

DIVISION 2. - NOISE RESTRICTED

Sec. 21-216. - Noise nuisance prohibited.

- (a) Prohibition. It shall be unlawful for any person to make, assist in making, continue or allow or cause to be made or continued within the limits of the city, and five thousand (5,000) feet beyond the limits any noise nuisance.
- (b) Definition. For purposes of this article, the phrase "noise nuisance" is any disturbing, excessive or offensive noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitiveness.
- (c) Conditions determining noise nuisance. The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to, the following:
  - (1) The level of the noise;
  - (2) Whether the nature of the noise is usual or unusual;
  - (3) Whether the origin of the noise is natural or unnatural;
  - (4) The level of the ambient noise;
  - (5) The proximity of the noise to sleeping facilities;
  - (6) The nature and zoning of the area from which the noise emanates and area where it is received;
  - (7) The time of the day or night the noise occurs;
  - (8) The duration of the noise; and
  - (9) Whether the noise is recurrent, intermittent, or constant.

(Ord. No. 98-078, § 1, 3-16-98)

Sec. 21-217. - Noise nuisance enumeration.

The following activities are declared to be a prima facie noise nuisance in violation of section 21-216 of this division and are unlawful, namely:

- (1) Horns, signaling devices, etc.
  - a. Unnecessary sounds. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle, except when necessary to insure safe operation.
  - b. Loud and harsh sounds. The creation by means of any horn or signaling device of an unreasonably loud or harsh sound or a whistle.
- (2) Radios, televisions, phonographs, computers, loudspeakers, amplifiers and similar devices.
  - a. Vehicles.
    - 1. Car stereos and similar devices. The production or reproduction of sound or vibration from amplification in, on or about an automobile, truck, motorcycle or any other similar vehicle when measured at a distance of ten (10) feet or greater from such vehicle according to section 21-222 which has a fifty-five (55) dB(A) sound level or greater.
    - 2. Sound trucks. Notwithstanding subsection 1. above, the use or operation of a sound truck on public streets, sidewalks or other public places, whether in motion or

stationary, having mounted thereon, or attached thereto, any sound-amplifying equipment used or maintained for the purpose of advertising or attracting the attention of the passing public, or which is so placed or operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place, or of persons in neighboring premises.

- b. Transit buses. The production or reproduction of sound from the use or operation of any radio, phonograph, compact disc player or tape player on a transit bus or trolley so as to emit noise that is audible to any other person in the vehicle.
- c. Private property. The production or reproduction of a sound or vibration from the use or operation of a production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television, compact disc player, machine, computer, loudspeaker, sound amplifier or other similar machines on private property which has a fifty-five (55) dB(A) sound level or greater when measured according to section 21-222 and from either of the following locations:
  - 1. From the public street closest to such location where the sound is being emitted; or
  - 2. If a complaint has been received by the police department, anywhere from within the complainant's property which complainant owns, leases or occupies if such property is adjoining or in close proximity to the location of where the sound is being emitted and if the police officer has been given permission to enter upon such complainant's property.
- d. Public property. The production or reproduction of a sound or vibration from the use or operation of a production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television, compact disc player, machine, computer, loudspeaker, sound amplifier or other similar machines outside a public building on all public places not otherwise restricted pursuant to this article which has a fifty-five (55) dB(A) sound level or greater when measured according to section 21-222 and from a distance of ten (10) feet or greater from the sound source.

(3) Animals.

- a. Frequent or long-continued noises. The keeping or maintenance or the permitting to be kept or maintained upon any premises owned, occupied, or controlled by any person of any animal or animals which by any frequent or long-continued noise, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity.
- b. Multiple complaining residents. The noise from any such animal or animals that disturbs two (2) or more residents residing in separate residences adjacent to any part of the property on which the subject animal or animals are kept or maintained, or three (3) or more residents residing in separate residences in close proximity to the property on which the subject animal or animals are kept or maintained.

(4) Hawker, peddlers. The shouting and crying of peddlers, hawkers and vendors within any area of the city zoned for residential uses.

(5) Schools, courts, churches, libraries, hospitals, rest homes, long-term medical or mental care facilities. The creation of any excessive noise on any street or sidewalk adjacent to any school, institution of learning, court, church, or library while the same are in use or adjacent to any hospital, rest home, or long-term medical or mental care facility, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the occupant of such institutions.

(6) Vehicle noises.

- a. Exhausts. The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.

- b. Defective vehicles or loads. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(7) Excessively loud equipment.

- a. Piledrivers, hammers, power tools, lawn and garden tools, etc. The operation after 8:00 p.m. through 7:00 a.m. of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, chain saws, log chippers, hand power tool (saw, drill, sander, router, grinder, etc.), lawn mower, blower, lawn and garden tool, power fan, internal combustion engine or other appliance that can be heard outside a building or structure, the use of which is attended by loud or unusual noise, or the operation of such items after 7:00 a.m. through 8:00 p.m. where the device produced a sound exceeding seventy-five (75) dB(A) when measured from the nearest residential property where the sound is being received.
- b. Air conditioning units. The operation of any air conditioning unit which produces a sound exceeding fifty-five (55) dB(A) on residential property or sixty-five (65) dB(A) on nonresidential property, when measured at or near fifteen (15) feet from the air conditioning unit producing the sound being measured according to section 21-222.

(8) Construction noises. The construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work, if such work is conducted after 8:00 p.m. or before 7:00 a.m., or the average noise level over a thirty (30) minute period exceeds a sixty-five (65) dB(A) sound level when measured from the closest public street in five (5) minute intervals according to section 21-222, except in cases of urgent necessity in the interest of public health and safety.

(Ord. No. 98-078, § 1, 3-16-98)

Sec. 21-218—21-220. - Reserved.