



Chapter 16

ARTICLE II. - NOISE

Sec. 16-18. - Purpose of noise regulations.

- (a) It is recognized that excessive and unnecessary noise endangers the physical and emotional health and welfare of the people, interferes with legitimate business and recreational activity, increases construction costs, depresses property values, offends the senses, creates public nuisances and in other respects reduces the quality of life.
- (b) It is further recognized that a substantial body of science and technology exists by which excessive sound may be measured and substantially abated. Because the regulation of excessive and unnecessary noise that may jeopardize human health or welfare or substantially degrade the quality of life is well within the purview of law enforcement powers, it is declared to be the purpose of this article to prevent, prohibit and provide for the regulation and abatement of excessive and unnecessary noise which may injure the physical and emotional health or welfare of its citizens or degrade the quality of life.

(Ord. of 6-20-2011)

Editor's note— Ord. of 6-20-2011, amended Ch. 16, Art. II., §§ 16-19—16-24 in their entirety. For purposes of clarity, and at the editor's discretion, Ord. of 6-20-2011, § 16-19 was included as § 16-18.

Sec. 16-19. - Definitions.

- (a) For the purpose of [this article], the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

Acoustic music. Music that is produced solely or primarily by instruments which produce sound through entirely acoustic means, as opposed to electric or electronic means.

Decibel (dB). A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Emergency work. Any work performed for the purposes of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Event. A gathering of people for the purpose of recreation, entertainment, worship, fundraising, or cultural activity outdoors on a lot or other property, where amplified sound is emitted from the property.

Nighttime. As used in this article nighttime shall mean the time period between the hours of 10:00 p.m. and the following 7:00 a.m.

Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Outdoor amplified sound. Any sound using sound amplifying equipment where such equipment is located outside of a residential or commercial structure or within such structures where it is obvious that the sound emitted from the amplifying equipment is intended to be transmitted to the outside through open doors or windows or other openings in the structure.

Sound amplifying equipment. Any device for the amplification of the human voice, music, or any other sound, including televisions, electronic loud speakers, jukeboxes, stereos, compact disc players and radios.

Sound level meter. An instrument which includes a microphone, amplifier, IRS detector, integrator or time averages, output meter and weighting network used to measure sound pressure levels.

Unnecessary noise. Any excessive or unusually loud sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of ordinary sensibilities or causes damage to property.

(b) All terminology not defined in this section but used in this article shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

(Ord. No. 106, § 1, 11-19-2001; Ord. of 6-20-2011)

Sec. 16-20. - Penalty.

Any violation of this article shall subject the offender to a civil penalty in the amount of \$250.00 for the first violation, and \$500.00 for the second violation. Permits will be revoked for the third violation, and the offender will lose the privilege to apply for a permit until the calendar year following the violations.

(Ord. No. 106, § 5, 11-19-2001; Ord. of 6-20-2011)

Sec. 16-21. - Prohibited noises.

(a) No person shall make, continue, or cause to be made or continued the emission of sound from any source or sources which, when measured pursuant to the procedure outlined by this article, exceeds 70 decibels.

(b) For the purposes of this article, an unreasonable loud, disturbing noise includes, but is not limited to:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonable loud or harsh sound, or the sounding of such device for an unreasonable period of time, or the use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle;

(2) The playing of any radio, phonograph, television, loudspeaker, amplifier, musical instrument or similar mechanical apparatus in such a manner or with such volume as to disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence, or any person attending or teaching in any school or worshipping in any church or treating or being treated in any nursing home or medical facility or any person in attendance at a funeral home;

- (3) The playing of any vehicle-mounted equipment in such a manner that it may create a noise disturbance at a 50-foot distance from such device when operated on a public right-of-way, public space or on public waters;
- (4) The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity;
- (5) The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded or in such a manner as to create a loud grating, grinding, rattling or other noise;
- (6) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;
- (7) The discharge into the open air of 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) Any noise between the hours of 10:00 p.m. and 7:00 a.m. the following day such that the sound creates a noise disturbance across a residential real property boundary or within a noise sensitive zone, except for emergency work;
- (9) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday, except in the case of urgent necessity in the interest of public safety;
- (10) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while same is in session, or within 150 feet of any hospital, which unreasonably interferes with the working of such institution; provided that conspicuous signs are displayed in such street indicating that the same is a school, court, or hospital street;
- (11) The creation of any excessive noise on Sundays on any street adjacent to any church; provided that conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;
- (12) The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers;
- (13) The sounding of any bell, gong, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, which disturbs the quiet or repose of persons in the vicinity thereof;
- (14) The sounding and crying of peddlers, barkers, hawkers, and vendors which disturb the quiet and peace of the neighborhood;
- (15) 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, sale or display of merchandise;
- (16) The use of any loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes, except where specific permit is received from the sheriff and then only under the terms and conditions set forth in such permit; and
- (17) The firing or discharging of a gun, squibs, fire crackers, gunpowder or other explosive or combustible substance in the streets or elsewhere for the purpose of making a noise or causing a disturbance.

(Ord. No. 106, § 2, 11-19-2001; Ord. of 6-20-2011)

Sec. 16-22. - Exceptions.

Exceptions to the prohibited noises listed in section 16-21 are as follows:

- (1) Emergency warning devices or safety signals;

- (2) Lawn care equipment, agricultural equipment and power tools used during the daytime hours;
- (3) Equipment being used for construction; provided that all equipment is operated with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use in proper operating condition;
- (4) Parades, fairs, circuses, festivals, other similar entertainment events, sanctioned sporting events, sporting activities taking place in areas set aside for such activities, or any activities normally associated with any of the activities previously mentioned in this subsection;
- (5) Bells, chimes and similar devices, such as those on tower clocks or steeples, which operate during daytime hours for a duration of no longer than ten minutes in any given period;
- (6) Emergency work;
- (7) Sixty-cycle electric transformers; or
- (8) All usual and ordinary noises associated with agricultural enterprises, including those made at night.

(Ord. No. 106, § 3, 11-19-2001; Ord. of 6-20-2011)

Sec. 16-23. - Permits required; contents.

The provisions of this article shall not apply for activities described in a permit issued by the sheriff; upon a written application which states at the minimum:

- (1) The date, time, place and type of activity; and
- (2) A statement that a notice of the intent to apply for the permit has been given to the adjacent landowners at least 24 hours prior to application.

(Ord. No. 106, § 4, 11-19-2001; Ord. No. 112, § 4, 5-28-2002; Ord. of 6-20-2011)

Sec. 16-24. - Noise measurement standards and determinations.

- (a) Sound level measurements shall be made with a sound level meter using the A-weighting scale set on low response.
- (b) Sound level meters shall be at least Type II meeting the ANSI S1.4-1971 requirements and shall be operated according to the manufacturer's standards. Person(s) using the sound level meters shall be trained in sound level measurement and the operation of sound level measurement equipment.
- (c) The measurement shall be from any point which is at least 25 lineal feet from the nearest point from which the sound originates, using approved sound measuring equipment. The measurement shall not be made on the private property where the noise is being produced. At the discretion of the enforcing officer, the sound measurement may be taken on the property of the person complaining about the noise.
- (d) Sound measurements shall be conducted at the time when the suspect noise or sound is being emitted.

(Ord. of 6-20-2011)

Sec. 16-25. - Enforcement.

The county sheriff or designee shall have the authority to order those person(s) determined to be in violation of this article to cease producing the sound in excess of that authorized. Such order shall not affect other enforcement methods available for violation of this article.

(Ord. of 6-20-2011)

Secs. 16-26—16-42. - Reserved.