

Sec. 3-101. - Noise regulations.

(a) Definitions. In this section:

Dwelling has the meaning as defined by the Development Code.

Outdoor playground means an area that is not entirely enclosed within a building that contains play equipment for younger children, such as slides, swings, climbing bars, chutes, tunnels, or similar recreational equipment.

Public facility means any park, playground, stadium, entertainment arena, athletic facility, Town Square Plaza, or other real property, other than a public street, highway or right-of-way, which is owned by a city, county, public school, or other governmental entity.

Public service utility means an entity that provides water, wastewater, electric, telephone, telecommunications, or natural gas service to customers from facilities located within a public right-of-way.

(b) It is unlawful for any person to intentionally or knowingly make or create any noise of such volume, intensity, or duration as to disturb or annoy a reasonable person of normal sensitivity in the usual and expected enjoyment or the use of a dwelling. In determining whether a violation of this paragraph occurs, the following may be considered:

- (1) The level, frequency, or duration of the noise;
- (2) The proximity of the noise to the dwelling;
- (3) The nature and zoning of the area within which the noise occurs; and
- (4) The time of the day or night the noise occurs.

(c) The operation of any radio, speaker, musical instrument, sound amplifier, or other device used for producing or reproducing sound for entertainment purposes so as to be plainly audible within a dwelling, other than the dwelling where the sound-producing device is located, is prima facie evidence of a violation of paragraph (a).

(d) It is unlawful for a person to operate any radio, speaker, sound amplifier or similar device located within or upon a motor vehicle at a volume that is audible at a distance of more than 50 feet from the vehicle. The fact that the sound is audible at a distance of 50 feet from the vehicle is prima facie evidence of a violation of this subsection.

(e) It is unlawful for any person operating a business that operates an outdoor playground as an accessory use if the playground is located within 500 feet of a dwelling, to intentionally or knowingly allow any person to make use of the playground between 10:00 p.m. and 6:00 a.m. of the following day.

(f) Exceptions to violations.

- (1) It is a defense to prosecution under paragraph (b) of this section that the noise was caused by an employee, contractor, or agent of any city, county, public school, or other governmental entity or of a public service utility in the performance of his or her duties.
- (2) It is a defense to prosecution under paragraph (b) or (c) of this section that the noise or sound was created by persons lawfully using a public facility.
- (3) It is a defense to prosecutions under paragraph (b), (c) or (d) of this section that the noise was caused by persons participating in a parade conducted on a public street pursuant to a parade permit.

(Ord. No. 714, §§ 2—4, 8-7-90; Ord. No. 1236, § 1, 4-4-00; Ord. No. 1421, § 4, 12-2-03; Ord. No. 1577, § 19, 8-1-2006; Ord. No. 1780, § 1, 8-3-2010)