

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

City health authority: The authority appointed as provided in section 2-37 to perform the functions as provided by state law and by this chapter.

Director: The director of the city-county health unit, or an authorized representative of such director.

Plainly audible: Any sound produced by a sound amplifying device from within a vehicle, which clearly can be heard at a distance of fifty (50) feet or more. Determination of whether a sound is plainly audible shall be made without regard to the discernibility of words or phrases. Bass reverberations may be considered plainly audible. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway, on either public or private property.

Sound amplifying device: Any radio, tape player, compact disc player, loudspeaker, or other electronic device used for the amplification of sound.

(Code 1960, § 11-1; Ord. No. 83-7, § 1, 5-16-83; Ord. No. 95-13, § 1, 5-2-95)

Sec. 10-2. - Sanitation rules and regulations.

The director may establish such sanitary rules and regulations as such official may deem necessary, and any person who shall violate such rules or regulations when so established, or shall at any time interfere with, hinder or resist the director in discharging such official's duty, shall be deemed guilty of a misdemeanor.

(Code 1960, § 11-2; Ord. No. 83-7, § 1, 5-16-83)

Sec. 10-20. - Conditions and acts considered to be public nuisances.

The following conditions and acts, among others are hereby declared to be public nuisances:

- (1) Dead, decaying or putrid carcasses, flesh, fish, fowl or vegetables.
- (2) Deposits of manure or other unwholesome substances of any kind or description whatever.
- (3) Filthy or offensive water or slops, when thrown or conducted into or upon any street or alley or any ground or enclosure, so as to be unwholesome or offensive, or liable to become unwholesome or offensive.
- (4) Privies that are unsanitary or create offensive odors.
- (5) Markets, cellars, stores or other buildings or places which are not kept clean and free from filthy or unwholesome substances.
- (6) Deposits or substances that create offensive odors or are liable to engender disease.
- (7) Animal or poultry slaughtering establishments.
- (8) Barrels and receptacles containing water that has become stagnant, offensive or unwholesome.
- (9) Articles and substances which obstruct any street, sidewalk, alley, gutter, drain or public ground, except such as are permitted by ordinances of the city.
- (10) Throwing of glass, tin, queens ware, crockery or other rubbish, into or upon the streets, alleys, public thoroughfares, drains, gutters or commons.
- (11) Unwholesome food or beverage, or adulterated medicines.

- (12) Cattle, horse and hog pens, stables and enclosures in which any cattle, horses or hogs may be kept or confined, which from use have become offensive.
- (13) Nauseous, foul or putrid substances likely to be nauseous, foul, offensive or putrid, discharged, placed, thrown or conducted into or upon any street, alley, public ground or common.
- (14) Throwing, casting or depositing any filthy substance or thing into any public or private well or cistern.
- (15) Gates or doors opening upon any public street or sidewalk, unless such gates or doors are so constructed or hung as to be self-closing.
- (16) Keeping or leaving open of any cellar or trap door or the grating of any vault, in or upon any sidewalk, street, or public thoroughfare.
- (17) Making, keeping, or permitting any uncovered hole or opening in or across any sidewalk, street, or public thoroughfare, unless the same is kept open with proper authority, and is sufficiently guarded or protected to insure the safety of all persons passing by, over or near the same.
- (18) Sweeping or depositing of paper, filth or rubbish of any kind from business houses or from private premises into drains or gutters, or into or upon any sidewalk, street, alley or public thoroughfare, and failing to remove the same.
- (19) Burning of any substances except where allowed by law.
- (20) Making or continuing, or causing to be made or continued or permitting or allowing to be made or continued where the same is capable of being controlled within reasonable limits of any loud, unnecessary or unusual noise or any noise which would either annoy or disturb a person of normal nervous sensibilities.

(Code 1960, § 11-44; Ord. No. 83-7, § 1, 5-16-83; Ord. No. 84-5, § 2, 4-2-85; Ord. No. 86-12, § 1, 6-2-86)

Cross reference— Junkyards, § 14-100 et seq.

Sec. 10-21. - Tests and standards for noises.

