

## Chapter 8.24 - NOISE REGULATIONS

### Sections:

#### 8.24.010 - Declaration of policy.

It is declared to be the policy of the city to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry, and, in the public interests, such noise levels shall be systematically proscribed.

(Prior code § 4-1.1)

#### 8.24.020 - Definitions.

Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

"Commercial purpose" means and includes the use, operation or maintenance of any sound-amplifying equipment 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 or customers to or for any performance, show, entertainment, exhibition or event, for the purpose of demonstrating any such sound equipment.

"Day" means the time period from seven a.m. to eight p.m.

"Impulsive sound" means a short-duration sound (such as might be produced by the impact of a drop hammer or a pile driver) with one second or less duration.

"Motor vehicles" means and includes, but is not limited to, automobiles, trucks, motorcycles, mini-bikes and go-carts.

"Night" means the time period from eight p.m. to seven a.m.

"Noncommercial purpose" means the use, operation or maintenance of any sound equipment for other than a commercial purpose. "Noncommercial purpose" means and includes, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

"Person" means a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private, in nature.

"Sound" means the sensation perceived by the sense of hearing. For the purpose of this chapter, the terms "sound" and "noise" shall be used synonymously.

"Sound-amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound, but shall not include:

1. Warning devices on emergency vehicles;
2. Horns, burglar and fire alarms, or other warning devices expressly authorized by law.

"Sound truck" means any motor vehicle, or any other vehicle, regardless of motive power, whether in motion or stationary, which carries, is equipped with, or which has mounted thereon or attached thereto any sound-amplifying equipment for commercial, political and charitable purposes.

(Prior code § 4-1.2)

(Ord. No. 916, § 1, 2-10-09)

#### 8.24.030 - Loud, unnecessary and unusual noises prohibited.

Notwithstanding any other provision of this chapter, and in addition thereto, no person shall make, cause or suffer, or permit to be made upon any premises owned, occupied or controlled by him/her any unnecessary noises or sounds which are physically annoying to persons of ordinary sensitiveness which are so harsh or so prolonged or unnatural or unusual in their use, time, or place as to occasion physical discomfort to the inhabitants of any neighborhood. All animals shall be so maintained.

(Ord. 791 § 1, 2001: Ord. 693 § 1 (part), 1995: prior code § 4-1.3)

#### 8.24.040 - Loud, unnecessary and unusual noises prohibited—Construction and building.

Except as otherwise provided in this chapter, a person at any time on Sunday or any day between the hours of eight p.m. and seven a.m. shall not perform any construction or repair work of any kind upon any building or structure or perform any earth excavating, filling or moving where any of the foregoing entails the use of any air compressor, jack hammer, power-driven drill, riveting machine, excavator, diesel-powered truck, tractor or other earth-moving equipment, hard hammers on steel or iron or any other machine tool, device or equipment which makes loud noises within five hundred (500) feet of an occupied dwelling, apartment, hotel, mobile home or other place of residence.

(Ord. 693 § 1 (part), 1995: prior code § 4-1.4)

(Ord. No. 916, § 2, 2-10-09)

#### 8.24.050 - Exceptions.

- A. The provisions of Section 8.24.040 do not apply to any person who performs the construction, repair, excavation or moving work pursuant to the express written permission of the city engineer to perform such work at times prohibited in Section 8.24.040. Upon receipt of an application stating the reasons for the request, the city engineer may grant such permission if he finds that:
1. The work proposed to be done is effected with the public interest; or
  2. Hardship or injustice or unreasonable delay would result with the interruption thereof with the hours and days specified in Section 8.24.040; or
  3. The building or structure involved is devoted or intended to be devoted to a use immediately incident to public interest.
- B. The provisions of Section 8.24.040 do not apply to the construction, repair or excavation during prohibited hours as may be necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger or work by private or public utility companies when restoring utility service.

(Prior code § 4-1.5)

#### 8.24.060 - Violation—Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Prior code § 4-1.6)

#### 8.24.070 - Injunctions.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter shall be deemed and is declared to be a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Prior code § 4-1.7)