

NOISE CONTROL

Chapter 14

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Art. I. In General, §§ 14-1—14-30

Art. II. Operation of Sound Amplifiers on Streets, §§ 14-31—14-34

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ARTICLE I. IN GENERAL

Sec. 14-1. Exceptions from chapter.

The provisions of this chapter shall not apply to or be enforced against:

- (1) Any vehicle of the city while engaged in necessary public business.
- (2) Excavations or repairs of streets by or on behalf of the city, county, or state.
- (3) Any activity performed by or on behalf of the city, county, or state in the interest of the public health, safety, and welfare.

Sec. 14-2. Loud, disturbing, etc., noise generally.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in the city. The acts enumerated in this article are declared to be loud, disturbing, and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive.

Sec. 14-3. Excessive noise near school, church, court, or hospital.

No person shall create any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the working of such institution or disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, church, hospital, or court street or quiet zone.

Sec. 14-4. Yelling, shouting, etc.

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 office, dwelling, hotel, or other type of residence or of any persons in the vicinity, is prohibited.

Sec. 14-5. Noise from radios, musical instruments, etc.

No person shall use, operate, or play any radio receiving set, television set, musical instrument, phonograph or other machine or device for producing or reproducing sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is 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, machine, or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

Sec. 14-6. Noise to attract attention to performance, show, or sale.

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No person shall use any drum or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show, or sale.

Sec. 14-7. Shouting and crying by peddlers, hawkers, and vendors.

The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood is prohibited.

Sec. 14-8. Noise from vehicles generally.

No person shall use any automobile, motorcycle, or other vehicle that is so out of repair, so loaded or used in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

Sec. 14-9. Use of vehicle horn or signaling device.

It shall be unlawful for any person to sound any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place in the city, except as a warning of danger. The creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unnecessary and unreasonable period of time is also unlawful, as is 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 and the use of any such signaling device when traffic is for any reason held up.

Sec. 14-10. Noise from loading or unloading operations or opening or destruction of bales, boxes, etc.

The creation of a 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 is prohibited.

Sec. 14-11. Transportation of metal rails, etc.

No person shall transport rails, pillars or columns of iron, steel, or other material over and along the streets and other public places of the city upon carts, cars, or trucks or in any other manner, when the same are so loaded as to cause loud noises or disturb the peace and quiet of the neighborhood.

Sec. 14-12. Discharge of exhaust from steam engine or stationary internal combustion engine.

The discharge into the open air of the exhaust of any steam engine or stationary internal combustion engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited.

Sec. 14-13. Blowing of steam whistles.

No person shall blow 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 fire or danger or upon request of proper city authorities.

Sec. 14-14. Operation of pile drivers, derricks, etc., between 10:00 p.m. and 7:00 a.m.

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The operation between the hours of 10:00 p.m. and 7:00 a.m., of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, is prohibited.

Sec. 14-15. Noisy animals and birds.

It shall be unlawful for any person to keep any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.

Cross reference—Animals and fowl, Ch. 6.

Secs. 14-16—14-30. Reserved.

ARTICLE II. OPERATION OF SOUND AMPLIFIERS ON STREETS.

Sec. 14-31. Permit—Required.

No person shall operate or cause to be operated any device, electronic, or otherwise, which amplifies the sound of voices, music, or other sound on the public streets of the city, without first obtaining a permit so to do.

(Code 1967, § 15-21.1)

Sec. 14-32. Same—Filing and contents of application.

Application for a permit required by Section 14-31 shall be filed with the city clerk upon an application form prescribed by the city council. Such application shall contain the name of the applicant, the name of the person who is to operate the amplifying device, the day on which, and the hours during which, the device will be operated and the location within the city where the device is to be operated.

(Code 1967, § 15-21.1)

Sec. 14-33. Same—Consideration of application by council; issuance.

An application filed pursuant to Section 14-32 shall be considered by the city council at its next regular meeting. In considering the application, the county shall take into consideration the purpose for which the device is to be used, the hours during which it is to be used, the location at which it is to be used, and the extent of amplification which is to be employed. If the application is approved by the county, the permit shall be issued by the city clerk.

(Code 1967, § 15-21.1)

Sec. 14-34. Right of county to require cessation of operation or reduction of amplification.

Notwithstanding the fact a permit for the operation of a sound amplifying device has been issued under this article, the city council may require any person operating such device to cease its operation or to decrease the amplification of sound in the event the operation of the device disturbs the peace and tranquility of the city, creates a public disturbance or in any way interferes with the normal activities of the citizens and residents of the city.

(Code 1967, § 15-21.2)