

Chapter 19 - NOISE

ARTICLE I. - IN GENERAL^[1]

Footnotes:

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Editor's note—Ord. No. 1158, §§ 1, 2, adopted April 26, 2004, amended Art. I in its entirety to read as herein set out. Former Art. I, §§ 19-1—19-13, pertained to similar subject matter, and derived from the original codification.

Sec. 19-1. - Making of noise detrimental to life or health prohibited.

It shall be unlawful for any person to knowingly make or allow noise of such character, intensity or duration that is detrimental to the life or health of any individual in the city.

(Ord. No. 1158, § 2, 4-26-04; Ord. No. 1158-1, § 1, 1-24-05)

Sec. 19-2. - Making of offensive noise prohibited.

It shall be unlawful for any person to knowingly make, cause to be made or allow any loud, disturbing or unnecessary noise in the city which is offensive to the sensibilities of a reasonable and prudent person, so that it renders the enjoyment of life or property uncomfortable, or interferes with the public peace and comfort.

(Ord. No. 1158, § 2, 4-26-04; Ord. No. 1158-1, § 1, 1-24-05)

Sec. 19-3. - Acts creating unlawful noises.

The following acts are declared to create loud, disturbing and unnecessary noise, and a person commits an offense if they knowingly cause or allow the following:

- (a) Vehicle loudspeaker: 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 plainly audible for fifty (50) feet from its source.
- (b) Refuse collection: The collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m. within three hundred (300) feet of any residential neighborhood or other area zoned residential.
- (c) Lawn mowing: The operation of motorized lawn mowing equipment, whether electric or fuel powered, including without limitation lawn mowers, edgers, trimmers, or weed eaters, between the hours of 10:00 p.m. and 7:00 a.m. within three hundred (300) feet of any residential neighborhood or other area zoned residential.

(Ord. No. 1158, § 2, 4-26-04; Ord. No. 1158-1, § 1, 1-24-05)

Sec. 19-4. - Acts creating offensive noises.

A person commits an offense by knowingly causing, permitting, or allowing noise of a frequency, volume, or any other nature so as to be offensive to or disturb the ordinary sensibilities of a reasonable and prudent person, from any of the following sources over which the person has control:

- (1) Animals;
- (2) Radios, television sets, musical instruments and similar devices: Any radio receiver set, musical instrument, television, phonograph, stereo, or similar device;
- (3) Power and pneumatic equipment: Any power or pneumatic equipment, or any motorized electric or fuel powered equipment including but not limited to tractors, lawnmowers and other similar devices or equipment;
- (4) General amplification of sound: Any mechanical or electrical device, machine apparatus, or instrument that will intensify, amplify or reproduce the human voice or any other sound.

(Ord. No. 1158, § 2, 4-26-04; Ord. No. 1158-1, § 1, 1-24-05)

Sec. 19-5. - Exemptions.

The following activities are exempt from this chapter:

- (a) 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.
- (b) Amplifiers used on vehicles to attract patrons that are operated by ice cream and snow-cone vendors that produce jingles or music from 8:00 a.m. to 8:00 p.m. However, such amplified jingles or music shall not be done in a loud manner so as to be offensive to the ordinary sensibilities of a reasonable and prudent person.

(Ord. No. 1158, § 2, 4-26-04; Ord. No. 1158-1, § 1, 1-24-05)

Secs. 19-6—19-24. - Reserved.

ARTICLE II. - PERMIT FOR AMPLIFYING DEVICES²

Footnotes:

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Cross reference— Amusements, Ch. 5.

Sec. 19-25. - Definition.

For the purposes of this article, the word "device" shall be construed to mean and include any mechanical or electrical device, machine, apparatus or instrument to intensify or to amplify or to reproduce the human voice or any other sound.

Sec. 19-26. - Required.

It shall be unlawful for any person to use or operate, or cause to be used or operated, any device on any public street, within the city without first securing a permit therefor.

Sec. 19-27. - Application.

Any person desiring to operate any device shall make application to the city manager for a permit upon such forms as he may prescribe, giving the street address where the device will be located, the type and make of such device, the name and address of the person who will be responsible for the operation of the same, the number of speakers or amplifiers to be connected to the device, and such other information as the city manager may deem pertinent.

Sec. 19-28. - Fee.

At the same time an application is filed for a permit required by the provisions of this article, the applicant therefor shall pay to the city a permit fee of five dollars (\$5.00).

Sec. 19-29. - Issuance.

The city manager shall consider each application for a permit required by the provisions of this article and, at his discretion, may or may not issue such permit.

Sec. 19-30. - Cancellation.

Each permit issued under the provisions of this article may be canceled at any time by the city manager prior to its expiration.

Sec. 19-31. - Expiration.

Each permit issued under the provisions of this article shall expire twelve (12) months after its date of issuance.

Sec. 19-32. - Revocation, suspension.

Each permit issued under the provisions of this article may be revoked or suspended by the city manager for the violation of any applicable provision of this Code, state law or city ordinance, rule or regulation.

Sec. 19-33. - Retention of application, copy of permit.

The application and a copy of each permit issued under the provisions of this article shall be kept on file in the city hall.

Sec. 19-34. - Transfer.

Any permit issued under the provisions of this article shall not be transferable to another location nor shall any device be moved to another location or replaced without first securing another permit.

Sec. 19-35. - Approval of chief of police before use.

After the permit has been secured under the provisions of this article, the person responsible for the operation of the device shall place the same in the location where it is to be used, together with all amplifiers and other equipment, but shall not begin the use of the same until such device has been approved by the chief of police.

Sec. 19-36. - Volume control.

All devices shall be so equipped with some character of control whereby the sound may be increased or decreased and this sound control shall be so located that the same may be kept locked. It

shall be unlawful for any person to tamper with the lock on the sound control, or tamper with the sound control or increase the sound coming from the device.