

## Chapter 7.44

### NOISE\*

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\* Prior ordinance history: Ords. 185, and 1171, (repealed).

#### **7.44.010 Application of chapter.**

This chapter applies to “portable noise emissions” as herein defined. For noise emissions on private property made by persons entitled to lawful possession thereof, or persons acting under the direction or control of persons entitled to lawful possession thereof, see Chapter 11.34.

(Ord. 1815 § 1 (part), 5-22-89)

#### **7.44.020 Definitions.**

7.44.020.01 “Portable noise emissions” means noise emissions the source of which is located on

- (1) Public property; or
- (2) Private property which has been opened to the public (such as a church, park, market, shopping center, movie theater, etc.); or
- (3) Private property not opened to the public but the noise is being made by a person who is not acting under the direction or control of the person or persons entitled to lawful possession thereof.

7.44.020.02 “Offensive portable noise emissions” means either:

- (a) **General Standard.** Any portable noise emission which is intentionally created or maintained, has no significant social value other than entertainment value, and is of sufficient loudness so as to cause discomfort or annoyance to any reasonable person of normal sensitivities.
- (b) **Standard Electronic Entertainment Devices.** Any portable noise emission created by a radio, television, record player, tape or video recorder, or other electronic entertainment device, regardless of whether its power supply is fixed or portable, which can be heard at a distance of greater than two hundred twenty-five feet from the source, or which exceeds a “slowed” response decibel measurement set forth below at the distance identified adjacent thereto.

If the person is the following distance from the noise source	The average decibel reading should not exceed the following
10 feet	70 Db
15 feet	68 Db
20 feet	65 Db
25 feet	62 Db
30 feet	60 Db

If the person is the following distance from the noise source	The average decibel reading should not exceed the following
35 feet	58 Db

(c) Standard for Loud Parties or Gatherings. Any portable noise emission which emanates from a party or gathering of two or more people that can be heard at a distance of thirty feet from the boundary of the property where such party or gathering is held.

(Ord. 2011 § 1 Exh. A (part), 8-27-96; Ord. 1951 § 2, 6-22-93; Ord. 1815 § 1 (part), 5-22-89)

**7.44.030 Portable noise emissions are a public nuisance.**

An offensive portable noise emission, as herein defined, is hereby declared to be a nuisance affecting the public peace, health and safety.

(Ord. 1815 § 1 (part), 5-22-89)

**7.44.040 Unlawful to emit offensive portable noise.**

It is unlawful for any person, firm or corporation to create or maintain any offensive portable noise emission.

(Ord. 1815 § 1 (part), 5-22-89)

**7.44.050 Penalty for violation.**

(a) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided for in Chapter 1.56. Each hour such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) In addition to the foregoing penalties, the procedures set forth in Section 11.34.100 shall apply to violations of this chapter.

(Ord. 1951 § 2, 6-22-93; Ord. 1815 § 1 (part), 5-22-89)

**7.44.060 Enforcement officer.**

The provisions of this chapter shall be enforced jointly by the noise control officer as defined in Section 11.34.060 or his designee, or the chief of police, any city police officer, or other designee of the chief of police.

(Ord. 1815 § 1 (part), 5-22-89)