

## Chapter 9.14

### NOISE

- 9.14.010: DEFINITIONS
- 9.14.020: LOUD NOISES PROHIBITED
- 9.14.030: PROHIBITED ACTS
- 9.14.040: EXEMPTION
- 9.14.050: PROPERTY OWNER LIABLE
- 9.14.060: PERMIT FOR RELIEF
- 9.14.070: VIOLATION; PENALTY

#### **9.14.010: DEFINITIONS:**

As used in this chapter, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this section:

**EMERGENCY WORK:** Work made necessary to restore property to a safe condition following a calamity or work required to protect persons or property from exposure to danger or potential danger.

**HEALTH:** An optimal state of physical, mental and emotional wellbeing and not merely the absence of disease.

**PERSON:** Any person, persons, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

#### **9.14.020: LOUD NOISES PROHIBITED:**

It is unlawful for any person to make or cause to be made any excessive, sustained or unusually loud noise or any noise measured or unmeasured which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivity within the limits of the town, from the hours of ten o'clock (10:00) P.M. to six o'clock (6:00) A.M., which period of time shall be known as quiet time.

#### **9.14.030: PROHIBITED ACTS:**

It is unlawful to perform any of the following acts within the town:

- A. **Horns, Signaling Devices and Jake Brakes:** Repeatedly sounding any horn, signaling device or Jake brakes on any truck, automobile, motorcycle, or other vehicle on any street or public place of the city except as a warning signal.
- B. **Sound Amplifying Equipment:** Using, operating, or permitting the use of any radio receiving set, musical instrument, amplifier, television, tape player, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to disturb the quiet, comfort, or repose of any normally sensitive and reasonable person, or the operation of any such sets, instruments, amplifiers, television, radio, phonograph, machine or device in such a manner as to be in violation of this chapter.
- C. **Loudspeakers And Amplifiers For Commercial Purposes; Permit:** Installing, using or operating within the city a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purpose of giving instructions, directions, talks, addresses, lectures, or

transmitting music to any person or assemblages of persons in or upon any street, alley, sidewalk, park, place, or public property without first obtaining a permit.

- D. Yelling Or Shouting: Repeated yelling, shouting, hooting or whistling within yards, outside public or private homes, on the public streets, alleys, or parks at any time in such a manner as to annoy or disturb the quiet, comfort, or repose of any normally sensitive and reasonable person.
- E. Animals: Owning, keeping, having in possession or harboring any animals which by frequent, sustained or habitual howling, barking, meowing, squawking or any other noise in such a manner as to disturb the quiet, comfort, or repose of any normally sensitive and reasonable person.
- F. Exhausts: Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- G. Defect In Vehicle Or Load: Operating any truck, trailer, automobile, motorcycle, or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- H. Loading, Unloading And Opening Containers: Loading, unloading, opening or other handling of boxes, crates, containers, garbage containers, or other objects in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person.
- I. Construction Projects Or Repair Of Buildings: Operating equipment or performing any construction or repair work between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. on buildings, structures or projects or operating any pile driver, excavator, pneumatic hammer, derrick, steam or electric hoist or other construction type device in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person.
- J. Exemption Clause: Any of the above acts performed for emergency work for the safety, welfare, and public health of the citizens of the town and to the extent that the noise thereby created is reasonably necessary for the public benefit will not be construed to be in violation of this chapter.

**9.14.040: EXEMPTION:**

The following uses and activities shall be exempt from noise regulation:

- A. Noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- B. Noise resulting from emergency work or noise for which a special permit has been granted.
- C. Noise resulting from the operating of motorized lawn mowers fitted with equipment type mufflers between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M.
- D. Noise caused by home or building repair or grounds maintenance between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M.
- E. Athletic events held in stadiums or parks.
- F. Noise resulting from marching bands or drum and bugle corps while practicing or parading.

**9.14.050: PROPERTY OWNER LIABLE:**

It shall be unlawful for any person to knowingly permit any disturbance described in this chapter upon premises owned or occupied by him or her.

**9.14.060: PERMIT FOR RELIEF:**

A. Application: Application for a permit for relief from the noise regulation designated in this chapter on the basis of undue hardship or for special events open to the public may be made to the town council. The town council may delegate the responsibility for examining and responding to the applications to a council member or members or the mayor or other authorized city employee.

B. Criteria For Approval: Any permit granted by the town council shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective, and any other requirements or conditions. The town council may grant the permit applied for if the council finds that:

1. Additional time is necessary for the applicant to alter or modify the activity or operation to comply with this chapter, and no other reasonable alternative is available to the applicant; or
2. The activity, event, operation or noise source will be of temporary duration, cannot be performed in a manner that would otherwise comply with this chapter, and granting the permit is in the public interest.
3. The town council may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or surrounding neighborhood.

**9.14.070: VIOLATION; PENALTY:**

A. Violation: Any person including an owner who is convicted of a violation of this chapter shall, for each offense, be fined in a sum of not more than three hundred dollars (\$300.00) each day such violation is committed or permitted to continue shall constitute a separate offense. Law enforcement officers shall have the authority to:

1. Issue a written warning on the first offense;
2. Issue a citation on the second offense.

B. Additional Remedy; Injunction: As an additional remedy, the operation or maintenance of any noise source in violation of any provision of this chapter and which causes discomfort and annoyance to any reasonable person of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area shall be a public nuisance and shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.