

## **CHAPTER 21. NOISE**

### **Sec. 5-21.01. Noise from radios, television sets and similar devices.**

It shall be unlawful for any person within any residential zone of the City to use or operate in such a manner as to (1) disturb, for that time of the day or night, the reasonable peace, quiet, and comfort of the occupants of neighboring dwellings residing in the area; or (2) create any loud or raucous noise level by such use or operation which is audible to the human ear during the hours of 9:00 p.m. to 7:00 a.m. of the following day, at a distance in excess of fifty (50) feet from the property line of the noise source, or fifty (50) feet from any such device if in the public right-of-way, within any residential zone of the City.

(§ 2, of Ord. 1085-NS, eff. October 2, 1990)

### **Sec. 5-21.02. Powered equipment in residential areas.**

Between the hours of 9:00 p.m. and 7:00 a.m. of the following day, no person shall operate any lawn mower, backpack blower, lawn edger, riding tractor, or any other machinery, equipment, or other mechanical or electrical device, or any hand tool which creates a loud, raucous or impulsive sound, within any residential zone or within any commercial zone which can be heard from any inhabited real property in a residential zone.

(§ 2, of Ord. 1085-NS, eff. October 2, 1990)

### **Sec. 5-21.03. Loud, unnecessary and unusual noise.**

Notwithstanding any other provisions of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue to make or cause to be made or continued, or allow any animal which is kept by that person on the property which is the source of the noise, to make any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (a) The level of noise when standing on the property line;
- (b) Whether the nature of the noise is usual or unusual for the approved use of the property;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background or ambient noise, if any;
- (e) The proximity of the noise source to residential sleeping facilities;
- (f) The nature and zoning of the area within which the noise emanates;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) The time of the day and night the noise occurs;
- (i) The duration of the noise;
- (j) Whether the noise is recurrent, intermittent, or constant; and
- (k) Whether the noise is produced by a commercial or noncommercial activity.

(§ 2, of Ord. 1085-NS, eff. October 2, 1990, as amended by § 1, Ord 1111-NS, eff. July 25, 1991)

### **Sec. 5-21.04. Emergency activities exempted.**

This chapter shall not apply to any public equipment, public vehicle, or public action taken by the City needed in order to protect the public health, safety and welfare.

(§ 2, of Ord. 1085-NS, eff. October 2, 1990)

### **Sec. 5-21.05. Loud parties or assemblages: Enforcement costs and response fees.**

When any loud or unruly assemblage occurs and the City's law enforcement agency is required to respond to the scene in response to citizen complaints, and the senior peace officer at the scene determines that there is a threat to, or a possible violation of this chapter then that senior peace officer shall notify the owner of the property and/or the person in charge of the property where the assemblage exists, and/or the person responsible for said assemblage, that such person or persons, or in the case of a minor, the parents and/or guardians of such minor, shall be held personally liable for the cost of providing additional law enforcement personnel over and above the normal services provided by the law enforcement agency in initial response to such assemblages. At that time, such person or persons shall be given a first warning, in the form of notification by the senior peace officer, that the first police response shall be deemed to be the normal police services provided. The police personnel necessarily utilized within twenty-four (24) hours after such first warning to control the threat to the public peace, health, safety or general welfare shall be deemed to be on a

special security assignment over and above the normal services provided. The owner of the property and/or the person in charge of the property where such assemblage occurs, and/or the person responsible for such assemblage, shall be personally responsible for the cost of such subsequent call back or security assignment in an amount determined upon a cost accounting basis by the City. The cost of such special security assignment shall include damage to City property and/or injuries to City personnel. The fee charged will not be in excess of the civil fine or penalty as set forth in the City's Master Fee Resolution for a single incident. The City reserves its legal options to elect any other legal remedies.

(§ 2, of Ord. 1085-NS, eff. October 2, 1990, as amended by part 5, Ord. 1434-NS, eff. July 1, 2005)