

## CHAPTER 5

### NOISE CONTROL

SECTION:

#### **3-5-1: Prohibited Conditions**

#### **3-5-2: Noise Standards**

#### **3-5-3: Penalty**

#### **3-5-1: PROHIBITED CONDITIONS:**

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City. Airport facilities and aircraft be and are hereby exempted from the terms of this Chapter. (Ord. 0-77-20, 6-7-1977)

#### **3-5-2: NOISE STANDARDS:**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Chapter, but said enumeration shall not be deemed to be exclusive:

A. Horns, Signaling Devices: The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sounds; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. This paragraph shall not apply to approved signaling or sound devices used by licensed street vendors.

B. Radios, Phonographs: The using, operating or permitting to be played, used or operated any radio or television receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume that is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. in such a manner as to be plainly audible at a distance of thirty feet (30') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

C. Power Lawn Mowers: The use and operation of power lawn mowers between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. within or adjacent to areas used for residential purposes.

D. Loud Speakers, Amplifiers For Advertising: The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. This paragraph shall not apply to political announcements.

E. Yelling, Shouting: Yelling, shouting, hooting, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other types of residences, or of any person in the vicinity.

F. Animals, Birds: The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

G. Steam Whistles: The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.

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

I. Defect In Vehicle Or Load: 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.

J. Loading, Unloading, Opening Boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bails, boxes, crates and containers. (Ord. 0-77-20, 6-7-1977)

K. Construction Or Repair Of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. on weekdays or Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues, and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Official shall determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the prohibited hours, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant written permission for such work to be done upon application being made at the time the permit for the work is awarded or during the progress of the work. The prohibition contained in this subsection shall not apply to minor erection, demolition, alteration or repair, which work can be completed within a period of one hour nor shall it apply to volunteer labor between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M. (Ord. 0-88-52, 10-3-1988)

L. Schools, Courts, Churches, Hospitals: The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

M. Hawkers, Peddlers: The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

N. Drums: The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

O. Transportation Of Metal Rails, Pillars And Columns: The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or public places.

P. Pile Drivers, Hammers: The operation between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise, unless the Building Official determines that the usage is necessary during such hours.

Q. Blowers: The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise. (Ord. 0-77-20, 6-7-1977)

### **3-5-3: PENALTY:**

Any person who violates any provision of this Chapter shall, upon conviction, be fined not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00). Each hour during which a violation occurs shall be deemed a separate and distinct offense. (Ord. 0-77-20, 6-7-1977; amd. Ord. O-18-05, 3-12-2018)