

9.1 **Public Nuisances Defined.** Whatever annoys, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway, allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Chapter and the common and statute law of this state.

NOISE CONTROL

9.5 **Noises.** Among others, each of the following acts is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive, namely

- (a) **Horns and Signal Devices.** The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time;
- (b) **Radio and Musical Instruments.** The playing of any radio, television, phonograph, or any musical instruments in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity;
- (c) **Shouting and Whistling.** Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity;
- (d) **Hawking.** The hawking of goods, merchandise or newspapers in a loud and boisterous manner.
- (e) **Animal and Bird Noises.** The keeping of any animals or birds which by causing frequent or long continued noise shall disturb the comfort of any person;
- (f) **Whistle or Siren.** The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger;
- (g) **Engine Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noises therefrom;
- (h) **Construction Noises.** The erection (including excavating), demolition, alteration, or repair of any building, the excavation and/or grading of streets, highways, or

private property other than between the hours of 7:00 a.m. and 8:00 p.m. on Mondays through Saturdays, unless a permit be first obtained from the Building Department for building work or from the Engineering Department for street work.

- (i) Handling Merchandise. The creating of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- (j) Devices to Attract Attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.
- (k) Noise, Sound Amplification, or Commotion in Vehicles. To make a commotion, amplify sound, or make unnecessarily loud noises which are audible more than 50 feet from the vehicle, or whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed.

(Rev. 08-06-1990)

- (l) Sound Trucks. To operate or cause to be operated a sound truck with radio or amplifier within the City without first having obtained a permit therefor from the City Council.

(Rev. 03-26-1979)

- (m) Exceptions. None of the prohibitions herein shall apply to or be enforced against; any police or fire vehicle of the City or ambulance while engaged upon necessary public emergency business; necessary excavations or repairs of bridges, streets, or highways on behalf of the city, county or state during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day; the reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are non-commercial in character.

9.8. Abandoned Iceboxes, Refrigerators, etc. Any person who knowingly leaves, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of a kind and size sufficient to permit the entrapment and suffocation of a child therein, without first removing the snap lock or other locking device from the lid or cover thereof, is guilty of a misdemeanor.

(Rev. 03-20-1967)

9.9 Radio and Television Interference.

- (1) No person shall maintain or operate any equipment, device, appliance, or apparatus in the city which generates or causes high frequency oscillations which interfere with radio or television transmitting or reception; except, that x-ray pictures, examinations, or treatments and diathermy treatments may be made if the machine or apparatus therefor is equipped to avoid all unnecessary

interference and is not negligently operated.

- (2) The City Engineer may designate a radio inspector, to investigate complaints of interference with radio and television transmitting, and reception and he is hereby given authority upon presenting his evidence of authority, to have a right of access to any premises at any reasonable hour for the purpose of inspecting any equipment, device, appliance, or apparatus coming within the terms of this Chapter to determine if such equipment, device, appliance, and apparatus complies with the terms of this Chapter, and no person shall interfere with said radio inspector in making such inspection or refuse to allow the radio inspector to enter upon the premises for such purpose.
- (3) Whenever an inspection and test shall have been made by the radio inspector, and it is found that such equipment device, appliance, or apparatus is being operated in violation of this section, the person responsible for such operation shall be notified in writing to discontinue the use of such equipment, device, appliance or apparatus or to make additions, repairs, or modifications thereof, in order that the same may be operated in a manner which complies with the provisions of this Chapter. Such notice may be given personally to said person or by certified mail, addressed to said person. In the event that said person within 48 hours after receipt of such notice fails to repair the same so that it complies with the Chapter, such person shall be deemed to be operating the same in violation thereof.
- (4) The operation of any machine, mechanical device, electrical device or thing that interferes with, or causes static in the operation of the police radio system is hereby declared to be a public nuisance; the operator of said machine or device shall immediately discontinue the use of said equipment upon being notified of its interference with the police radio system and shall not again place the same in operation until it has been repaired or modified so as not to interfere with the police radio system.
- (5) No provision of this Chapter shall be construed as regulating any equipment, device, appliance or apparatus used in interstate commerce where the same is licensed or regulated by or under any act of Congress of the United States.