

ARTICLE IV. - NOISES

Sec. 12-13. - Definitions and standards.

All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

Commercial area means any area designated for commercial uses under the zoning ordinance of the city.

Commercial purpose means and includes the making of noise for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to or advertising for, or soliciting patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any sound producing equipment, or for the purpose of conducting a business.

Construction means any site preparation, assembly erection, substantial repair, alteration, or similar action, but excluding demolition.

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Fixed mechanical equipment means mechanical equipment, such as an air conditioning unit, water cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to real property, as distinguished from temporary, portable, non-fixed mechanical equipment.

Noise disturbance means any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

Noise sensitive zone means any area designated pursuant to this article for the purpose of ensuring exceptional quiet.

Noncommercial purpose means the making of noise for other than a commercial purpose. including, but not limited to, philanthropic, political, patriotic, and charitable purposes.

Person means any individual, firm, association, partnership, joint venture or corporation.

Real property boundary means a line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person, but not including intra-building real property divisions.

Residential area means an area designated and used for any residential use under the zoning ordinance of the city or an area within which are situated conforming, or legal nonconforming residential uses.

Sound-amplifying equipment shall mean any machine or device for the amplification of the human voice, music, or any other sound including, but not limited to, public address systems. The term sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this chapter, shall not include warning devices of authorized emergency vehicles or horns or other warning devices or any vehicle used only for traffic safety purposes or security alarm systems of any vehicle.

Sound truck shall mean any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound-amplifying equipment.

Weekday means any day Monday through Friday, which is not a legal holiday.

(Ord. No. 1376, § 1, 7-8-14)

Sec. 12-14. - Noise disturbances prohibited.

Noise disturbances are prohibited and are declared a nuisance. No person shall knowingly make, continue, or cause to be made or continued, or permit any other person on his property to make or continue any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the enforcement of this section.

(Ord. No. 1376, § 1, 7-8-14)

Sec. 12-15. - Specific prohibitions.

The following acts, and the causing thereof, are declared to be in violation of this section:

- (1) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, stereo musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:
 - a. Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone;
 - b. In such a manner as to create a noise disturbance at twenty-five (25) feet when operated in or on a motor vehicle on a public right-of-way or public space;
 - c. This section shall not apply to noncommercial spoken language covered under subsection (2) below.
- (2) *Loudspeakers and public address systems.* Using or operating for any purpose any loudspeaker, sound amplifying equipment, public address system, or similar device (1) such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone; or (2) between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space, not including any city sponsored or sanctioned activity.
- (3) *Deliveries.* Delivery of goods, materials, wares, merchandise and articles of like nature for resale to any business, store or commercial enterprise located within one hundred (100) feet of any residential area between the hours of 10:00 p.m. and 7:00 a.m. daily.
- (4) *Loading and unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.
- (5) *Construction.* Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 9:00 p.m. and 8:00 a.m. the following day on weekdays or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone, except for emergency work of public service utilities.

- (6) *Boat repairs and testing.* Repairing, rebuilding, modifying, or testing any boat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone between the hours 10:00 p.m. and 7:00 a.m. daily.
- (7) *Mechanical devices.* Operating any machinery, equipment, pump, fan, air-conditioning apparatus, or similar mechanical device in any manner so as to create any noise which is unreasonably loud and raucous and can be heard across the property line of any residential property.
- (8) *Commercial maintenance equipment.* The commercial operation of maintenance equipment (including but not limited to pressure cleaners, blowers, sweepers, or vacuums) which creates a plainly audible sounds within one hundred (100) feet of any residential area between the hours of 10:00 p.m. and 7:00 a.m.
- (9) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, chippers, leaf blowers, chain saws, power tools, and other noise-producing tools used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
- (10) *Repairs and maintenance.* Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
- (11) *Sound amplifying equipment.*
 - a. Operation or use of sound amplifying equipment, whether such equipment is fixed or movable, or is mounted upon any sound truck, so as to cause a noise disturbance across a residential real property boundary. Noncommercial public speech and public assembly activities conducted on any public right-of-way shall be exempt from the operation of this subsection unless such speech or assembly activity tends to incite an immediate breach of the peace;
 - b. The volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.
- (12) *Sound trucks prohibited.* Operating or using the sound amplification devices of any sound truck upon any public street or right-of-way between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the next day.
- (13) *Motorboats.* Operating or permitting the operation of any un-muffled motorboat in any lake, river, stream, intracoastal waters, or other waterway in such manner which creates unnecessary or unreasonable noise which unreasonably disturbs the peace and comfort of adjacent residents or businesses.
- (14) *Canals.* Canals are hereby declared noise sensitive zones and noise restrictions provided within this chapter shall apply in canals.
- (15) *Movable mechanical equipment.* Operating or permitting the operation of any such equipment including trucks, portable generators, forklifts, cranes, pile drivers and commercial machinery and vehicles of any kind, in such a manner as to create any noise which would unreasonably loud and raucous and can be heard across the property line of any residential property between 8:00 p.m. and 7:00 a.m.
- (16) *Horns, signaling devices, etc.* The sounding of any horn, signaling device, or alarm on any motor vehicle, motorcycle or motorboat for any unnecessary and unreasonable period of time.
- (17) *False burglar alarms.* False burglar alarms as defined in this Code.
- (18) *Yelling, shouting and similar activities.* Yelling, shouting, hooting, whistling or singing in residential or noise-sensitive areas or in public places between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to unreasonably disturb the quiet, comfort or repose of reasonable persons of ordinary sensitivities.

(Ord. No. 1376, § 1, 7-8-14)

Sec. 12-16. - Exemptions.

This chapter shall not be applicable to the activities of law enforcement personnel in the discharge of their duties.

(Ord. No. 1376, § 1, 7-8-14)

Sec. 12-17. - Penalties.

Violation of these chapter provisions shall constitute a nuisance and shall be subject to enforcement in accordance with chapter 21 of this Code.

(Ord. No. 1376, § 1, 7-8-14)

Sec. 12-18. - Railroad signals prohibited at designated crossings during certain hours.

- (a) It shall be unlawful and a public nuisance for any person operating a railroad train of a railroad company operating wholly within this state to blow or activate or permit to be blown or activated any horn or whistle from the railroad train after 10:00 p.m. and before 6:00 a.m. on any day when the railroad train is within the city.
- (b) The provisions of this section shall be applicable only to railroad train crossings at grade which are equipped with train-activated automatic control devices which shall include an operating ringing bell, flashing light signals and automatic crossing gates on both sides of the railroad train tracks.
- (c) If any person violates any of the provisions of this section, such person, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) in the discretion of the court. Each day or portion thereof of continuing violation shall be deemed a separate violation of this section.
- (d) Signs shall be posted by the city for pedestrians and motor vehicles at each railroad grade crossing stating: "Caution Trains Do Not Sound Horns or Whistles from 10:00 p.m. to 6:00 a.m."

(Ord. No. 1376, § 1, 7-8-14)