

## CHAPTER 52

# NOISE CONTROL

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**52.01 CENTRAL POLICY.** It is the declared policy of the City to promote an environment free from excessive noise, otherwise properly called “noise pollution,” which unnecessarily jeopardizes the health and welfare and degrades the quality of the lives and devalues the property of the residents of the City, without unduly prohibiting, limiting, or otherwise regulating the function of certain noise-producing equipment which is not amenable to the economy of, and quality of life in, the City.

**52.02 PURPOSE AND SCOPE.** The purpose of this chapter is to establish standards for the control of noise pollution in the City and thereby to protect the public health, safety, and general welfare. This chapter shall apply to the control of all noise originating within the limits of the City, except where either:

1. A State or federal agency has adopted a different standard or rule than that prescribed within this chapter and has so preempted the regulation of noise from a particular source as to render this chapter inapplicable thereto.
2. The Council has determined that, by reason of public acceptance of the activity producing a particular noise, such noise is deemed acceptable to the residents of the City.

**52.03 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 intimate 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-wheeled 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. The term “motor vehicle” includes most motorcycles, as defined in this section.
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 “noise disturbances” in Section 52.05 of this chapter.

7. “Powered model vehicles” means any self-propelled airborne, waterborne, or land-borne 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, avenue, boulevard, highway, alley, or similar place which is owned or controlled by the City or another 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 divisions.
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 used 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 shall be deemed a “motor vehicle” (and a “motorcycle” if two-wheeled or three-wheeled) and not a “recreational vehicle.” Examples of a recreational vehicle include, but are not limited to, snowmobiles, minibikes, stock cars, or motorboats.
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, loudspeaker, 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 duties.
  - C. Church carillons, bells, or chimes.
  - D. Mobile radio or telephone signaling devices.
  - 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 50 feet from such automobile or truck.

**52.04 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. All violations of any provision of Section 52.04 are hereby declared simple misdemeanors punishable by a fine of at least \$50.00 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in Chapter 3 of this Code of Ordinances. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction, at the sole discretion of the peace officer.

**52.05 INCLUDED SOUNDS.** Except for sounds excluded in Section 52.06, the term “noise disturbance,” as used in this chapter, means any of the following sounds:

1. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety, or health of a human being, or disturbs a reasonable human being of normal sensitivities, or causes or tends to cause adverse physiological or physical effects on human beings or devalues or injures property.
2. 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.
3. Loading and Unloading. The sound made by the out-of-doors loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. of the following morning within any area of the City zoned residential.
4. 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 10:00 p.m. and 7:00 a.m. of the following morning at the real property boundary of residential property.
5. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of 10:00 p.m. and 7:00 a.m. of the following morning at the real property boundary of residential property.
6. 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 10:00 p.m. and 7:00 a.m. of the following morning at the real property boundary of residential property.
7. Off-Road Motorcycle and Recreational Vehicle Noise. The sound made on private property or on City-owned property (other than public right-of-way) by a motorcycle or recreational vehicle and received between the hours of 10:00 p.m. and 7:00 a.m. of the following morning 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 provision of this section other than this subsection.
8. 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 10:00 p.m. and 7:00 a.m. of the following morning at the real property boundary of residential property, except street concrete and paving saw cutting.
9. Sound Equipment. The sound made by sound equipment 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 between the hours of 10:00 p.m. and 7:00 a.m. of the following morning.
10. 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.
11. Noisy Exhaust System. The sound made by a motor vehicle or recreational vehicle whose exhaust system has been modified by the installation of a muffler cutout or bypass.

12. 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.

**52.06 EXCLUDED SOUNDS.** Any other provision of this chapter to the contrary notwithstanding, the term “noise disturbance,” as used in this chapter, does not mean or include the following sounds:

1. Lawn and Garden Equipment. The sound emitted by motor-powered, muffler-equipped lawn and garden equipment operated between the hours of 7:00 a.m. and 10:00 p.m.
2. Chain Saws. The sound emitted by motor-powered tree trimming equipment operated between the hours of 7:00 a.m. and 10:00 p.m.
3. Snow Removal Equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment operated between the hours of 6:00 a.m. and 10:00 p.m. and the sound emitted by City-owned or hired snow removal equipment at any time, as necessary.
4. Emergencies. The sound emitted in the performance of emergency work, or to alert persons to the existence of an emergency.
5. 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 purposes, or for the essential testing of such device when conducted between the hours of 9:00 a.m. and 4:00 p.m.
6. Church Bells. The sound emitted by church carillons, bells, or chimes.
7. 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 therein is not audible for more than 50 feet.
8. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.
9. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.
10. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.
11. Construction Noise. The sound emitted by construction work (erection, demolition, excavation, drilling, etc.) between the hours of 7:00 a.m. and 10:00 p.m. which is being performed pursuant to a proper and current building permit.
12. Mosquito Spraying Equipment. The sound made by City-owned or hired mosquito spraying equipment.

**52.07 CONSTRUCTION.** 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.

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