

## NOISE

### § 52.50 LOUD AND RAUCOUS NOISE; EXEMPTIONS.

52.50(A) **Violation.** It shall be unlawful for any Person to willfully make, continue, or cause to be made or continued any Loud and Raucous Noise, which term shall mean any sound which, because of its volume level, duration, character, and time of day annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable Persons of ordinary sensibilities within the limits of the City. The term includes the kind of noises prohibited by the activities enumerated in § 52.52. The term also includes the kinds of noises generated by the activities enumerated in § 52.52. The term shall be limited to Loud and Raucous Noise heard upon the public and private Streets, upon other public lands or waters, in any public or private Park, in any school or public Building or upon the grounds thereof while in use, in any house of worship or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or heard in any occupied commercial or residential unit or upon the grounds thereof. The terms “loud or disturbing”, “annoyance or inconvenience,” “disturb the peace and quiet”, and other like terms referring to noise where used in other Sections of this subchapter shall be construed to mean “Loud and Raucous.” The terms “inhabitants” and “occupants” and other like terms where used in other sections of this subchapter shall be construed to mean reasonable Persons of ordinary sensibilities.

52.50(B) **Responsible parties.** Any Person, Owner, agent, or supervisor in charge of operating, ordering, directing, or allowing the operation or maintenance of a device or machine creating Loud and Raucous Noise as prohibited in this subchapter shall be deemed guilty of committing an offense and violating this subchapter and be subject to the penalties provided in § 2.99.

52.50(C) **Exemptions.** The term Loud and Raucous Noise does not include noise or sound generated by the following:

52.50(C)(1) Cries for emergency assistance and warning calls.

52.50(C)(2) Radios, sirens, horns, and bells on police, fire, and other emergency response vehicles.

52.50(C)(3) Activities on or in municipal and school facilities and on or in other publicly owned property and facilities, provided that such activities have been authorized by the Owner of such property or facilities or its agents.

52.50(C)(4) Religious worship activities, including but not limited to bells and organs.

52.50(C)(5) Any City services, including but not limited to sanitation and Refuse collection and Utility repairs.

(Ord. 2010-12, passed 10-4-2010)

### § 52.51 COMPLAINTS.

52.51(A) Any citizen wishing to register a complaint of Loud or Raucous Noise in violation of the provisions of this subchapter shall be required to sign a sworn statement in order for a LawEnforcement Officer to investigate and cite an alleged offender.

52.51(B) This requirement shall not preclude a LawEnforcement Officer from citing any alleged offender based on his or her own observations whether or not a complaint has been made.

(Ord. 2010-12, passed 10-4-2010)

### § 52.52 PROHIBITED NOISE.

The following acts are prohibited:

52.52(A) **Engines.**

52.52(A)(1) **Exhaust.** The discharge into the open air of the exhaust of any stationary internal combustion engine except through a muffler or other device that will effectively prevent Loud and Raucous Noises therefrom.

52.52(A)(2) **Pile drivers; restricted hours.** The operation between the hours of 6:00 p.m. and 8:00 a.m. on any day or at any time on Sunday, New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day of any pile driver, pneumatic hammer, derrick, dredge, electric hoist, or other appliance, the use of which is attended by Loud and Raucous Noise.

52.52(A)(3) **Blowers.** The operation of any blower or power fan or any internal combustion engine, the operation of which causes Loud and Raucous Noise, unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent Loud and Raucous Noise.

52.52(B) **Horns and signaling devices.** The sounding of any horn, whistle, or other audible signaling

device so as to create a Loud and Raucous Noise.

52.52(C) **Televisions, radios, amplifiers, and phonographs.** The using or operating of, or permitting to be played, used, or operated, any television, radio, amplifier, musical instrument, phonograph, or other device for the producing or reproducing of sound in such manner as to cause Loud and Raucous Noise.

52.52(D) **Sound devices for advertising purposes.** The operation in the City of any radio, television, or other musical or mechanical instrument or device of any kind whereby the sounds therefrom are cast directly upon public Streets and places and where such devices are maintained and operated for advertising purposes or for the purpose of attracting the passing public and that are so placed in any moving or non-moving wagon, truck, vehicle, or aircraft or in any stationary location whereby announcements or broadcasts are made, or music is played, unless a permit therefor shall have been granted by the City Manager.

52.52(D)(1) Any Person desiring a permit shall make application to the City Manager for such permit. The application shall be accompanied by an application fee, the amount of which shall be set by resolution of the City Commission. If it shall appear to the City Manager that the issuance of such permit will not adversely affect the peace and quiet of the inhabitants of the City, or will not create a Traffic hazard, or will not be otherwise detrimental to the public safety, such permit shall be issued.

