

## Chapter 8-7

### EXCESSIVE NOISE

#### Sections:

<b>8-7-1</b>	<b>Definitions</b>
<b>8-7-2</b>	<b>Noises Prohibited</b>
<b>8-7-3</b>	<b>Miscellaneous Operations</b>
<b>8-7-4</b>	<b>Variance Permit May Be Granted</b>
<b>8-7-5</b>	<b>Enforcement</b>
<b>8-7-6</b>	<b>Municipal Infraction</b>
<b>Section 8-7-1</b>	<b>Definitions</b>

The following definitions shall apply in the interpretation and enforcement of this Chapter:

(A) "DAY": The hours between seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M.

(B) "NIGHT": The hours between eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M.

(C) "NOISE": Unwanted or annoying sound.

(D) "PERSON": Any individual, firm or corporation.

(E) "VEHICLE": Any passenger vehicle, motorcycle, truck, truck trailer, trailer, semi-trailer or similar device intended to convey people and/or commodities which is propelled or drawn by mechanical power, but shall not include airplanes and toys.

#### Section 8-7-2 Noises Prohibited

Each of the following acts, among others, is hereby declared to be in violation of this Chapter, and is prohibited. The following enumerated acts shall not be construed as limited or precluding enforcement of any other provisions of this Chapter:

(A) Horns, Signaling Devices, Etc.: The sounding of any horn or signaling device of any automobile, motorcycle, bus or other vehicle on any street or public place of the City, except as a danger warning, for an unnecessary and unreasonable period of time. During nighttime hours, any sounding of horns except as a danger warning shall be considered unnecessary and for an unreasonable period of time.

(B) Hawkers And Peddlers: The sale by outcry within any area of the City zoned for residential uses. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events, nor to prohibit the selling of newspaper by outcry.

(C) Animals and Fowl: The keeping of, upon any premises, owned, occupied or controlled by any person, any animal or fowl otherwise permitted to be kept which, by any sound, barking or cry, shall cause annoyance or discomfort to a reasonable person of normal sensibilities.

(D) Radios, Televisions, Etc.: The use of radios, televisions, cassette and other tape recorders, public address systems, and other sound amplification devices, including any such devices incorporated into motor vehicles, in or within five hundred feet (500') of any residentially zoned district of the City when the level is maintained at a level such that it can be heard at or within premises adjacent to the premises, park or other locale where the device is being used, and:

1. During night hours which volume level a reasonable person would conclude could be expected to interfere with sleep or other quiet time activities at such adjacent premises; or
2. During day hours which volume level a reasonable person would conclude could be expected to interfere with normal daytime activities carried on at residential premises, or if the noise level is intentionally maintained at a particular level for the specific purposes of annoying a particular person; provided that nothing contained in this paragraph 2 shall be held to prohibit public speaking, the ordinary conduct of legitimate business, or other lawful expressions of opinion not in contravention of other laws.

(E) Schools, Courts, Churches, Hospitals: The creation of a loud and excessive noise on any street adjacent to any school, institution of learning, church or court 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.

(F) Construction or Repair of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. of any day.

(G) Pile Drivers, Hammers, Etc.: The operation between the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, power hoist or other construction equipment.

(H) Garbage Collection: The collection of garbage, waste or refuse by any person in any area zoned residential, except between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. of any day and then only in a manner so as not to create a loud or excessive noise.

(I) Vehicle Repairs: The repair or rebuilding of any motor vehicle within any residential area of the City between the hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. in such a manner that a reasonable person of normal sensitivities residing in the area is caused discomfort or annoyance.

(J) Exhausts: The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle or discharge of air or other gases except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(K) Unlawful Use Of Buildings: No person owning, or in possession of or in control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by the noise generated therefrom, disturb or interfere with the peace of the neighborhood in which such building or premises is situated.

(L) Lawn mowers, Garden Tools, Etc.: The use of lawn mowers, small lawn and garden tools, riding tractors and other powered equipment necessary for the maintenance of property during the hours of nine o'clock (9:00) P.M. through seven o'clock (7:00) A.M., inclusive. Snow blowers and other powered snow removal equipment are specifically excepted from this prohibition.

(M) Loud, Unnecessary Or Unusual Noise: Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area.

### **Section 8-7-3 Miscellaneous Operations**

(A) Emergency Operation: Emergency short-term operations which are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery, shall be exempt from the provisions of this Chapter, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.

(B) Noise Required By Law: The provisions of this Chapter shall not apply to any noise required specifically by law for the protection or safety of people or property.

(C) Airplanes: Aircraft operations which are controlled specifically by Federal law and enforcement shall be exempted from the provisions of this Chapter.

(D) Disorderly Conduct: Noise created by human behavior and generally considered to be disorderly conduct, shall, unless specifically described in Section 8-7-2, be exempted from the provisions of this Chapter and is instead regulated under Section 8-2-1(B) of this Code.

(E) Municipal Street Responsibilities: The provisions of this Chapter shall not apply to any noise produced by the operation of the City's street sweeper, by operation of the air compressor in connection with street painting operations, and by the operation of snow removal equipment during or following a snowfall event.

### **Section 8-7-4 Variance Permit May Be Granted**

(A) Variance permits may be issued by the Police Department to exceed the noise standards set forth in this Chapter, as follows:

1. General: A temporary variance permit may be issued upon request to perform certain work activities outside the normal hours provided in Section 8-7-2 for such activity provided it is necessary to conduct the work activity at such times so as to promote public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.
2. Special Community Events: A temporary variance permit may be issued for special events, such as circuses, Fourth of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.
3. Procedure To Obtain A Variance Permit: Applications for temporary variance permits must be made in writing to the Police Department and shall contain all of the following pertinent information:

Dates requested;

Time and place of operation;  
Equipment and operation involved;  
Necessity for such permit;  
Steps to be taken to minimize noise; and  
Name of responsible person(s) who will be present at the site while the noise is produced.

4. Limitations and Revocation: The Police Chief may place such limitations upon the granting of a variance as the Chief and/or the Council may request; and, the Chief of Police is specifically authorized to revoke the granted variance if the applicant shall fail to meet the limitations placed upon the granting of the variance and/or other circumstances occurring subsequent to the granting of the variance requiring such revocation.

(B) Spontaneous Celebrations: Unusual noises associated with specific events, such as victory celebrations during or following athletic events and motor vehicle processions following weddings shall be considered as having occurred pursuant to permit provided in subsection (A) of this Section provided that such demonstration or celebration is of reasonably short duration, does not occur after ten o'clock (10:00) P.M., and is otherwise ceased if requested by police or other appropriate public officials.

#### **Section 8-7-5 Enforcement**

It shall be the duty of the Police Department to enforce the provisions of Sections 8-7- 1 through 8-7-6, inclusive.

#### **Section 8-7-6 Municipal Infraction**

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.