

## ARTICLE III. - NOISE

## Sec. 62-101. - Loud, disturbing or unnecessary; prohibited generally.

It shall be unlawful for any person to make, create or maintain any unreasonable, loud, disturbing or unnecessary noise within the city or police jurisdiction thereof. Noise of such character, intensity or duration as to be detrimental to life, health, comfort or repose of any individual is prohibited.

(Code 1977, § 11-19)

## Sec. 62-102. - Enumeration of prohibited acts.

The following noises and other noises of the same characteristics, intensity or annoyance shall be prohibited at all times and at all places within the city and police jurisdiction thereof:

- (1) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle, bus 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 sound; 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.
- (2) *Radios, phonographs and other devices for production or reproduction of sound.* The following devices for the production or reproduction of sounds are restricted as follows:
  - a. The use or operation of any radio 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 than is necessary for convenient hearing for the person of normal hearing who is in the room, vehicle or chamber of which such machine or device is operated and who is a voluntary listener thereto or allowing such use or operation.
  - b. It is hereby declared a nuisance and shall be unlawful to operate or play any radio, phonograph or similar device, whether from a motor vehicle or by a pedestrian, in such a manner as to be plainly audible to any person other than the player or operator of the device at a distance of five feet in the case of a motor vehicle or ten feet in the case of a pedestrian.
  - c. It is hereby declared a nuisance and shall be unlawful to operate or play any radio, television, phonograph, musical instrument or similar device which produces sound, whether from a business or a residence, in such a manner as to be plainly audible to others at a distance of 50 feet to any person in a commercial, residential, multifamily dwelling or public place.
- (3) *Loudspeakers, amplifiers for advertising and other similar machines and devices.* The use or operation 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, product, service, merchandise or political candidate, or allowing such use or operation, except as authorized by the board of commissioners.
- (4) *Yelling, shouting, hooting, whistling or singing.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly, between the hours of 11:00 p.m. and 7:00 a.m. or 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 type of residence, or of any persons in the vicinity.
- (5)

- Animals and 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.
- (6) *Steam whistles.* The blowing of any 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 the request of proper city authorities.
  - (7) *Exhausts.* The discharge into the open air of the exhaust of any engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (8) *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 noises.
  - (9) *Loading, unloading and opening boxes, bales, crates and containers.* The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers on Sundays, Christmas, New Year's or Thanksgiving or before 7:00 a.m. or after 11:00 p.m.; provided, however, that under emergency conditions the city may grant exceptions thereto.
  - (10) *Adjacent to schools, courts, churches and hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while such institution is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital; provided, however, that conspicuous signs are displayed in such streets indicating that the institution is a school, hospital, church or court street.
  - (11) *Hawkers, peddlers and vendors.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
  - (12) *Drums or other devices.* 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.
  - (13) *Firearms and fireworks.* The explosion of firecrackers, skyrockets, Roman candles, pinwheels or any other form of fireworks or the unnecessary shooting of any firearms, except as specifically authorized by law or the proper official.
  - (14) *Transportation of metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material, over and along the 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 other public places.
  - (15) *Operation of public transportation buses.* The causing, permitting or continuing of any excessive, unnecessary and avoidable noise in the operation of a public transportation bus.
  - (16) *Piledrivers, hammers and similar appliances.* The operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, except on written permission of the city prescribing the locality where the hours during which such operation is permissible.
  - (17) *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.
  - (18) *Air conditioning units.* Self-contained, one-room air conditioning units, up to one-ton capacity attached to the outside walls or windows of buildings within the city, and operated for the comfort of the occupants of such buildings, shall be maintained in good mechanical condition. Air conditioning units of more than one-ton capacity may not be operated within the city except where remote compressors are housed in soundproof rooms, or where attached or immediately adjoining compressors are sound treated or baffled, and cooling coil and condensation water is disposed of, as prescribed by the city.

(Code 1977, § 11-20)

Sec. 62-103. - Operation of automobiles and light delivery vehicles.

The requirements of sections 62-101 and 62-102 shall not be construed to prevent the operation of automobiles or light delivery vehicles at any time; provided, however, that such motor vehicles shall not have any attachment thereon for creating unnecessary noise, shall at all times be properly muffled and shall be so operated as to create the least possible noise or nuisance.

(Code 1977, § 11-21)

Sec. 62-104. - City may waive requirements of sections 62-101 and 62-102.

The city shall have the right to waive any or all of the requirements of sections 62-101 and 62-102 in cases of emergency where the welfare of persons or property may be jeopardized by their strict enforcement or on such special occasions as the commission may determine. The following exceptions also apply:

- (1) Nothing in this section shall be construed to prohibit the ringing of bells or chimes by churches within the city.
- (2) Nothing in this section shall be construed to prohibit any noises or sounds produced by radios, sirens or other equipment attached to, or being operated by, any police, fire, rescue or other emergency vehicles or personnel.
- (3) Nothing in this section shall be construed to prohibit the conducting of live remote broadcasts by duly licensed radio stations upon business premises, at the request of the owner of the business. Such live remote broadcasts shall be limited to daylight hours only.

(Code 1977, § 11-22)

Sec. 62-105. - Penalty for violation of article.

- (a) Violations of sections 62-101 and 62-102 shall be punished by a fine not to exceed \$200.00 on a first offense. Subsequent or repeated violations shall subject the violator to arrest and shall be punishable by a fine not to exceed \$500.00 and/or six months in the municipal jail.
- (b) The police department is authorized to issue a citation for a first offense. Subsequent and repeated violations will result in arrest.
- (c) Each violation shall be a separate offense.

(Code 1977, § 11-22.1)

Secs. 62-106—62-135. - Reserved.