

CHAPTER 48

NOISE CONTROL

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48.01 SCOPE OF REGULATIONS. This chapter applies to the control of all noise originating within the limits of the City, except in the following cases: (a) a State or federal agency has adopted a different standard or rule than that prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable, or (b) the Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

48.02 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
2. “Emergency work” means any work performed for the purpose of alleviating or resolving an emergency.
3. “Motorcycle” means any two or three-wheeled motor vehicle.
4. “Motor vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: “motor vehicle” includes most motorcycles.)
5. “Noise” means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
6. “Noise disturbance” means those sounds defined as “sounds not allowed” in Section 48.04 of this chapter.
7. “Powered model vehicle” means any self-propelled airborne, waterborne or landborne model plane, vessel or vehicle which is not designed to carry persons, including but not limited to, any model airplane, boat, car or rocket.
8. “Public right-of-way” means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.
9. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property division.
10. “Recreational vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational

events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a “motor vehicle” (or “motorcycle” if two or three-wheeled) and not a “recreational vehicle.” (Examples of recreational vehicles are a snowmobile, a minibike, a stock car or motorboat.)

11. “Residential property” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

12. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

13. “Sound equipment” means any radio, record player, tape deck or player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound, except, however, “sound equipment” does not include (a) sirens and other equipment used to alert persons to the existence of an emergency, (b) equipment used by law enforcement and other public safety officials in the performance of their official duties, (c) church carillons, bells or chimes, (d) mobile radio or telephone signaling devices and (e) automobile and truck radios, tape decks or players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom is not audible for more than fifty (50) feet from such automobile or truck.

48.03 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make or continue or cause or allow to be made or continued any noise disturbance within the City.

48.04 SOUNDS NOT ALLOWED. The term “noise disturbance” means any of the following sounds:

1. Alarm Testing. The sound emitted by the intentional sounding outdoors of any privately owned fire alarm, burglar alarm, siren, whistle, or similar stationary emergency signaling device for the essential testing of such device, when conducted between the hours of 7:00 p.m. and 8:00 a.m.
2. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck, compact disk player, or other such standard equipment used and intended for the use and enjoyment of such vehicle’s occupants while such vehicle is on the public right-of-way if the sound emitted there from is audible for more than 50 feet.
3. Chain Saws. The sound emitted by motor-powered chain saws and tree trimming equipment, when operated between the hours of 9:00 p.m. and 7:00 a.m.
4. Lawn and Garden Equipment. The sound emitted by motor-powered, muffler-equipped lawn and garden equipment, such as lawn mower, weed cutters and leaf blowers, when operated between 10:00 p.m. and 7:00 a.m.
5. Engine Brakes and Compression Brakes. The sound made by an engine brake device, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, at all times.
6. Selling by “Hawking” or “Barking.” The sound of selling by shout or outcry when made within the area of the City zoned residential or commercial.

7. Loading or Unloading. The sound made by outdoor loading, unloading, opening, closing or handling of boxes, crates, containers, building materials or similar objects between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. within any area of the City zoned residential. The sound made by the outdoor loading, unloading, opening, closing or handling of trash cans, trash containers, trash receptacles, trash dumpsters or similar objects which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
8. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying or testing of a motor vehicle or recreational vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
9. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
10. Musical Instruments. The sound made by a drum, horn, reed instrument, string instrument or other musical instrument or device which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
11. Off-Road Motorcycle and Recreation Vehicle Noise. The sound made on private property or on City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section.
12. Construction Noise. The sound made by tools or equipment in erection, demolition, excavation, drilling or other such construction work which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
13. Sound Equipment. The sound made by sound equipment, as defined in Section 48.02(12), operated upon the public right-of-way or in any building or upon any premises, public or private, if plainly audible from any public right-of-way within the City unless the person using, operating or causing to be used or operated the sound equipment has prior approval from City Council for the use or operation of such sound equipment for a special event.
14. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.
15. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.
16. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass.
17. Animal or Bird Noises. The frequent or habitual sound made by a domesticated animal or bird, other than livestock owned or possessed for agricultural

purposes, which is received between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. at the real property boundary of residential property.

48.05 EXCLUDED SOUNDS. This chapter does not apply to the following:

1. Snow Removal Equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment and the sound emitted by City-owned or hired snow removal equipment.
2. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency. This includes public address systems.
3. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purpose.
4. Church Bells. The sound emitted by church carillons, bells or chimes.
5. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than fifty (50) feet.
6. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.
7. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.
8. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.
9. Construction Noise. The sound emitted by construction work (erection, demolition, excavation, drilling, etc.) between the hours of 7:00 a.m. and 9:00 p.m., which is being performed pursuant to a proper and current building permit.
10. The emission of sound from activities in the discharge or weapons, firework displays, or parades permitted by the City Council.
11. The emission of sound from activities where the State or federal agency had adopted a different standard or rules than that prescribed within this chapter.
12. The emission of sound during nonprofessional athletic and school events or practices.
13. The emission of sound from on-site stationary trash compactors, municipal or municipally contracted compacted trucks loading or unloading of yard waste, recyclable material, trash, and garbage. In cases where the sound originates within 300 feet of a residential area land use or noise sensitive land use, the exemption shall only apply between the hours of 7:00 a.m. to 10:00 p.m.
14. The emission of sound during the operation, maintenance, repair, and cleaning of public streets and facilities or other work performed by or for public utilities.
15. Concrete Sawing. The sawing of concrete in connection with a City project as approved by the City Council.

48.06 OTHER LAWS AND ORDINANCES. No provisions of this chapter should be construed to legalize or permit sounds, devices or activities made unlawful by other ordinances of the City or State or federal statutes.

48.07 ENFORCEMENT. The Police Department shall have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this chapter shall prevent the Police Department from obtaining voluntary compliance by way of warning, notice or education. If a person's conduct would otherwise violate this chapter and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions; the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued.

48.08 PENALTIES. A person who violates a provision of this chapter is guilty of a simple misdemeanor which is punishable by a minimum fine of three hundred dollars (\$300.00) or a maximum fine of up to six-hundred twenty-five dollars (\$625.00). Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

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