

ASK FIRST TO STOP

24/7

The other two categories of action and response require asking the sound originator to stop the Unreasonable Noise. Asking can be done by you, or the police. Documentation is always helpful.

▶ The following specific types of Unreasonable Noise:

HORNS AND SIGNALING DEVICES: Used on public streets or in public places

SOUND PRODUCING MACHINES AND DEVICES (STEREOS, RADIOS, BOOM CARS, etc.) other than automatic times and places

YELLING, OR SHOUTING in a public street or public place (parks here)

ANIMALS AND BIRDS (BARKING DOGS HERE)

EXHAUSTS, BLOWERS, ENGINES, MOTORS (MOTORCYCLES AND LAWNMOWERS HERE) other than automatic times and places

▶ Any Unreasonable Noise for you as defined above

The FINES (Ticket):

- First violation in 12 months is \$50.00, but can go as high as \$2500.00
- Second violation in 12 months is not less than \$250.00
- Third violation in 12 months is not less than \$500.00



Another NESCO Project!

2006 Noise Ordinance Digest

NOTE: The following is a digest of the new noise ordinance that was signed into law in February of 2006. This digest does not address all aspects of the law, such as special event permitting. Please refer to the *Full ordinance* and your *lawyer* for more interpretation.

SECTION 391-302 UNLAWFUL NOISES

The Revised Ordinance:

Defines **UNREASONABLE NOISE** as: *sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the city, given the time of day and environment in which the sound is made.*

Unreasonable Noise is unlawful 24 hours a day and 7 days a week (24/7) within the city.

The property owner, including the landlord are held responsible for unreasonable noise on their property.

14 specific *types of sound* have been identified as *Unreasonable Noise*. However, this does not mean that these are the only 'sounds' that are illegal, for instance fireworks, yelling children, and airplanes, could be considered unreasonable 24/7 noise. The 14 are:

1. **Horns and signaling devices**
2. **Sound producing machines and devices (Stereos, radios, boom cars here)**
3. **Yelling or shouting**
4. **Animals and birds (barking dogs here)**
5. **Steam whistles**
6. **Exhausts, blowers, engines, motors (Motorcycles here)**
7. **Defective vehicle or load**
8. **Loading or unloading, opening boxes**
9. **Construction or repair of building**
10. **Quiet zones at schools, courts, churches, and hospitals**
11. **Transporting metal rails, pillars, columns**
12. **Railway cars, buses**
13. **Pile drivers, hammers**
14. **Vendor's vehicle (ice cream trucks here)**

WITH THE FOLLOWING LIMITATIONS **PER TYPE OF UNLAWFUL NOISE:**

Some sounds have been specifically identified as unreasonable for the **entire city** given the time of day and environment. Other sounds are considered unreasonable noise to **individuals and therefore they are obligated to request that the unreasonable noise be stopped.** The revised ordinance provides for three categories of action and response.

◀ **AUTOMATIC TICKET**

◀ **SOUND PRODUCING MACHINES & DEVICES** **(STEREOS, RADIOS, BOOM CARS, etc.)**

- If sound is plainly audible to a person with normal hearing **past the property** of the sound source between the hours of **10:00 PM and 7:00 AM**,
- OR, when the **machine is located on a public street or public place** (parks included here), if it is plainly audible at a **distance of 75 feet** (approximately five (5) car-lengths distance) from the sound source, **24/7**
- OR, in any public conveyance (bus) **24/7**
- Prima facie evidence of violation

◀ **STEAM WHISTLES**

Between the hours of 10:00 PM and 7:00 AM must be plainly audible beyond the property to a person with normal hearing, then is prima facie evidence

◀ **EXHAUSTS, BLOWERS, ENGINES, MOTORS** **(MOTORCYCLES & LAWNMOWERS HERE)**

- **Operation or possession on any public street or public place** of a “motor” that has been **altered to bypass the muffler or noise-reducing device, 24/7.**
- **Operation or possession** of ‘motor’ that is not equipped with a compliant muffler between the hours of **10:00 PM and 7:00 AM**
 - **In any public street or public place, OR**
 - If the sound is **plainly audible** to a person with normal hearing **from any place other than the property** on which the sound source is located.
- Shall be prima facie evidence of violation
- Exemptions are participants *during* competition ‘racing’ activities.

◀ **LOADING OR UNLOADING, OPENING BOXES--** **(TRASH PICK-UP HERE)**

- Emptying, pickup or delivery of a (6) six cube or larger trash container between the hours of 10:00 PM and 7:00 AM when the sounds are heard any place other than the property on which the trash container is located by a person with normal hearing is prima facie evidence of violation.

◀ **CONSTRUCTION OR REPAIR OF BUILDING**

- Considered unreasonable noise between the hours of 7:00 PM and 7:00 AM
- Except for emergency repair with existing permit, OR When division of compliance permits work which they determine will not impair public health and safety

◀ **QUIET ZONES AT SCHOOLS, COURTS,** **CHURCHES AND HOSPITALS**

- Illegal: Plainly audible noise to a person with normal hearing,
 - **at a distance of 50 feet (approximately three (3) car lengths) from the source of the noise, and**
 - on any street adjacent to schools, courts, churches, hospitals, and
 - when in use
 - When conspicuous signs are posted indicating a Quiet Zone
- Prima facie evidence of violation

◀ **PILE DRIVERS, HAMMERS**

- Considered unreasonable noise between the hours of 7:00 PM and 7:00 AM
- Except by a public utility in an emergency, OR
- When division of compliance permits work which they determine will not impair public health and safety or loss or inconvenience to interested parties

◀ **VENDOR’S VEHICLE USING BELLS,** **LOUDSPEAKERS, SOUND, ETC. TO SELL GOODS**

- In any public street or public place, sound in excess of 115 decibels measured at 6 inches from the sound amplifier, OR
- Between 10:00 PM and 10:00 AM in any public street or place, OR
- when the vehicle is moving on any public street or public place.