

ARTICLE 8.01 GENERAL PROVISIONS***Sec. 8.01.005 Noises prohibited**

(a) It shall be unlawful for any person to make, create, continue or cause to be made, created or continued any unnecessary, loud, unusual or prolonged noise which disturbs, or is calculated to disturb, the persons in the immediate vicinity thereof.

(b) In determining whether any such noise is sufficient to constitute a disturbance hereunder, the court shall consider whether such noise is of such character, intensity and duration as to disturb a person of ordinary sensibilities, taking into consideration the nature of the neighborhood in which such noise occurs.

(c) Proof that any such noise occurred between the hours of ten-thirty o'clock (10:30) p.m. and seven o'clock (7:00) a.m., or that such noise occurred three (3) or more times in any ten-day period, shall be prima facie proof that persons in the immediate vicinity thereof were disturbed.

(d) If it is proven at trial that the defendant charged with a violation of this section has previously been found guilty of a violation of this section, the fine amount assessed shall be in accordance with the general penalty provision provided for in [section 1.01.009](#) of this code.

(e) It shall be an exception that noise which might otherwise be unlawful to make under this section occurs on independent school district, parochial school, private primary or secondary school, university or city-owned property between the hours of 6:30 a.m. and 11:30 p.m., and is part of a school or university sponsored activity or event.

(1959 Code, sec. 6-1-16; 1996 Code, sec. 8.114; Ordinance adopted 9/18/01; Ordinance adopted 9/1/15)

ARTICLE 8.01 GENERAL PROVISIONS***Sec. 8.01.006 Noise from motor vehicle**

(a) Prohibition; permit. It shall be unlawful to play, operate or use any device known as a stereo, compact disc player, radio, phonograph, loudspeaker, sound truck, or any sound or music amplification system or any other instrument of any kind or character which emits loud, unusual, prolonged or raucous noises and is attached to or upon any motor vehicle, unless such person in charge of such vehicle shall have first applied to and received a permit from the chief of police or the chief's designee to operate any such vehicle so equipped.

(1) Denial of permit. Denial of a permit may be appealed to the city council by the applicant. Written request for appeal must be received by the chief of police no later than ten (10) days from the denial of application for a permit.

(2) Requirements for issuance of permit. In considering an application, the chief of police or the chief's designee may consider the type of motor vehicle, the time of day or night requested, the length of time for which the permit is requested, the location or locations within the city, and any other condition which may impact the public safety, health and welfare of the citizens of the city. The chief of police or the chief's designee may require the applicant to provide traffic control, security or any other requirement necessary for the preservation of life, health and property. Any expenses incurred for traffic control and security shall be borne by the applicant. No permit shall be issued for a period longer than twelve (12) hours. The permit may be revoked at any time by the chief of police or the chief's designee when the public safety, health and welfare makes such revocation necessary. The permit so given to any person shall not be transferable.

(b) Penalty. Any person who violates any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided for in [section 1.01.009](#) of this code. Each day of such violation shall constitute a separate offense.

(1996 Code, sec. 8.105; Ordinance adopted 10/2/01)

ARTICLE 8.01 GENERAL PROVISIONS*

Sec. 8.01.007 Loud noise from engine brake

(a) Prohibition. It shall be unlawful for any person to use an air or engine brake (otherwise known as a “jake brake”) causing noise in violation of federal law, the Interstate Motor Carrier Operations Standards.

(b) Exception. In the event that a vehicle loses normal means to slow down or stop that vehicle, the emergency use of air or engine brakes shall be allowed.

(1996 Code, sec. 8.122; Ordinance adopted 1/23/07)