

CHAPTER 95: NOISE

Section

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§95.01 DEFINITIONS

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter.

NOISE: Any sound or combination of sounds which because of its volume, duration or intensity tends to disturb persons of normal nervous sensibilities.

PERSON: Any individual, association, firm, partnership or corporation.

SOUND: Any disturbance of the air that is detectable by the unaided ear or which produces vibrations detectable by persons of normal nervous sensibilities.

SOUND AMPLIFICATION DEVICE: Any device or instrument for amplifying the human voice, music or other sound, including but not limited to loudspeakers, stereos, phonographs, radios or tape players, portable or otherwise.
(Ord. 91-03, passed 7-22-91)

§95.02 UNREASONABLY LOUD NOISE

It shall be unlawful for any person to authorize or cause to be emitted from any property or source under the control of said person any noise that is unreasonably loud, raucous or disturbing so as to constitute a nuisance, annoy, frighten, pose a danger to the health of or seriously disturb any person of normal nervous sensibilities.

(Ord. 91-03, passed 7-22-91) Penalty, see §95.99

§95.03 NOISES EXPRESSLY PROHIBITED

Without limiting the generality of §95.02 , the following acts are specifically declared to be unlawful and in violation of §95.02.

- (A) The excessive blowing of a horn on any motor vehicle except when the horn is used as a warning device.
- (B) The operation of any motor vehicle or any engine without a muffler, or with a muffler that is so defective or so designed that the vehicle emits an unusually loud noise.
- (C) The operation of any motor vehicle so as to create loud or unusual noises by the screeching of tires, racing of engines, backfiring or other loud noises whether caused from disrepair, motor or accessory alterations, or otherwise.
- (D) The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- (E) The creation of any loud or disturbing noise on any street adjacent to any school, institution of learning, library, or any church during services.
- (F) The playing or use of any sound amplification device, television, or any musical instrument, so as to unreasonably disturb the comfort, quiet or repose of persons in any place of residence or so as to interfere substantially with the operations of any church, school, theater, library, or other similar place of assembly, unless a noise permit has been obtained as required by §95.05.
- (G) The use of any sound amplification device, musical instrument, or other medium for the purpose of attracting attention by the creation of noise to any performance, show, sale, display, advertisement or merchandise, or other commercial venture, unless a noise permit has been obtained as required by §95.05.
- (H) The use of any sound amplification device on any public street, sidewalk, park or other public area within the City limits (whether while operating a motor vehicle or otherwise) which is clearly audible by a person of normal nervous sensibilities at a distance of 50 feet or more from the source of the sound unless a noise permit has been obtained as required by §95.05
(Ord. 91-03, passed 7-22-91) Penalty, see §95.99

§95.04 EXCEPTIONS

The following are excepted from the application of §§95.01 through 95.03:

- (A) Noise or sound emanating from scheduled outdoor athletic events.
- (B) Noise or sound of safety signals, warning devices, emergency pressure relief valves or church bells.
- (C) Noise or sound emanating from properly equipped aircraft operated in accordance with applicable federal rules and regulations.
- (D) Noise or sound emitted from any authorized emergency or public safety vehicle.

- (E) Noise or sound emanating from parades, street fairs, festivals or similar events which are conducted, sponsored or sanctioned by the City.
- (F) Noise or sound from railroad operations.
(Ord. 91-03, passed 7-22-91)

§95.05 PERMITS

- (A) It shall be unlawful for any person to use or cause to be used any sound amplifying device, musical or other instrument for entertainment, advertising or other purposes, or to otherwise engage in any activity creating noise which exceeds the standards set forth in this chapter without obtaining a noise permit in advance of these activities.
- (B) All applications for noise permits shall be made to, promptly considered and acted upon by the City Manager. In considering and acting on all applications for permits, the City Manager shall consider, but shall not be limited to, the following factors:
 - (1) The nature and duration of the proposed activity,
 - (2) Other uses in the vicinity or location proposed for the activity;
 - (3) Effect of the activity on nearby residential areas;
 - (4) Cultural, social, recreational and/or education benefit of the proposed activity;
 - (5) Previous experience with the applicant; and
 - (6) Previous violations of this noise chapter, if any, by any applicant.
- (C) Taking into consideration the factor listed in division (B) above, the City Manager shall issue a noise permit upon finding that the interest furthered by the proposed use or activity outweighs the public interest in maintaining peace and quiet at the time and place involved.
- (D) The City Manager may impose such reasonable and appropriate conditions upon the permit as he deems necessary to assure that the proposed use will be consistent with the intent of this section,
- (E) The permit holder(s) shall agree to cooperate with the Police Department in enforcing this chapter by being available at the site of the event the entire time for which a permit has been issued and capable of assisting the Police in enforcing this chapter. Failure of the permit holder(s) to be present or to assist the Police in complying with this chapter will be cause for revocation of the permit.

- (F) Any application for a permit must be made at least 48 hours in advance of the activity and shall require payment of a \$25 administration fee.
- (G) If an application for a noise permit is denied, is approved with conditions unacceptable to the applicant, or if a permit is revoked, the applicant or permit holder shall be entitled to appeal the City Manager's action to the City Council after submission of a written request to do so. Such appeal must be submitted to the City Manager at least ten days prior to the date of the next regular meeting of City Council.
- (H) A permit may be denied or revoked in the following cases:
- (1) The activity constitutes a threat to the health, safety or welfare of others.
 - (2) The applicant has violated any provisions of this chapter within 12 months preceding the date of the application;
 - (3) The applicant violates any of the provisions during the time allowed for the permitted activity; or
 - (4) The activity interferes with another previously permitted activity.
- (Ord. 91-03, passed 7-22-91)

§95.06 REPORTS OF VIOLATION

In the event that reasonable grounds exist for believing that any provision of this chapter is being violated, any person may make a report thereof to the Police Department which shall investigate the alleged violation. If such investigation reveals a violation, the investigating officer shall cause a written complaint to be made, and may issue a criminal or civil citation for violation thereof.
(Ord. 91-03, passed 7-22-91)

§95.99 PENALTY

Each violation of this chapter shall result in a civil penalty of \$50. If a person fails to pay this penalty within ten days after being cited for a violation, the City may seek to recover the penalty by filing a civil action in the nature of a debt.
(Ord. 91-03, passed 7-22-91)