

## ARTICLE 6. NOISE

10-601. Injurious Noises and Unnecessary Noises. Any sound or combination of sounds at decibel levels or of a duration that are or may be harmful or injurious to human health and welfare is an injurious noise and is prohibited. Any sound that interferes with the enjoyment of life or property of a reasonable person with normal sensibilities is an unnecessary noise and is prohibited, and it is unlawful to cause them or allow them to continue.

10-602. Unnecessary Noises - Generally. If a sound enumerated in Sections 10-603 or 10-604 meets the following three criteria, it shall be established prima facie as within the definition of prohibited sound and unnecessary noise:

- A. The sound is controlled or controllable by a human or is caused by an animal controllable by a human; and
- B.
  - (a) the sound is plainly audible inside a building with doors and windows closed, regardless of distance from source, or
  - (b) the sound is plainly audible from a distance of 100 feet from the source by a person not in a closed building; and
- C.
  - (a) the sound is plainly audible for more than five (5) consecutive minutes, or
  - (b) the sound, although intermittent, is plainly audible for an aggregate of more than fifteen (15) minutes within a period of sixty (60) minutes.

Regardless of the criteria set forth in this Section 10-602, it shall not be necessary for a sound enumerated in Sections 10-603 and 10-604 to meet the criteria of this Section 10-602 to be otherwise prohibited.

10-603. Unnecessary Noises - Enumeration. The following sounds, among others, are declared to be unnecessary noises, in violation of Section 10-601, but such enumeration shall not be deemed to be exclusive, namely:

- A. Horns or Signal Devices. The sounding of any horn or signal device of any automobile, motorcycle, bus, go-cart, or other vehicle, whether or not in motion, except when necessary to give warning of threatened collision with another vehicle or with a pedestrian; provided however, that nothing herein contained shall be deemed to apply to emergency vehicles, including, but not limited to, ambulances, police department motorcycles, automobiles and vehicles, and fire department automobiles, apparatus and vehicles.
- B. Humans, Electronics and Devices With the Sole Purpose of Generating Noise. Any sound from any human voice, social or business gathering, or event in the City, radio, phonograph, stereo, musical instrument, whistle, air horn, electronic communication device, drum, loudspeaker, mechanical loudspeaker, amplifier or other device with the sole purpose of generating sound , if

1. At any time, the volume of such sound or duration of such sound annoys or disturbs the quiet, comfort, or repose of any person inside any dwelling; or
2. Any such sound is plainly audible to any person on any other property.
3. Such sounds are excepted from the prohibition if they occur:
  - (a) from 8:00 a.m. to 8:00 p.m. on Monday, Tuesday, Wednesday, and Thursday; and
  - (b) from 8:00 a.m. to 6:00 p.m. on Friday,
  - (c) from 9:00 a.m. to 5:00 p.m. on Saturday, and
  - (d) from 12:00 p.m. to 5:00 p.m. on Sunday and any federal legal holiday.

C. Construction and Repair. Any sound that is plainly audible to any person on any other property and is associated in any manner with construction, erection, excavation, demolition, alteration, repair, hammering, sawing, sanding, blasting, pounding, operation of any tractor, truck, bulldozer, grader, cement mixer, plaster mixer, power generator, testing equipment, other machinery, motor, equipment or tool activity of any kind or nature if:

1. At any time, the volume of such sound or duration of such sound annoys or disturbs the quiet, comfort, or repose of any person inside any dwelling; or
2. Any such sound is plainly audible to any person on any other property.
3. Such sounds are excepted from the prohibition if they occur:
  - (a) From 7:00 a.m. to 8:00 p.m. on Monday, Tuesday, Wednesday, and Thursday; and
  - (b) From 7:00 a.m. to 5:00 p.m. on Friday, and
  - (c) From 9:00 a.m. to 5:00 p.m. on Saturday.
  - (d) Notwithstanding the foregoing provisions, sounds within this section are not excepted if such sounds occur on Sunday or any federal legal holiday.