52.52(D)(2) The City Manager is hereby given the power and authority to designate, if any permit is granted, the conditions of such permit, and such conditions shall be imposed so that the peace and quiet of the inhabitants of the City and public safety shall not be interfered with.

52.52(D)(3) If any Person should be granted a permit in accordance with this Section and shall violate the terms and conditions thereof, the City Manager is hereby authorized to revoke the permit.

52.52(E) **Yelling and shouting.** Yelling, shouting, whistling, or singing at any time or place so as to create a Loud and Raucous Noise between the hours of 10:00 p.m. and 7:00 a.m. the following day, on any day.

52.52(F) **Animals and birds.** The keeping of any Animal, bird, or fowl that causes frequent or continued Loud and Raucous Noise.

52.52(G) **Defect in vehicle or load.** The use of any Motor Vehicle so out of repair, so loaded, or in such manner as to create loud grating, grinding, rattling, or other Loud and Raucous Noise or that is not equipped with a muffler in good working order and in constant operation so as to prevent Loud and Raucous Noise.

52.52(H) **Noises to attract attention.** The use of any drum or other instrument or device to create a Loud and Raucous Noise.

52.52(I) **Vehicle horns.** The sounding of any horn or signal device, including anti-theft alarms, on any automobile, motorcycle, bus, or other vehicle: while not in motion, except as a danger signal if another vehicle is approaching apparently out of control; or while in motion, except as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended. The sounding of any horn or signal device, including anti-theft alarms, on any vehicle whether or not in motion for an unnecessary and unreasonable period of time is hereby declared to be a Loud and Raucous Noise.

52.52(J) **Construction or repairing of Buildings or site Development.** The erection (including Excavating), demolition, alteration, or repair of any Building so as to create a Loud and Raucous Noise other than between the hours of 7:00 a.m. and 7:00 p.m. on any weekday or Saturday, except for the Construction or repair of Buildings or site Development within a Hospital Zoning District. Such activity is prohibited on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day. In case of urgent necessity in the interest of public health and safety, a permit to allow activity prohibited by this Section may be granted by the City Manager for a period not to exceed three working days or less while the emergency continues. Such permit may be renewed for successive periods of three days or less while the emergency continues. If the City Manager should determine that the public health and safety necessitates the issuance of such a permit and will not be unduly impaired by the erection, demolition, alteration, or repair of any Building or the Excavation of Streets and Highways within the hours of 7:00 p.m. and 7:00 a.m. of the following day, or on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day, he or she may grant permission for such work to be done within such hours or within a shorter time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work.

52.52(K) **Music.** No Person licensed under the State beverage Law shall allow or permit, between the hours of 11:00 p.m. and 7:00 a.m. the following morning, instrumental music whether live from musicians or from recordings, singing, or other forms of entertainment in any room where beers, wines, Liquors, or other

Alcoholic Beverages are sold or offered for sale, indoors or Outdoors, except when such room is soundproofed in order that the sounds therefrom may not disrupt the peace and quiet of the neighborhood. It is intended hereby that in soundproofed rooms music, singing, and other forms of entertainment may be conducted during the hours that Alcoholic Beverages may be sold in accordance with §§ 83.01et seq.

52.52(L) **Pool pumps, fans, and air conditioners.** It shall be unlawful to create any excessive and unnecessary Loud and Raucous Noise by the use or operation of any noise-creating air conditioner or compressor unit, the operation of which causes such excessive and unnecessary Loud and Raucous Noise, unless such noise is muffled and deadened by adequate noise suppression and muffling devices to eliminate annoyance and disturbance to Persons within the range of hearing.

52.52(M) **Loading, unloading, unpacking.** It shall be unlawful for any Person engaged in loading, unloading, packing, unpacking, or opening crates, boxes, or containers, including, without limitation, the loading or unloading of any Motor Vehicles or truck Trailers onto any truck transport to create excessive and unnecessary Loud and Raucous Noises. It shall further be unlawful to leave diesel-powered or other engines idling, thereby creating Loud and Raucous Noises, between the hours of 10:00 p.m. and 6:00 a.m. of the following day.

52.52(N) **Outdoor Amusements.** It shall be unlawful for the Owner of any Outdoor amusement or any Person employed at any such place to operate or conduct such business between the hours of 10:00 p.m. and 7:00 a.m. of each day, whereby Loud and Raucous Noise emitting therefrom disturbs the peace and quiet of Persons of any occupied Building.

52.52(O) **Fuel Stations.** It shall be unlawful for the Owner of any Fuel Station located within 300 feet of any inhabited Dwelling, hospital or Hotel in the City, or any Person employed thereat, to carry on or conduct any business that causes Loud and Raucous Noises between the hours of 11:00 p.m. and 6:00 a.m. of each day.

(Ord. 2010-12, passed 10-4-2010; Am. Ord. 2014-03, passed 2-3-2014)