

ARTICLE I. IN GENERAL

Sec. 3-4-1. Legislative determinations.

As a legislative determination it is found and declared that:

- (a) The making and creation of loud, unnecessary and unusual noises within the limits of the city is a condition which has existed for some time and the extent and volume of such noises is increasing.
- (b) The making, creation, and maintenance of loud, unnecessary, unnatural, or unusual noises which are prolonged, unusual or unnatural in their time, place, or use, do affect and are a detriment to public health, comfort, convenience, safety, welfare or prosperity of the residents and persons within the city.
- (c) The necessity in the public interest for the provisions and prohibition hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted 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 and persons within its limits.

(Ord. of 6-19-67, § 1)

Sec. 3-4-2. Loud, unnecessary or unusual noises prohibited.

It shall be unlawful for any person to make, permit, allow, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of other persons within the limits of the city.

(Ord. of 6-19-67, § 3)

Sec. 3-4-3. Illustrative enumeration.

The following acts, among others, are determined and declared to be loud, disturbing, and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive, namely:

- (a) The using, playing or operating or permitting to be played, used or operated any receiving or playing radio set, television set, musical instrument, phonograph recording or playing device, or other machine or device for the producing or reproducing of sound, in such manner or volume as to disturb the peace, quiet, and comfort of the neighboring inhabitants or occupants, or at any time with louder volume than is necessary for convenient, normal hearing by the person or persons who are in the room or enclosure or place in which such equipment or device is operated and who are involuntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be distinctly audible to persons with normal hearing at a distance of fifty (50) feet from the room or building or structure in which it is located shall be prima facie evidence of a violation of this section.
- (b) The playing, using, or operating or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, loud speaker, sound amplifier or any other machine or device or equipment for the producing or reproducing

of voices or sound, which is directed to or cast or audible upon the public streets, for the purpose of commercial or business advertising or attracting the attention of the public or persons passing by to any abutting or nearby building or structure or place or any commercial or public operation conducted therein or thereon.

(c) Yelling, shouting, hooting, whistling, or singing on the public streets, parks or places, or a place of business or other establishment open to the public, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, repose, health, or peace of persons in any place of work or in any dwelling, hotel, or other residence, or of any other person in the vicinity of such acts.

(d) The keeping of any animal, bird or insect which, by causing frequent or continued loud noise or noises, shall unreasonably disturb the peace, comfort, or repose of any person in the vicinity.

(e) The erection, construction (including excavating), demolition, alteration or repair of any building or structure, other than between the hours of 7:00 a.m. and 7:00 p.m. on any day of the week, except between the hours of 7:00 p.m. and 9:00 a.m. on Saturdays, Sundays and legal holidays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the commissioner of building, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues. If the commissioner of building or commissioner of public works should determine that the public health and safety will not be seriously impaired by excavation, or the erection, construction, demolition, alteration or repair of any building or structure, or the construction or repair of streets and highways, within the hours of 7:00 p.m. and the following 7:00 a.m., and if either shall further determine that substantial loss or great inconvenience would result to any party in interest by requiring work to be limited to the daytime hours, he may grant permission for such work under his jurisdiction to be done within specified hours between 7:00 p.m. and the following 7:00 a.m., upon application being made when the permit is issued or during the progress of the work.

(f) The creation of any excessive or unnecessary noise on any street adjacent to any school, institution of learning, public library, church or courthouse while the same are in use, or adjacent to any hospital, which noise unreasonably interferes with the proceedings or workings of such school, institution, church or courthouse, or which disturbs or annoys patients and employees in the hospital provided conspicuous signs are displayed on such streets indicating that the same is a school, institution, public library, church, courthouse, or hospital zone.

(g) The operation of any machinery, commercial motor vehicle, refrigerator unit on trucks, equipment, pump, exhaust fan, attic fan, air-conditioning apparatus, snow plows or blowers, or similar mechanical device, loading or unloading of vehicles, or use of any instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person or persons, in any dwelling, hotel, or other type of residence between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week. This paragraph shall not apply to municipal vehicles. Notwithstanding the foregoing, any public utility company operating and maintaining parking facilities for its employees in the city may operate snow plows or blowers to clear snow from such parking facility at hours other than those specified above by obtaining permission therefor from the department of public safety. The request for such permission shall specify the hour at

which such operation is desired and shall be made to the commissioner during business hours and at other times to the police desk officer then on duty at police headquarters. The commissioner or such officer may grant such permission if he determines, upon consultation with the department of public works, that snow conditions and accumulations or projected accumulations require such operation at the hours requested. Any request and the disposition thereof shall be recorded on forms provided by the commissioner or on the log of such police desk officer.