D. Loading and Unloading Operations. The creation of a loud and excessive noise in connection with loading or unloading any vehicle.

- E. Bells and Gongs. The sounding of any bell or gong which disturbs the quiet or repose of persons in the vicinity thereof, except that bells shall be permitted in conjunction with weekly, regularly scheduled worship services and shall be permitted in conjunction with occasional special services, including late-night services, so long as no bells are caused or permitted to sound for a duration in excess of three minutes.
- F. Hawkers and Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood. It shall be unlawful for any huckster to cry aloud and announce the sale of wares or merchandise upon any of the public streets of the City.
- G. Loudspeakers or Amplifiers. The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles, or stationary stands for advertising, demonstration, or any other similar purpose.

10-604. Lawn and Landscape. Even if otherwise prohibited under this Ordinance, powered lawn mowers, lawn edging equipment, leaf blowers, weed trimmers, power saws, and rotary tillers may be operated by property owners and their agents if such related sound occurs:

- (a) From 7:00 a.m. to 8:00 p.m. on Monday, Tuesday, Wednesday, and Thursday; and
- (b) From 7:00 a.m. to 5:00 p.m. on Friday, and
- (c) From 9:00 a.m. to 5:00 p.m. on Saturday, and
- (d) From 10:00 a.m. to 5:00 p.m., on Sunday and any federal legal holiday.

10-605. Animal Sounds. No person shall keep or harbor any animal that continuously, repeatedly, or persistently creates at any time a sound of any type that meets the criteria of Section 10-602. Such sound shall be an unnecessary noise and be prohibited. It shall be presumed that the owner or custodian of any animal who is left unattended failed to take such action as may be necessary to keep such animal from causing an unnecessary noise if in fact such animal causes an unnecessary noise. It shall be further presumed that the owner or custodian of any animal failed to take such action as may be necessary to keep such animal from causing an unnecessary noise, if such owner or custodian has twice been previously advised in writing that such animal is causing an unnecessary noise.

10-606. Unlawful to Allow a Noise Disturbance; Responsibility for Abatement. It is unlawful for any property owner or, or other person with permanent or temporary control, occupancy, or possession of property, to allow or permit a person or animal or group of persons or animals to create an unnecessary noise as defined in this Ordinance. The property owner, or other such person with permanent or temporary

control, occupancy, or possession of property, shall be responsible for abatement of unnecessary noises occurring on that property, and failure to do so shall be a violation of this Ordinance.

10-607. Waiver and Exceptions.

- A. The mayor or his designee may upon advance request grant a specific exception license for a single or repeated event with respect to the prohibitions of this Ordinance but subject to such conditions as he deems appropriate. The mayor or his designee may require as a condition, among others, that the applicant secure prior written approval of adjacent residents or such other persons as he deems appropriate.
- B. Nothing in this Ordinance shall prohibit noise that is a necessary accompaniment to public safety functions, including security alarms and emergency repair functions by public utilities or other contractors, and to equipment associated with air conditioning, pool maintenance, snow removal , or emergency repair equipment.

10-608. Penalty. Anyone causing an injurious noise or an unnecessary noise or anyone failing to immediately abate an unnecessary noise after being requested by law enforcement authorities to do so shall be ticketed by law enforcement for violation of this Ordinance. Upon a first conviction for a violation of this Ordinance, the Court shall assess a fine of not less than fifty dollars (\$50.00) and/or up to one month in jail. Upon a second conviction, the Court shall assess a fine of not less than one hundred and fifty dollars (\$150.00) and/or up to one month in jail. Upon a third or subsequent conviction, the Court shall assess a fine of not less than two hundred and fifty dollars (\$250.00) and/or up to one month in jail. No prior conviction shall be considered in determining the penalty to be assessed if twenty-four (24) months have elapsed between the date of the violation and the date of the conviction next immediately preceding the sentencing date. Each occurrence of a violation, or in the case of a continuous violation each day a violation occurs or continues, constitutes a separate offense and shall be punishable as such hereunder.

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