

Sec. 15-166. Offensive noises.

(a) *Regulations.* It shall be unlawful to cause or permit any of the following acts to occur out-of-doors:

- (1) *Sound amplification from vehicle or watercraft.* Operation or control of a parked, moving vehicle, or parked, or moving watercraft with any sound amplification equipment in or on such vehicle or watercraft producing sound which is clearly audible more than 50 feet from it; however, if a person demonstrates in advance to the city council that this provision results in an unreasonable restraint upon desired expression, and that there are no other reasonable means of expression with respect to speech intended to be disseminated by such person, the city council shall grant such person the right to use sound amplification equipment for the specified time, place and manner which will reasonably afford the opportunity of expression.
(Ord. No. 413, 01-15-2009)
- (2) *Construction noises.* The creation of noise which is clearly audible beyond the property from which it is emanating, resulting from the erection (including excavation), demolition, alteration or repair of any building, and the excavation of streets and highways, at any time prior to 7:00 a.m. and after 8:00 p.m. Monday through Friday, prior to 8:00 a.m. and after 8:00 p.m. Saturday and prior to 10:00 a.m. and after 5:00 p.m. on Sunday. No construction work shall take place on New Year's Day, Christmas Day, Easter Sunday, 4th of July and Thanksgiving Day. A deviation from such limitation shall be authorized if a permit is obtained in advance from the city manager upon a showing that the noise will not result in an unreasonable disturbance of one or more residential occupants.
(Ord. No. 444, 01-02-2013)
- (3) *Animal and bird noises.* The keeping of any animal or bird which, by causing continuous or substantially continuous noise for more than 15 minutes which is clearly audible more than 50 feet from the property line on which the noise is emanating.
- (4) *Radio, stereo equipment and musical instruments on property, vehicle and/or watercraft.* The playing of any radio, stereo equipment and television set, or musical instrument in a manner and/or with such volume, from any property, vehicle and/or watercraft so as to produce sound which is clearly audible more than 50 feet from the property from which it is emanating; however, this provision shall not be applicable to a commercial and noncommercial recreational institution with respect to such noises which occur after 8:00 a.m. and prior to 11:00 p.m., and shall not be applicable to a religious institution with respect to such noises which occur after 8:00 a.m. and prior to 9:00 p.m.
(Ord. No. 413, 01-15-2009)

- (5) *Loud expressions at night.* Yelling, shouting, hooting, whistling, singing or the making of other loud noise by any person or persons between the hours of 11:00 p.m. and 7:00 a.m. where such expressions are clearly audible more than 100 feet from the property line of the property from which such expressions are emanating.
- (6) *Removal of solid waste.* The creation of noise audible more than 50 feet from the source of the noise in connection with the removal of solid waste from any premises, except between the hours of 7:00 a.m. and 10:00 p.m.
- (7) *Unloading of materials.* The creation of noise in connection with the loading or unloading of materials, goods or other merchandise by the use of motorized equipment, metal-tired hand trucks, racks, conveyors, or other types of equipment during the hours of 11:00 p.m. to 7:00 a.m., where the noise from such loading and/or unloading is clearly audible more than 100 feet from the property from which the noise is emanating.
- (8) *Recreational equipment.* Utilization of recreational equipment, such as skateboards, snowmobiles, off-the-road vehicles, and the like, after sundown and prior to 8:00 a.m. where the noise emanating from such activity is clearly audible more than 50 feet from the property line from which the noise is emanating.

(b) *Exemptions.* The terms and provisions of this section shall not apply to police, fire, ambulance or other emergency vehicles, and shall not apply to excavations or repairs of streets, highways, bridges and/or utilities on behalf of the county, city, state or federal government and/or duly authorized utility during the evening hours when the public health, safety and/or welfare renders it necessary and/or appropriate to perform such work during the evening hours and/or on Sunday.

(c) *Governing rules in event of conflict.* In the event of conflicting ordinance provisions regulating noise and sound, the ordinance provision having the most restrictive regulation shall be applicable.
(Ord. No. 339, § 7.01(E), 4-16-1998)

(d) *Severability.* The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

(e) *Penalty Clause.* Any person, firm, or corporation violating a provision of this ordinance, upon an admission or a finding of responsibility for such violation shall be responsible for a municipal infraction and shall pay a civil fine of up to \$500.00. A repeat offender shall pay fines prescribed by the city council as follows:

- a. Second offense within 12 months \$200 civil fine;
- b. Third offense within a 12 month period \$300 civil fine; and
- c. Fourth or subsequent offense within a 12 month period \$500 civil fine.

(Ord. No. 413, § 15.166(1), (4), and (e) 1-22-09)

Secs. 15-167--15-200. Reserved.