(1) It shall be unlawful for any person in the operation of any air-conditioning equipment or part thereof, or any other type of mechanical equipment or apparatus installed on or attached to premises, to make, continue or cause to be made, excessive noise so as to cause annoyance, inconvenience or detriment to the public or to any person or persons. Noise shall be considered excessive if the sound level from the air-conditioning unit or any other type of mechanical equipment or apparatus installed on or attached to premises exceeds fifty-five (55) decibels as measured on the A, B or C scale of a General Radio Company type 1565-A level meter or American Standard Association approved equivalent, when the meter is located at a point not nearer than the property line nearest such air-conditioning unit, mechanical equipment or apparatus, nor nearer than fifteen (15) feet where air-conditioning unit, mechanical equipment or apparatus is measured within the same property. A decibel is the standard unit of sound level measurement. The requirements of this subsection shall not apply to emergency generators installed to operate the life safety systems (e.g. smoke/fire alarms, elevators, smoke purge systems, emergency lighting, etc.) of a building. The noise from such equipment shall not exceed a sound level of sixty-five (65) decibels as measured on the A, B or C scales. In addition, such equipment shall only be permitted to be exercised between the hours of 7:00 a.m. and 7:00 p.m. on any day of the week, and between the hours of 9:00 a.m. and 7:00 p.m. on Saturdays, Sundays and legal holidays, except in case of urgent necessity in the interest of public health and safety, and then only with the permission of the commissioner of building.

(2) If, as a result of a test, the air-conditioning equipment, mechanical equipment or apparatus installed on or attached to premises is found to violate the terms of this chapter, the operation of said equipment or apparatus shall be discontinued immediately and not resume unless proper corrections have been made and approved by the building department.

(h) (1) The operation of any manually or electrically powered landscape maintenance equipment, such as lawn mowers, leaf blowers, chain saws and trimmers between the hours of 9:00 p.m. and 8:00 a.m. on weekdays, and between the hours of 9:00 p.m. and 9:00 a.m. on Saturdays, Sundays and legal holidays. This subdivision shall not apply to municipal equipment in the event of an emergency.

(2) (i) The operation of all gasoline powered landscape maintenance equipment, such as leaf blowers, lawn mowers, chain saws and trimmers, between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, and between the hours [of] 6:00 p.m. and 10:00 a.m. on Saturday, Sundays and holidays, except grass may be cut with an internal combustion engine lawn mower by an occupant of the premises where it is being cut on weekdays between the hours of 6:00 p.m. and 8:00 p.m.;

- (ii) The operation of any gasoline powered landscape maintenance equipment, such as leaf blowers, lawn mowers, chain saws and trimmers, without factory installed noise reduction equipment in good working condition;
- (iii) The simultaneous operation of more than one gasoline powered leaf blower on property of five thousand (5,000) square feet or less in area;
- (iv) The operation of gasoline powered leaf blowers during the period June 15 through September 30th;
- (v) All the aforementioned restrictions and prohibitions on said gasoline powered landscape maintenance equipment may be waived by the commissioner of public safety in the wake of a storm or other emergency.

(i) The sounding of any horn, bell, or any other noise producing signal or device or apparatus on or in any motor vehicle, motorcycle, bus, or any other vehicle, or the unnecessary racing of the motors thereof, in or upon any public street or place in the city while parked or at a standstill, except as a necessary warning of emergency or of impending danger, or the creation by any means of any unreasonable loud or harsh or annoying and disturbing sound in any such public street or public place in this city, or the sounding of any such device or signal apparatus for an unnecessary or unreasonable period of time, or while traffic is for any reason at a standstill, except as a necessary emergency warning of impending danger.

(Ord. of 6-19-67, § 4; Ord. of 4-7-69; § 1; Ord. of 5-7-70; Ord. of 11-19-73, § 1; Ord. of 9-3-74, § 1; Ord. of 4-5-75, § 1; Ord. of 12-16-85, § 1; Ord. of 7-5-94, § 1; Ord. of 5-1-95, § 1)