Factors to consider: The standards which shall be considered in determining whether a violation of subsection (20) of section 10-20 exists shall include but shall not be limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or artificial.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature of the area within which the noise emanates.
- (8) The density of inhabitation of the area within which the noise emanates.
- (9) The time of the day or night the noise occurs.
- (10) The duration of the noise.
- (11) Whether the noise is recurrent, intermittent or constant.
- (12) Whether the noise is produced by a commercial or noncommercial activity.

Cross reference— Noise at junkyard, § 14-103(10).

Sec. 10-22. - Sound produced by amplifying devices or musical or entertainment groups.

- A. It shall be unlawful for any person to conduct, permit or allow an electronic sound amplifying device or a musical or entertainment group to produce a sound that is discernible beyond the property lines of the property on which the sound is being produced that, when measured with a sound level meter using the

standardized frequency weighing as specified by the American National Standard Specifications for Sound Meters, exceeds the applicable dB(A) level listed below for the property on which the sound is received:

1. Residential property:
 - a) Sixty (60) dB(A) after 7:00 a.m. and before 10:00 p.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday, or after 7:00 a.m. on a Friday or Saturday and before 12:00 a.m. on the following morning.
 - b) Fifty (50) dB(A) after 10:00 p.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday, and before 7:00 a.m. on the following morning or after 12:00 a.m. and before 7:00 a.m. on a Saturday or Sunday.
 2. Non-residential property: Sixty (60) dB(A) after 10:00 p.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday and before 7:00 a.m. on the following morning, or after 12:00 a.m. and before 7:00 a.m. on a Saturday or Sunday.
- B. A person commits an offense if the person permits, or allows sound that, when measured at the property where the sound is being received, exceeds the dB(A) level set forth in this section.
1. A person or other legal entity shall be considered to permit the operation of a sound amplifying device if the person or entity is:
 - a) an owner in possession of the real property upon which the sound amplifying device is located;
 - b) the operator of the place of amusement in which the sound amplifying device is located;
 - c) the lessee of the real property on which the sound amplifying device is located, unless a sublessee owns the place of amusement;
 - d) a manager of the place of amusement in which the sound amplifying device is located;
 - e) a member of a band creating the amplified sound; or
 - f) an operator of an electronic device through which the amplified sound is emanating.
 2. It is an affirmative defense that the person producing, permitting, or allowing the sound is a governmental entity or is acting pursuant to a valid parade permit issued under section 22.34 of the Victoria City Code.

(Ord. No. 86-12, § 2, 6-2-86; Ord. No. 95-10, § 1, 4-18-95; Ord. No. 2015-24, § 1, 9-15-15)

Sec. 10-22.1. - Sound from amplifying devices in vehicles.

- A. It shall be unlawful for any person operating or occupying a motor vehicle on a street, highway, alley, parking lot, driveway, whether public or private property, to operate or permit the operation of any sound amplifying device from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.
- B. Within this section, the phrase "Plainly audible" means capable of being heard by a human being. For music to be plainly audible, the words of the song need not be discernible. Music is plainly audible if the rhythm, beat, or rate of vibration of the music is discernible.
- C. It is an affirmative defense that the person operating or permitting the operation of any sound amplifying device from within the vehicle is a governmental entity or is acting pursuant to a valid parade permit issued under section 22-34 of the Victoria City Code.

(Ord. No. 95-13, § 2, 5-2-95; Ord. No. 2002-23, § 1, 1-7-03; Ord. No. 2015-24, § 2, 9-15-15)

Editor's note— Ord. No. 2015-24, § 2, adopted Sept. 15, 2015, amended § 10-22.1 in its entirety to read as set out herein. Former § 10-22.1 pertained to sound from amplifying devices—distance limit and derived from Ord. No. 95-13, § 2, adopted May 2, 1995; Ord. No. 2002-23, § 1, adopted Jan. 7, 2003.

Sec. 10-23. - Nuisance a misdemeanor.

Any person who shall cause, create, keep, permit or otherwise be guilty of maintaining a nuisance shall be deemed guilty of a misdemeanor.

(Code 1960, § 11-45; Ord. No. 83-7, § 1, 5-16-83)

