Sec. 42-59. - Enumeration of certain loud, disturbing and unnecessary noises.

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

(1) Blowing horns or signaling devices. The sounding or blowing of any horn or signal device on any automobile, truck, bus, motorcycle or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(2) Radios, televisions, musical instruments and similar devices. The following uses of radios, televisions, musical instruments and similar devices are prohibited:

a. The operating or playing of any radio, musical instrument or similar device which produces or reproduces sound on the public rights-of-way in such manner as to be audible to any person other than the operator of the device.

b. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a motor vehicle or public park in a manner as to be audible at a distance of 50 feet.

c. Loudspeakers and sound amplifiers. The using or operating of any loudspeaker, loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, within or adjacent to residential or noise sensitive areas such that the sound therefrom is audible across the real property line of the source; provided, however, that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the city. A "noise sensitive area" is an area where a school, hospital, nursing home, church, court, public library or cemetery is located.

(3) Yelling, shouting, hooting, whistling or singing on streets. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or of persons in the vicinity.

(4) Animals. The owning, possessing or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sound which creates excessive and unnecessary noise across a residential or commercial real property line or within a noise sensitive area. For the purposes of this subsection the term "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes, or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a barking dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.

(5) Use of vehicles. The use of any automobile, truck, bus, motorcycle or other vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(6) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, as a warning of fire or danger, or upon request of proper city authorities.

(7) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Building operations, excavation of streets; permit from city manager. The erection (including excavation and site development), demolition, alteration or repair of any building in or within 300 feet of any residential zoning district in the city, and the excavation of streets and highways in or within 300 feet of any residential zoning district in the city, other than between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit of the city manager, which permit may be granted for a period not to exceed 30 days while the emergency continues.

Exception: This subsection shall not apply to operations which are carried on in such a manner or in such a location as not to create sound exceeding 60 dB(A), when measured at or beyond the property boundary of the property from which the sound emanates.

(9) Noises near schools, hospitals, churches, court or institution of learning. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof, provided that signs must be displayed in such streets indicating that the same is a school, institution of learning, church, court or hospital.

(10) Loading and unloading operations. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates or containers.

(11) Noise to attract attention. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.

(12) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on automobiles, trucks, buses or other moving or standing vehicles for advertising or other purposes.

(13) Emergency signaling devices. The following uses of emergency signaling devices are prohibited:

a. Except in case of an emergency, the intentional sounding of any audible alarm between the hours of 10:00 p.m. and 7:00 a.m.

b. The testing of any alarm for a period in excess of 60 seconds at any time.

c. Permitting an audible alarm which has been activated by a malfunction to continue for more than 30 minutes.

(14) Maximum permissible sound levels; Table I. The following subsections and table detail the maximum permissible sound levels:

a. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table I for the receiving land use category more than ten percent of any measurement period, which period shall not be less than ten minutes, when measured at or beyond the property boundary of the property from which the sound emanates; provided, however, that in the case of the multifamily dwelling land use category, the sound level shall be measured within an adjacent intrabuilding dwelling.

b. For any source of sound, the sound level shall not exceed the maximum permissible sound level limit set forth in Table I by 15 dB(A) for all land use categories.

c. Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with the standards promulgated by the American National Standards Institute (ANSI).

TABLE I

MAXIMUM PERMISSIBLE SOUND
LEVELS BY RECEIVING LAND
USE CATEGORY

|  |  |  |
| --- | --- | --- |
| Land UseCategory | Time | SoundLevelLimit |
| Residential, noise sensitive area, public space | 10:00 p.m.—7:00 a.m. | 60 dB(A) |
| Multifamily dwelling | 10:00 p.m.—7:00 a.m. | 50 dB(A)  |
| Commercial | 7:00 a.m.—11:59 p.m. | 65 dB(A) |
|  | 12:00 a.m.—6:59 a.m. | 60 dB(A) |
| Industrial | At all times | 75 dB(A) |

Notes to Table I.

1. The term "land use category" shall mean the use for which the property is zoned in the zoning ordinance of the city.

2. The term "noise sensitive area" shall mean an area where a school, hospital, nursing home, church, court, public library or cemetery is located.

(15) Exemptions. The following are exempt from the sound level limits of Table I:

a. Noises resulting from any authorized emergency vehicles when responding to an emergency.

b. Noises made by persons having obtained a parade or concert permit from the city.

(Code 1967, § 15-3; Ord. No. O-90-10, 9-17-90; Ord. No. O-98-16, § 1, 8-3-98; Ord. No. O-00-07, § 1, 7-5-00; Ord. No. O-01-17, 9-4-01)