

Sec. 23-8. Noise.

(a) *Definitions.*

*Unreasonable noise* shall mean:

(1) Any unreasonably loud, disturbing, and unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof; or

(2) Any noise of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

(b) *Violations.*

(1) All unreasonable noise is declared to be a nuisance and is hereby unlawful and prohibited.

(2) Noise created by the following acts is presumed to be unreasonable, but such enumerated acts shall not be deemed to be exclusive:

a. *Musical instruments.* The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence.

b. *Loudspeakers and amplifiers.* The use of any stationary loudspeaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of 10:30 p.m. and 7:00 a.m., or at any time on Sunday; provided, however, that it shall be a defense to prosecution under this subsection for operating such loudspeakers and amplifiers at such hours on weekdays or on Sunday that the same were operated at a public event on property owned by the city and advance permission for such operation was obtained from the park and recreation director of the city.

c. *Animals and birds.* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.

d. *Horns or other signal devices on vehicles.* The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh device for any unnecessary and unreasonable period of time.

e. *Operation of vehicles.* The running of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibrations.

f. *Steam whistles.* 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.

g. *Exhaust without mufflers.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.

h. *Devices operated by compressed air.* The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

i. *Construction work.* Noise created by construction activities within three hundred (300) feet of an occupied residential structure, involving the erection of, including excavation of, demolition of, alteration to, or repair work on any building, structure, or flatwork before 7:00 a.m. or after 8:00 p.m. Monday through Friday, before 9:00 a.m. or after 8:00 p.m. Saturday, or any time on Sunday.

j. *Near schools and hospitals.* The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session or adjacent to any hospital which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such manner indicating that the same is a school or hospital street.

k. *Loading and unloading vehicles, etc.* The creation of any 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.

l. *Peddlers, hawkers, etc.* The raucous shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.

m. *Use of drums, etc., 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 of merchandise.

n. *Railroads.* The blowing or sounding of any steam whistle, horn or signal device on any engine, locomotive car or vehicle adapted to the rails of a railroad in the city, except as a warning or danger signal to persons or animals approaching, crossing or using the tracks of the railroad, shall constitute a violation of this section.

(c) *Defense.* It shall be a defense to prosecution under subsection (b) that the noise created was reasonable under the totality of the circumstances existing in each case.

(Code 1964, § 27-18; Ord. No. 8767, § 1, 3-29-83; Ord. No. 15608, § 1, 7-8-03)