

## TITLE 4 SAFETY

### CHAPTER 6 NUISANCE NOISES

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#### SECTION 4-6-1 MUSICAL INSTRUMENTS GENERALLY

No person shall use or perform with any hand organ or other musical instrument or device for pay or in expectation of payment, in any of the streets or public places in the City before 9:00 a.m. or after 9:00 p.m. of each day.

#### SECTION 4-6-2 RADIOS, PHONOGRAPHS, AMPLIFIERS, ETC.

No person shall allow or cause to be used or operated any radio receiving unit, musical instrument, phonograph, loudspeaker, or other machine or device for the production or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, loud speaker, machine or device between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

#### SECTION 4-6-3 SOUND ADVERTISING DEVICES

- A. No person shall make or cause, permit or allow to be made any noise of any kind, by means of radio, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the producing or reproducing of sound, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- B. No person shall operate or cause to be operated any motor vehicle or horse drawn vehicle having mounted thereon or attached thereto any machine or device for the amplification of the human voice, music, or any other sound for commercial sound advertising purposes in the City with such sound-amplifying equipment in operation.

#### SECTION 4-6-4 SOUND AMPLIFYING EQUIPMENT, DEVICES

- A. No person shall operate or cause to be operated any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air, having attached thereto or emitted there from any machine or device for the amplification of

music, the human voice or any other noise or sound, with such machine or device in operation.

- B. It shall be unlawful to use any sound amplification devices at such a volume as to cause annoyance to the residents of the city thereby tending to disturb the peace of said residents between the hours of 9:00 p.m. to 8:00 a.m.

SECTION 4-6-5 STEAM WHISTLES

- A. No person shall allow or cause to be blown within the city, the steam whistle of any stationary steam plant as signal for commencing or suspending work, or for any other purpose.
- B. This section shall not be construed as forbidding the use of steam whistles as alarm signals in case of fire or collision, or other imminent danger; nor for the necessary signals by the trucks of the fire department.

SECTION 4-6-6 HORNS OR SIGNALING DEVICES ON VEHICLES

No person shall allow or cause to be blown any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; the use of any such signaling device when traffic is for any reason held up.

SECTION 4-6-7 ENGINE EXHAUST

No person shall allow or cause the discharge into the open air of 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.

SECTION 4-6-8 MOTOR VEHICLE MUFFLERS

- A. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them in this subsection:

**Decibel** means any unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

**Muffler** means any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon or the deadening of any other motor noises, including but not limited to the noise of exhaust gases or any other mechanical device for the deadening of the noise and intake of gases upon a motor vehicle.

**Sound level meter** means an instrument standardized by the American Standards Association for measurement of intensity of sound; namely Z24.3-1944.

**Sound limits** means all sound emanating from any motor vehicle, measured upon the "a" weighing scale of a second level meter, in excess of the decibels measured at the distances specified shown below. The distances shall be measured from the right rear wheel of the propelling unit of the vehicle in motion as it passes the sound level meter:

Distance in Feet	Maximum Permitted Sound Level in dB
50	85
45	86
40	87

35	88
30	89.5
25	91
20	93
15	95.5

B. No person shall operate or cause to be operated any motor vehicle upon a public street or highway within the city unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. For the purposes of this section, if sound in excess of the sound limit set forth in this section shall emanate from vehicle, such evidence shall constitute and be admitted as prima facie evidence that it was producing excessive or unusual noises. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, but not given prima facie effect, in determining whether or not such vehicle was emanating excessive or unusual noises.

SECTION 4-6-9 BLOWERS, POWER FANS, ELECTRIC MOTORS, OR INTERNAL COMBUSTION ENGINES

No person shall operate or cause to the operation of any noise creating blower, power fan, electric motor, or internal combustion engine in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The operation of any such blower, power fan, electric motor, or internal combustion engine between the hours of 10:00 P.M. and 6:00 A.M. in such a manner as to be more from such blower, power fan, electric motor, or internal combustion engine shall be prima facie evidence of a violation of this section.

SECTION 4-6-10 YELLING, SHOUTING, SINGING ON STREETS, ETC.

No person shall yell, shout, hoot, whistle or sing on the public streets, particularly between the hours of 10:00 P.M. and 6:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

SECTION 4-6-11 NOISE ON STREETS IN VICINITY OF SCHOOLS, HOSPITALS, ETC.

No person shall create or cause to be created any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital; provided, there are conspicuous signs are displayed in such streets indicating the same is a school, or hospital.

SECTION 4-6-12 NOISE ON PROPERTY ADJACENT TO SCHOOL

No person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session or in any building owned, occupied or otherwise used by a school, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof.

SECTION 4-6-13 DISTURBING A SCHOOL GATHERING OR FUNCTION

No person, while on public or private grounds adjacent to any building or land owned, occupied or otherwise used by a school, or in any building owned, occupied or otherwise used by a school, in progress, whether in the daytime or nighttime, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such gathering or function.

SECTION 4-6-14 TRANSPORTATION OF RAILS, PILLARS, COLUMNS OF IRON, STEEL, ETC.

All rails, pillars, and columns of iron, steel, or other metal, which are being transported over and along the streets of the city upon carts, drays, cars, or other vehicles or in any

other manner, shall be so loaded to avoid load noises or disturbing the peace and quiet of such streets.

SECTION 4-6-15 RACE TRACK

No race track shall be permitted to allow vehicles or loud speaker systems to be operated in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants. The operation of any vehicles or loud speakers between the hours of 10:00 P.M. and 6:00 A.M. in such a manner as to be from the property line shall be prima facie evidence of a violation of this section.

SECTION 4-6-16 EXCLUSIONS

- A. None of the above provisions shall prohibit operation of the fire department warning siren or civil defense warning devices.
- B. None of the above provisions shall prohibit any emergency situation necessitating removal of fallen limbs, trees, snow, and maintenance equipment operation.
- C. None of the above provisions shall prohibit any emergency situation necessitating removal of fallen limbs, trees, snow, and maintenance equipment operation.

SECTION 4-6-17 PENALTY

Whoever violates any provision of this chapter shall be subject to a fine not exceeding \$500.00. Each day any violation of this chapter shall continue shall constitute a separate offense.