

6-6-13. - Noise as nuisance.

- (a) Any unreasonably loud, disturbing, raucous, or unnecessary noise that causes distress, discomfort, or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.
 - (b) Any noise of such a character, intensity and continued duration that interferes with the comfortable enjoyment of a private residence by people of ordinary sensibilities is hereby declared to be a nuisance.
 - (c) A minimum decibel level shall not be required to be in violation of this ordinance.
- (Ord. No. 8128, § 2, 19-24-2002)

6-6-14. - Standards for determining violation.

In considering whether or not a violation of [section] 6-6-13 has occurred, the trier of fact shall consider the following:

- (a) The volume of the noise;
- (b) The intensity of the noise;
- (c) The volume and intensity of the background noise, if any;
- (d) The proximity of the noise to residential sleeping facilities;
- (e) The nature and zoning of the area within which the noise emanates;
- (f) The density of the area within which the noise emanates;
- (g) The duration of the noise;
- (h) Whether the noise is recurrent, intermittent, or constant; and
- (i) The time of day or night the noise occurs.

(Ord. No. 8128, § 2, 9-24-2002)

6-6-15. - Specific acts deemed loud and raucous.

The following acts, among others, are declared to create loud and raucous noises, and shall be deemed a violation of [section] 6-6-13, but such enumeration shall not be deemed to be exclusive:

- (a) *Musical instruments.* The playing of any radio, CD player or similar device, or musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in the immediate vicinity.
- (b) *Loudspeakers and amplifiers.* The use of any loudspeaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof. Provided, however, that it shall be a defense to prosecution under this subsection for operating such loudspeakers and amplifiers that the same were operated at a public event on property owned by the city, county, a school, or public entity and advance permission for such operation was obtained from the applicable entity.
- (c) *Horns or other signal devices on vehicles.* The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period of time.
- (d) *Operation of vehicles.* The operation of any automobile, motorcycle or vehicle in such a manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibrations.
- (e) *Exhaust without mufflers.* The discharge into the open air of the exhaust of any internal combustion engine, motor vehicle or boat engine except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

- (f) *Devices operated by compressed air.* The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
- (g) *Near schools and hospitals.* The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session or adjacent to any hospital which unreasonably interferes with the workings of such institution.
- (h) *Loading and unloading vehicles, etc.* The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of boxes, crates and containers.
- (i) *Use of devices to attract attention.* The use of any loudspeaker or other instrument or device which creates unreasonable noise for the purpose of attracting attention to any performance, show or sale of merchandise.

(Ord. No. 8128, § 2, 9-24-2002)