

Sec. 9-5. - Noise prohibited.

(a) It is unlawful for a person to allow, make or cause to be made any excessive or unnecessary noise of a volume, intensity, repetitiveness or duration that is clearly audible and that is offensive to a reasonable and prudent adult person within 100 feet of the noise source, or any area within the property line of the parcel or lot upon which the source of noise is emanating, whichever is the greater distance from the noise source. Such noise shall be a violation of this article unless otherwise allowed in this section.

(b) The following acts are declared to create excessive or unnecessary noise in violation of this article, but such enumeration shall not be deemed exclusive:

(1) Radios, televisions, musical instruments, loud speaking amplifiers and similar devices.

a. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noises to any performance, show, sale or display of merchandise as to attract customers to any place of business, except that said use is allowed in the Old Town Entertainment district from noon to 11:00 p.m. on Sunday through Thursday and from noon to 11:30 p.m. on Friday and Saturday.

b. The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale or display of merchandise, or any other purpose.

c. For any vehicle to be equipped with, or for any person to use upon any vehicle, any bell, siren, compression horn or exhaust whistle, except that vehicles operated in the performance of duty by law enforcement officers, fire departments and ambulances may attach and use a bell, siren, compression horn or exhaust whistle.

d. To operate or permit to be operated any loudspeaker or sound amplifying equipment in a fixed or movable position mounted on or in any vehicle in or upon any street, alley, sidewalk, park, or other public property so that the sound is clearly audible for 50 feet from its source.

e. The playing of any loudspeaker, sound amplifying equipment, television, radio, or any musical instrument in such manner or with such volume, so as to be clearly audible to a person in his residence; and

1. During the daytime or nighttime, in a single-family residence, measures more than 65 dBA on the A-weighting scale on an approved sound-level meter.

2. During the daytime, in a multi-family dwelling, measures more than 65 dBA on the A-weighting scale on an approved sound-level meter in any adjacent unit; or

3. During the nighttime, in a multi-family dwelling, be clearly audible within any unit that is not the source of the sound.

Exception: Said playing is allowed in the Old Town Entertainment district from noon to 11:00 p.m. on Sunday through Thursday and from noon to 11:30 p.m. on Friday and Saturday.

f. Operate or cause to be operated any mechanical or electrical device, machine, apparatus, or instrument that will intensify, amplify or reproduce the human voice or any other sound whereby the sound is clearly audible for 50 feet onto public property, except that said use is allowed in the Old Town Entertainment district from noon to 11:00 p.m. on Sunday through Thursday and from noon to 11:30 p.m. on Friday and Saturday.

g. The operation of any radio, stereo receiver or amplifier, sound amplifying equipment, musical instrument, television set, machine, sound speakers or similar device in such a manner as to be clearly audible at the distance of 50 feet, or in such a manner that the vibration accompanying the sound from the device can be plainly felt at the distance of 50 feet from its source, except that said use is allowed in the Old Town Entertainment district

from noon to 11:00 p.m. on Sunday through Thursday and from noon to 11:30 p.m. on Friday and Saturday.

- (2) Power equipment. Operate or permit to be operated any power or pneumatic equipment outdoors in a residential zone or within 150 feet of the boundary line of a residence during the nighttime. Motorized electric or fuel powered equipment including but not limited to tractors, lawnmowers and other similar devices or equipment shall be considered power equipment.
- (3) Powered model mechanical devices. Flying or operating of model aircraft or other model vehicles powered by internal combustion engines, whether tethered or not, or the flying or operating of model rocket vehicles or similar noise-producing devices, in a residential area during the nighttime.
- (4) Construction work. The erection, excavation, demolition, alteration, or repair work on any building at anytime other than between the hours of 6:00 a.m. and 8:30 p.m. Monday through Friday from June 1 to September 30; between 7:00 a.m. and 8:30 p.m. Monday through Friday from October 1 to May 31; between 8:00 a.m. and 8:30 p.m. on Saturday; and between 10:00 a.m. and 8:30 p.m. on Sunday; provided, however, that the city building official may issue special permits for such work at other hours in case of urgent necessity and in the interest of public safety and convenience.
- (5) Collection of garbage, waste, refuse or recycled materials. The collection of garbage, waste, refuse or recycled materials between the hours of 7:00 p.m. and 7:00 a.m. in any area zoned residential or within 500 feet of an area zoned residential.
- (6) Vibration. Using or causing the use of any device that creates any ground vibration which is perceptible without instruments at any point on or beyond the property boundary of the source if on private property or at 50 feet from the source if on public property; or the creation of vibration or bass reverberations at any time if it is perceptible inside a complaining person's residence, through the sense of touch or through visual observation of moving objects, or through the sense of hearing.
- (7) Outdoor music festival. At any outdoor music festival, it shall be unlawful for any person or group sponsoring the event to make, cause, allow, or permit any noise that exceeds 70 dBA on an approved sound-level meter when measured at the established perimeter of the event.

(Code 1990, § 5-1-27; Ord. No. 3028-02-2004, § 1, 2-2-04; Ord. No. 3741-02, § 3, 2-1-10; Ord. No. 3937-05-2012, § 2, 3, 5-7-12)

Cross reference— Licenses and business regulations, ch. 7.

Sec. 9-6. - Exemptions.

The following sources of potential noise violations shall be exempt from the regulations of this article:

- (a) Noise created by power equipment being operated by city employees or utility company employees, during normal performance of duties;
- (b) Sound caused by emergency or public service work, including police, fire and public utility operations, when the sound is associated with the performance of lawful duties to protect the health, safety or welfare of the community;
- (c) Horns or other warning devices required by law;
- (d) Bells and music boxes used on vehicles of ice cream vendors and similar vendors to attract children as patrons; provided however, that when used, the bells and music boxes are not operated so loudly as to be offensive to a reasonable and prudent adult person of ordinary sensibilities;

- (e) City-operated or city-sponsored events; or
- (f) Athletic events conducted by the city independent school district.

(Ord. No. 3741-02-2010, § 4, 2-1-10)

Editor's note— Ord. No. 3741-02-2010, § 4, adopted Feb. 1, 2010, deleted the former § 9-6, and enacted a new § 9-6 as set out herein. The former § 9-6 pertained to acts creating unlawful noises and derived from Ord. No. 3028-02-2004, § 1, 2-2-04.

Sec. 9-7. - Variances.

The city council may authorize a variance to any noise restriction set forth in this article.

(Ord. No. 3741-02-2010, § 5, 2-1-10)