

## CHAPTER 48

# NOISE CONTROL

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**48.01 FINDING AND DECLARATION.** The Council has found and declared that:

1. The making or creation of excessive, unnecessary or unusually loud noises within the corporate limits of the City is a condition that has existed for some time, and the extent and volume of such noises are increasing;
2. The making, creation or maintenance of such excessive unnecessary or unusually loud noises which are prolonged, unusual or unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the inhabitants of the City; and
3. The necessity in the public interest for the provisions and prohibitions concerning noise which are hereinafter contained is hereby declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City and its inhabitants.

**48.02 EXCESSIVE NOISE PROHIBITED.** It is unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the corporate limits of the City. Provided, this section does not apply to noise that by other sections herein is declared to be exempt from the provisions of this section, or to noise caused or permitted by a person to whom a permit has been granted as provided in this chapter. A violation of any provision of this chapter is a misdemeanor.

**48.03 NOISE STANDARDS; PARTICULAR NOISES.** The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive:

1. **Animals, Birds. Miscellaneous Pets.** The keeping of any animal or bird which by causing frequent or long continued noise disturbs the comfort or repose of any person in the vicinity.
2. **Blowers.** The operation of any noise-creating blower or power fan, unless such blower or fan is muffled sufficiently to prevent loud noises therefrom.
3. **Construction, Repairing of Buildings.** The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., except in the case of urgent necessity in the interest of public health and safety, and then only with a permit in writing from the Chief Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues, and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Chief Building

Inspector determines 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 between the hours of seven o'clock (7:00) p.m. and seven o'clock (7:00) a.m., and if he or she further determines that loss or inconvenience would otherwise result to any party in interest, the Chief Building Inspector may grant permission for such work to be done between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

4. Defect in Vehicles, Load. The operation of any motor vehicle, motorcycle, or other vehicle so out of repair or so loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

5. Exhausts. The discharge into the open air of the exhaust of any motor vehicle, motorcycle, tractor, steam engine, stationary internal combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. The muffler of a motor vehicle or motorcycle shall be of a type that will muffle noise no less effectively than the standard muffler with which a vehicle of that type originally was equipped by the manufacturer of the vehicle, shall not be of a design that permits operation in a manner allowing greater noise, and shall be kept in good repair. Provided, this requirement does not apply to authorized emergency vehicles, or motor vehicles or motorcycles designed or modified for off-highway sanctioned racing purposes, while being towed on the streets.

6. Horns, Signaling, Other Devices. The sounding of any horn or signaling device on any motor vehicle, motorcycle, or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device by which traffic is for any reason held up.

7. 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.

8. Pile Drivers, Hammers, Equipment. The operation 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 between the hours of seven o'clock (7:00) p.m. and seven o'clock (7:00) a.m.

9. Quiet Zones. The creation of an excessive noise within any quiet zone established by the Council which unreasonably interferes with the use of the premises or disturbs or unduly annoys occupants or users of the premises for the benefit of whom the quiet zone has been established.

10. Shouting, Halloing. Shouting or loud halloing which unreasonably interferes with the comfort or report of any person in the vicinity.

11. Sound Reproduction. The use or operation of any radio or other mechanical or electrical devices or instruments amplifying and reproducing the human voice, or any sound or noise, in any public or private place, or from any vehicle, in such manner that the peace and good order of the neighborhood are disturbed, or that persons owning, using, or occupying property in the neighborhood are disturbed or annoyed. Provided, the Council may grant permission for the erection and use of temporary radio speakers,

and other mechanical or electrical devices or instruments amplifying and reproducing the human voice, or any sound or noise at a fixed location, or on moving vehicles, as part of a celebration of commemoration of a patriotic or historic event, or national or State holiday, or local celebration, or at gatherings of a public nature, and at such other times as the Council may see fit; provided, further, the Council, in granting such permission, shall expressly designate the time such permission shall continue.

12. 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 City authorities.

**48.04 EXEMPTIONS.** The following noises are exempt from the provisions of this section:

1. Noises of safety signals, warning devices, and emergency pressure-relief valves;
2. Noises caused by any Police or Fire Department vehicle or any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
3. Noises caused by the operation of snow removal equipment being used to remove snow;
4. Noises caused by garbage trucks and the removal of garbage.

**48.05 SPECIAL PERMIT.** An application for a permit to cause or permit noise otherwise prohibited by this chapter on the basis of undue hardship may be made to the Council, or another City employee designated by the Council to perform this function may grant the relief as applied for if he or she finds:

1. That additional time is necessary for the applicant to alter or modify his or her activity or operation to comply with this chapter, or
2. That the activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with this chapter, and
3. That no other reasonable alternative is available to the applicant. The City Manager may prescribe any conditions or requirements he or she deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

**48.06 NUISANCE.** The making of a noise or noises in violation of this chapter is hereby declared to be a public nuisance, and may be abated as such.