

# PUBLIC NOISE DISTURBANCE

## 6-7-1: PURPOSE:

The purpose of this chapter is the protection of the health, safety, and welfare of the residents of the city. It is determined that sound can and does constitute a hazard to the health, safety, welfare, and quality of life of residents of the city. The mayor and council, by way of Idaho Code section 50-308, are empowered to impose reasonable limitations and regulations upon the production of sound to reduce the harmful effects thereof. Now, therefore, it is hereafter the policy of this city to prevent and regulate sound generated by loud amplification devices wherever it is deemed to be harmful to the health, safety, welfare, or quality of life of the residents of the city, and this chapter shall be liberally construed to effectuate that purpose. (Ord. 2415)

## 6-7-2: DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply:

**CITY:** Nampa city, Idaho, or the area within the city limits of Nampa city, Idaho.

**COMMON AREA(S):** The area of a facility, complex, apartment unit, hotel, motel or the like that are open either to the general public or persons with the permission of the owner or agent of the owner of the area. This definition would include, but not be limited to, the following: swimming pools, restaurants, patios, hot tubs, saunas, laundry rooms, meeting rooms, lobbies, lounges, bars, and other areas within the facility that are either constructed or designed for use in this manner.

**LOUD AMPLIFICATION DEVICE:** Any equipment designed or used for sound production, reproduction, or amplification, including, but not limited to, any radio, television, phonograph, musical instrument, stereo, tape player, compact disc player, loudspeaker, public address (PA) system, sound amplifier, or comparable sound broadcasting device.

**PERSON:** Any individual, association, organization, or entity having legally recognized existence, whether public or private.

**PLACE OF RESIDENCE:** Any building or portion thereof adapted or used and intended for the overnight accommodation of persons. In the event the building is used for multiple individual units (i.e., apartment, condominium, hotel, motel, duplex, triplex, etc.), each individual unit shall be considered a separate residence for the purpose of this chapter.

**PLAINLY AUDIBLE:** Sound for which the information content is clearly communicated to the

listener, including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener. (Ord. 2415)

### 6-7-3: PUBLIC DISTURBANCE NOISE PROHIBITED:

Between the hours of eleven o'clock (11:00) P.M. one day and seven o'clock (7:00) A.M. the next day, it shall be unlawful for any person, or business to make, cause, or allow loud or offensive noise by means of voice, musical instrument, horn, radio, loudspeaker, automobile, machinery, other sound amplifying equipment, or any other means which disturbs the peace, quiet, and comfort of any reasonable person of normal sensitiveness residing in the area.

Loud or offensive noise is that which is plainly audible within any place of residence, business, hospital, farm property with animals, or restaurant other than the source of the sound, or upon a public right of way or street at a distance of one hundred feet (100') or more from the source of such sound. (Ord. 2415)

### 6-7-4: LOUD AMPLIFICATION DEVICES UPON OR WITHIN MOTOR VEHICLES PROHIBITED:

It shall be unlawful for any person to operate or permit the operation of any loud amplification device upon or within a motor vehicle in such a manner that the sound therefrom is plainly audible upon a public right of way or street at a distance of fifty feet (50') or more from the source of the sound. (Ord. 2415)

### 6-7-5: EXCEPTIONS:

The following sounds are exempted from the provisions of this chapter:

- A. Sounds caused by any emergency vehicle or personnel when responding to an emergency call or acting in time of emergency.
- B. Sounds caused by activities upon any municipal, school, religious, or publicly owned property or facility provided that such activities have been authorized by the owner of such property or facility or its agent.

- C. Sounds caused by parades, firework displays, or any other event for which a permit for that type of activity is required and has been obtained from the authorized governmental entity within such hours as may be imposed as a condition for the issuance of said permit.
- D. Sounds caused by locomotives or other railroad equipment.
- E. Sounds caused by burglar alarms that are not in violation of this code.
- F. Sounds caused by safety warning devices required by law.
- G. Sounds caused by devices approved for use within the confines of the particular zoning designation that the device is located or pursuant to a conditional use permit (i.e., drive-through window speakers, ice cream vendors, car lot PA systems).
- H. Sounds emanating from devices used within the common areas of a multi-unit facility whose use has been approved by the owners or management of the facility. Said use must be in compliance with any regulations imposed by the owners or management of the facility to be exempt under this chapter. This exemption only applies in relation to other units within the same facility. (Ord. 4114, 4-21-2014)
- I. Sounds caused by construction during the period prohibited by section 6-7-3 of this chapter pursuant to a special permit approved by the building department or the city engineer. (Ord. 4150, 11-3-2014)

#### 6-7-6: PENALTY:

A violation of any provision on this chapter shall be an infraction. Any person who pleads guilty to, or is found guilty of, a third or subsequent violation of the provisions of this chapter within a period of one year of the first conviction, shall be guilty of a misdemeanor for each offense. (Ord. 4165, 3-2-2015)