

1. Applications for issuance of a sound permit will be reviewed by the Chief of Police or designee and a decision made as to approval within seven (7) days. A permit shall be issued to a person who submits an application meeting the application requirements under this chapter and who has paid the application fee, except as set forth below.

2. No permit shall be issued to any applicant or for any activity for which the applicant or the associated activity has been convicted of (2) two or more violations of this chapter within the previous twelve months.

3. Any person denied a permit may appeal the denial to the City Council by filing a written notice of appeal with the City Clerk within seven (7) days of the denial. The notice of appeal shall contain the following information:

a. The name, address and contact information of the individual or entity filing the appeal; and

b. A written statement of the decision being appealed which describes in detail the specific basis for the appeal.

4. Hearing on the appeal will then be scheduled before the City Council at a regular council meeting.

(Ord. 2012-0738; 2007-0524)

8.68.080 Penalties.

Except as herein provided, any person who violates any of the provisions of this chapter is guilty of a municipal infraction and shall upon conviction, be punished as provided in section 1.04.100 of this municipal code.

Alternatively, any person who violates any of the provisions of this chapter is guilty of a misdemeanor and shall upon conviction be punished as provided in section 1.04.100 of this code. A peace officer may issue a criminal citation for such violations. No person shall be charged with both a municipal infraction and a misdemeanor for the same violation. (Ord. 2007-0524)