

# Chapter 4

## NOISE CONTROL

### 6-4-1: DEFINITIONS:

As used in this chapter, the following definitions shall apply:

**AMPLIFIED SOUND:** To increase sound in intensity and duration by electrical, electronic, mechanical or other nonhuman means, including an electronic device.

**NOISE DISTURBANCE:** Any loud and raucous noise, or any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

**PERSON:** Any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assignee of any of the foregoing, or any other legal entity.

**PLAINLY AUDIBLE:** Any sound for which the information content of the sound is transferred to the listener such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or lowered or comprehension of musical rhythms.

**PUBLIC PLACE:** Any street, avenue, boulevard, highway, sidewalk or alley or similar place owned or controlled by the city, including any structure or park.

**REAL PROPERTY LINE:** An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

**SOUND PRODUCTION DEVICE:** Radio, tape player, disc player, loudspeaker, digital audio player, portable media player or other electric, electronic or mechanical device that produces or reproduces sound. (Ord. 14-4600, 11-18-2014)

### 6-4-2: SPECIFIC ACTIVITIES PROHIBITED:

A. No person shall play or operate, or permit the playing or operating of, a sound production device within a motorized vehicle that is plainly audible by any person: 1) either across a real property line or at a distance of fifty feet (50') or more from the vehicle; and 2) for more than thirty (30) continuous seconds.

- B. No person shall cause or create, or permit the causing or creating of, a noise disturbance that is plainly audible by any person: 1) either across a real property line or at a distance of fifty feet (50'); and 2) for more than thirty (30) continuous seconds.
- C. No person shall use amplified sound in City Plaza except with a permit authorized in [title 10](#) of this code.
- D. No person shall use amplified sound in violation of section [8-5-5](#) of this code.
- E. No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans or similar objects outdoors between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. the following morning as to create a noise disturbance across the property line of residentially zoned property.
- F. No person shall unload or handle garbage dumpsters or similar objects outdoors between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. the following morning as to create a noise disturbance across the property line of residentially zoned property.
- G. No person shall operate construction equipment before seven o'clock (7:00) A.M. and after ten o'clock (10:00) P.M. unless a permit therefor has been obtained from the city engineer. (Ord. 14-4600, 11-18-2014)

### 6-4-3: EXCEPTIONS TO PROVISIONS:

The provisions herein shall not apply to:

- A. The emission of sound for the purpose of alerting persons to the time of day, the existence of an emergency or the approved testing thereof.
- B. The emission of sound in the performance of emergency work, including snow removal and maintenance of trees.

- C. Emergency vehicles, such as firetrucks and ambulances.
- D. Essential services, such as electrical substations and safety devices.
- E. Construction and maintenance activities between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. "Maintenance activities" shall be nonroutine operations, temporary in nature and conducted infrequently.
- F. Cement sawing of freshly poured concrete street, alley, sidewalk or road surface.
- G. Any person emitting sound pursuant to a permit under [title 10](#) of this code.
- H. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events.
- I. Events conducted by affiliated groups, as that term is defined in [title 10, chapter 1](#) of this code or if, sponsored or funded, in whole or in part, by a governmental entity.
- J. Equipment used for political advertisements.
- K. Equipment used for public health and safety purposes.
- L. Church or clock carillons, bells or chimes or other reasonable sounding of devices from houses of worship.
- M. Parades, processions or other public events for which a parade or other permit has been issued, provided the conditions of the permit are complied with.
- N. Car or truck horns or similar devices when used to denote danger or a warning or possible danger. (Ord. 14-4600, 11-18-2014)

## 6-4-4: VIOLATION:

Violation of this chapter shall be considered a municipal infraction punishable by a penalty as provided for in subsection [1-4-2D1](#) of this code or a simple misdemeanor punishable by a fine of sixty five dollars (\$65.00). (Ord. 14-4600, 11-18-2014)