

animal without obtaining a permit therefor from the director of health or public impounder.

(c) No person, other than the owner, shall skin, cut up or in any manner mutilate the carcass of any dead animal lying or being in any portion of the city without the permission of the owner.
(Code 1969, §§ 6-28--6-30)

Cross reference(s)--Animals, ch. 5.

Secs. 20-194--20-220. Reserved.

DIVISION 2. NOISE

Sec. 20-221. Unlawful noise.

(a) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

(b) The standards which shall be considered in determining whether or not a violation of this section 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 unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning 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.

(Code 1969, § 16-133)

Sec. 20-222. Enumeration of prohibited noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this division, but the enumeration shall not be deemed to be exclusive.

- (1) *Horns or signal devices.* The sounding of any horn or signal device of any automobile, taxicab, motorcycle, bus, streetcar 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 contained in this subsection 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.
- (2) *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated 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. The operation of any such set, instrument, phonograph, machine or device in such manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated 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 or structure in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public street, 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, birds, etc.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity.
- (6) *Steam whistles.* The blowing of any locomotive steam whistle or 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 request of proper city authorities.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat 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 noise.
- (9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) *Construction or repairing of buildings.* The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building regulations supervisor, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building regulations supervisor should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m. and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (11) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while such is in use, or adjacent to any hospital, which

unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that such is a school, hospital or court street.

- (12) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (13) *Drums.* 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.
- (14) *Transportation of metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material over and along 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) *Motorbus operation.* The causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a motorbus or coach.
- (16) *Pile drivers, hammers, etc.* The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (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.

(Gen. Ord. No. 754, § 1(16-134), 2-5-90)

Sec. 20-223. Sound levels.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the presence of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter). A decibel is one-tenth of a bel.

Motor vehicle means any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio pressure of 20 micropascals ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

(b) *Motor vehicles.* It shall be unlawful to operate a motor vehicle within the city which creates a noise or sound which exceeds the sound levels listed in table I, when measured at 50 feet with a sound level meter. If the distance is less than 50 feet, such listed sound level shall be corrected to reflect the equivalent sound levels dB(A) for the actual distance. Noise level limits shall be as follows: (see next page)

TABLE 1

Noise Limit in Relation to Posted Speed Limit

	Speed Limit 35 mph or Less	Speed Limit Over 35 mph
(1) Motor carrier vehicles engaged in interstate commerce of GVWR (gross vehicle weight rating) or GCWR (gross combination weight rating) of 10,000 pounds or more	86	92
(2) All other motor vehicles of GVWR or GCWR of 10,000 pounds or more	86	92
(3) Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	92
(4) Any motorcycle	82	86

The sound or noise shall be measured on fast response with a type II or better sound-level meter meeting the standards prescribed by the American Standards Association. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system before and after any series of noise measurements. Measurements shall be taken to provide a proper representation of the noise source. The microphone during measurements shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Traffic, aircraft and other transportation noise sources and other background noises shall not invalidate measurements, except where such background noises interfere with the primary noise being measured.

(c) *Places of public entertainment.* It shall be unlawful to create in any place of public

entertainment, including but not limited to a restaurant, bar, cafe, discotheque or dance hall, any noise which exceeds 80 dB(A). The measurement of such sound or noise shall be measured with a sound -level meter meeting the standards prescribed by the American Standards Association. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system immediately after any noise measurement. Measurements recorded shall be taken to provide a proper representation of the noise source. The microphone during measurements shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements, except where such background noise interferes with the primary noise being measured. Such measurement shall be taken at or near the property line nearest the source of the noise.

(d) *Aircraft.* It shall be unlawful for any person to operate or cause to be operated any type of aircraft over the city which produces noise levels exceeding 87 dB(A) within the city. The measurement of such sound or noise shall be measured with a sound-level meter meeting the standards of the American Standards Association. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system immediately after any noise measurement. Measurements recorded shall be taken to provide a proper representation of the noise source. The microphone during measurements shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Traffic and other transportation noise sources and other background noises shall not be considered in taking measurements, except where such background noise interferes with the primary noise being measured.

(e) *Time factor; reduction of noise level.* If any of the noises or sounds regulated in Subsections (b), (c) and (d) of this section occur between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or at any time on Sunday or on holidays, the maximum noise levels specified in Subsections (b), (c) and (d) of this section shall be reduced by three decibels.

(f) *Exemptions.* The following sounds or noises are exempt from the provisions of this section:

- (1) Noise of safety signals or warning devices including horns used while warning of impending peril.
- (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- (3) Any aircraft operated in conformity with or pursuant to federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of Subsection (d) of this section, as well as the other regulations of this section. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt from the provisions of Subsection (d) of this section, as well as the other regulations of this section.

(g) *Unavailability of sound level meter.* When a sound level meter is not available or not in working order at the time a noise occurs, the provisions of this section shall not bar the prosecution of persons creating excessive noises with motor vehicles, places of public entertainment or aircraft pursuant to Section 20-221 of this code.

(Code 1969, § 16-141)

Secs. 20-224--20-250. Reserved.

DIVISION 3. DRIVE-IN RESTAURANTS, SUPERMARKETS AND SHOPPING CENTERS

Sec. 20-251. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Drive-in restaurant* means any restaurant where meals, sandwiches, cold drinks, beverages, ice cream or other food is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles or other vehicles parked on the premises.
- (2) *Drive-in supermarket* means any store, shop, market or other place of business where dairy products, meats, vegetables or other foodstuffs or groceries for human consumption are sold by retail.
- (3) *Loiter* means to stand or lounge around or move slowly about, to spend time idly, to saunter or to linger or to repeatedly pass the same place without any apparent or legitimate reason.
- (4) *Public place* means the entire premises occupied by a drive-in restaurant, drive-in supermarket or a shopping center, together with the means of ingress thereto and egress therefrom, and including alleyways, sidewalks, parkways, parking lots, entranceways and all other areas open to the public or to the public view.
- (5) *Shopping center* means any store, shop, market or group of stores, shops or markets adjoining or adjacent to each other or within a single structure or building to which a parking lot or area, provided for customer parking, is adjacent or contiguous.

(Code 1969, § 16-144)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 20-252. Provisions deemed cumulative.

It is declared to be the intention and purpose of this division to be cumulative with any other section or provision of this code applicable to the premises of any drive-in restaurant, drive-in supermarket or shopping center; provided, however, that if any conflict in language between this division and any other section so applicable occurs, the language of this division shall prevail. (Code 1969, § 16-151)