

ARTICLE III. - NOISE

Sec. 30-81. - Excessive noise generally.

It shall be unlawful for any person to make, permit or allow to be made, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of others within the limits of the city, unless the making and continuing of such noise is necessary for the improvement, protection or preservation of property or the health, safety, life or limb of some person.

(Code 1981, § 17-3)

Sec. 30-82. - Prohibited noises enumerated.

The acts enumerated in this section are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

- (1) *Sirens or gongs on vehicles.* It shall be unlawful for any person to carry or to use upon any vehicle, other than police or fire department vehicles or other emergency vehicles, any gong or siren similar to that used on ambulances or vehicles of the police and fire department.
- (2) *Mufflers.* No person shall operate a gasoline engine or any similar engine of any kind unless the engine shall be equipped with an exhaust muffler in effective working condition, which muffler shall be used whenever the engine is in operation so that there will be no excessive or unusual noise, or the engine shall be so constructed or designed that the noise is deadened as if such engine were equipped with a muffler. No person shall operate a motor vehicle upon any street unless such motor vehicle is equipped with a muffler at all times in good working order sufficient to prevent excessive or unusual noise.
- (3) *[Un-muffled engine brake, compression brake, mechanical exhaust or braking device.]* The use or operation, without a muffler, of any engine brake, compression brake, mechanical exhaust device, or other similar device designed to aid in the braking or deceleration of any vehicle is prohibited. It shall be a defense to prosecution under this subsection that the braking device was used during an occurrence or set of occurrences which necessitated immediate braking or deceleration to avoid actual or imminent physical trauma, property damage or loss.
- (4) *Noisy vehicles generally.* It shall be unlawful to use any automobile, motorcycle or other vehicle out of repair or so loaded or in such a manner as to create any loud or noisy grating, grinding, rattling or other noise.
- (5) *Radios, phonographs and musical instruments.* It shall be unlawful for any person to use, operate or permit to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.
- (6) *Building operations at night.* It shall be unlawful for any person, in conducting any building operations between the hours of 10:00 p.m. and 7:00 a.m., to operate or use any piledriver, steam shovel, pneumatic hammer, derrick, pump, generator, steam or electric hoist or other apparatus, the use of which is at the time loud or unusually noisy, except in case of emergency, or except in the case in which such building operation requires continuous operation in excess of 15 hours. In circumstances falling within the latter exception, written application must be made to the city demonstrating the necessity of continuous operation and city approval must be secured prior to the start of such operation. All such

continuous operations shall be started at or near 7:00 a.m. to minimize the amount of evening hours of such operation. In addition, the person conducting such building operations shall take all reasonable efforts to mitigate the noise caused by such operations, such as erecting a noise-deflecting structure around the operation.

- (7) *Noise near school, church, court or hospital.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while such institution is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, is hereby prohibited, provided conspicuous signs are displayed in such street indicating that the street is a school, hospital, church or court street.

(Code 1981, § 17-3(a)—(f); Ord. No. O-04-30, § 1, 7-6-2004; Ord. No. O-08-36, §§ 1, 2, 7-7-2008)

Secs. 30-83—30-110. - Reserved.