

Sec. 16-31. Excessive noise.

(a) *Maximum permissible sound levels.* No person shall conduct or permit any activity that produces a dB(A) beyond that person's property line exceeding the levels specified in Table I. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

TABLE I Use of Property Receiving the Sound		
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential	70	62
Commercial	72	65
Industrial	85	70

All limits expressed in dB(A)

(b) *Other noises prohibited; standards for excessive noise.* Some sounds may be such that they are not measurable by the sound level meter or may not exceed the limits set forth in subsection (a) of this section, but nonetheless may be excessive and may disturb the peace and quiet of a neighborhood or person. Noises prohibited by this subsection are in violation of this chapter notwithstanding the fact that there is no apparent violation of subsection (a) of this section.

The following activities are prohibited if they produce plainly audible sound beyond the property line of the property on which they are conducted and they disturb the peace and quiet of a neighborhood or person:

(1) Allowing or causing any continuous or intermittent noise that persists for a period of at least fifteen (15) minutes and which is caused by using, operating or permitting to be played any radio, television, tape deck, record player, amplifier, musical instrument, or instrument, machine or device used for the production, reproduction or emission of sound;

(2) Creating or allowing a loud, disturbing noise in connection with the loading or unloading of any vehicle;

(3) Owning, possessing, harboring or permitting any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds. Any peace officer or any county animal control officer is hereby authorized to issue citations to owners for any violation of this subsection;

(4) Allowing or causing any shouting, yelling, screaming or any other form of raucous vocalization by a person or group of people.

(5) Any noise created by construction activities including, but not limited to, repair, remodeling, demolition, drilling, wood cutting or excavation work conducted from 8:00 p.m. through sunrise Mondays through Saturdays, and at any time on Sundays and legal holidays; except that a person may engage in the above listed activities at that person's own residence from sunrise through 8:00 p.m. Mondays through Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays or legal holidays.

(c) *General exemptions.* The following activities are exempted from the provisions of subsections (a) and (b):

(1) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster; to restore public utilities; or to protect persons or property from an imminent danger;

(2) Sound made to alert persons to the existence of an emergency, danger or attempted crime;

(3) Activities or operations of governmental units or agencies;

(4) Parades, concerts, festivals, fairs or similar activities that remain within any sound limits approved by the city;

(5) Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities;

(d) *Temporary exemptions.* The city manager is authorized to grant a temporary exemption from the maximum permissible sound levels established by this article if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought. A temporary exemption must be in writing and signed by the city manager and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) for which it is effective and the dB(A) level(s) authorized. A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed thirty (30) days. The following factors shall be

considered by the city manager in determining whether to grant a temporary exemption:

(1) The balancing of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance;

(2) The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article;

(3) The level of the sound to be generated by the event or activity;

(4) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested;

(5) The density of population of the area in which the event or activity is to take place;

(6) The time of day or night which the activity or event will take place;

(7) The nature of the sound to be produced, including but not limited to whether the sound will be steady, intermittent, impulsive or repetitive.

(e) *Variances.* Persons wishing to continue activities which commenced prior to this article and which create noise in excess of the permitted levels may seek a variance from the board of adjustment. Such a variance may be granted if the board finds that strict application of this chapter would cause a hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

(f) *Noisy vehicles, motors prohibited.* No person may use any automobile, motorcycle or other vehicle, engine or motor of whatever size, stationary or moving, instrument, device or thing, in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(g) *Mufflers required on mechanical devices; cutouts prohibited.* No person may operate any mechanical device operated by gasoline, or otherwise, without having a muffler, in good working order and in constant operation, to prevent excessive or unusual noise and smoke; and no person shall use a muffler cutout, bypass or similar device.

(h) *Hours for operation of engines other than on public highways.* No person may operate or use any automobile, motorcycle or other vehicle, engine or motor of whatever size, stationary or moving, on race tracks, race courses, or other similar tracks or courses at places of amusement, not being public highways, between the hours of 10:30 p.m. and 8:00 a.m. on Sundays through Thursdays, or between the hours of 12:00 midnight and 8:00 a.m. on Fridays and Saturdays. The above hours of use may be extended to 12:00 midnight, provided any sound emission is not in excess of seventy (70) dB(C), measured at a distance of one hundred (100) feet from the automobile, motorcycle or other vehicle, engine or motor.

(i) *Noise by street vendors, advertisers.* No person may produce any sound in connection with the sale, advertising or display of merchandise from a pushcart, bicycle or vehicle:

(1) In excess of seventy (70) dB(A), measured at a distance of fifty (50) feet from the pushcart, vehicle or bicycle;

(2) While such pushcart, bicycle or vehicle is not in motion; or

(3) Between the hours of 1:00 p.m. and 3:00 p.m. and between the hours of 9:00 p.m. and 10:00 a.m.

(j) *Persons responsible for noise violations.* If the person responsible for an activity that violates this section cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation.

(k) *Sound amplification systems in vehicles.* Noise from sound amplification systems in vehicles cannot be practically regulated by imposing decibel limits as decibel measurements are difficult to obtain from moving vehicles. Noises prohibited by this subsection are in violation of this article notwithstanding the fact that there is no apparent violation of subsection (a) of this section.

(1) Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle in such a manner or with such volume as to annoy or disturb the peace and quiet of any person or neighborhood in the vicinity.

(2) Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle in such a manner that the sound is plainly audible at a distance of fifty (50) feet, or in such a manner that it causes a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet.

(3) Exemptions. This subsection shall not apply to:

a. Amplification systems being operated to request assistance of an emergency nature or to warn of a hazardous situation;

b. Authorized emergency vehicles;

c. Vehicles operated by utility companies;

d. Vehicles used in parades, concerts, festivals, fairs or similar activities that remain within any sound limits approved by the city; or

e. Amplification systems in vehicles which are operated on private property with the permission of the

owner and which are not plainly audible beyond the property line.

(l) *Penalty.* Any person found responsible under this section for a violation of this article shall be guilty of a civil infraction and punished in accordance with minor section 1-8(2) and under the procedures outlined in Chapter 8 of this City Code. The court shall also enter an order of abatement against a party found responsible for a violation of this article pursuant to Chapter 8 of this City Code.

(m) *Enforcement.* The police department and city attorney are authorized to enforce the provisions of this section. A complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible for a violation of this section.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 8, 3-1-05; Ord. No. 11024, § 1, 10-9-12, eff. 11-1-12)