

ORDINANCE NO. 2010-132

ARTICLE II. NOISE AND ODORS

Sec. 17-20. Noise.

(a) *Declaration of intent.* It is hereby declared to be the policy of the City to minimize the exposure of citizens to the potential physiological and psychological harm of excessive noise and to protect, promote, and preserve the public health, comfort, convenience, safety, and welfare. It is the express intent of the City Council to control the level of noise in a manner that promotes commerce; protects the sleep and repose of citizens; promotes the use, value, and enjoyment of property; and preserves the quality of the environment.

(c) *General noise violations.*

(1) It shall be unlawful for a person to make or cause any unreasonably loud or disturbing noise, which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof.

(2) It shall be unlawful for any person to make or cause any noise of such character, intensity and continued duration as to substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

(3) The following acts, among others, are declared to be noise nuisances in violation of this Chapter, but such enumeration shall not be deemed to be exclusive:

a. The playing of any phonograph, television, radio, or any musical instrument in such manner or with such volume, so as to be clearly audible to a person in a residence the person playing the instrument does not have the right to occupy, and

1. During the daytime, measure more than 65 dba on the A-weighting scale on an approved sound-level meter at more than 50 feet from the source; or

2. During the nighttime, measure more than 65 dba on the A-weighting scale on an approved sound-level meter at more than 50 feet from the source; or

3. During the daytime, in a multi-family dwelling, measure more than 50 dba on the A-weighting scale on an approved sound-level meter in any adjacent unit; or

4. During the nighttime, in a multi-family dwelling, be clearly audible within any unit that is not the source of the sound.

b. The use of any stationary loudspeaker, amplifier, musical instrument, or sound amplifying equipment in such a manner or with such volume so as to be clearly audible to a person in a residence the person using the instrument does not have the right to occupy, and

1. During the daytime, be of such intensity and volume so as to measure more than 65 dba on the A-weighting scale on a sound-level measuring device at more than 50 feet from the source; or

2. During the nighttime, be of such intensity and volume so as to measure more than 65 dba on the A-weighting scale on a sound-level measuring device at more than 50 feet from the source; or

3. During the daytime, in a multi-family dwelling, measure more than 50 dba on the A-weighting scale on an approved sound-level meter in any adjacent unit; or

4. During the nighttime, in a multi-family dwelling, be clearly audible within any unit that is not the source of the sound; or

5. At any time on Sunday.

Provided, however, that the City Council may make exceptions upon application for sound levels or hours of operation when the public interest will be served thereby.

c. The creation of vibration or bass reverberations at any time that is perceptible inside a complaining person's residence, through the sense of touch, or through visual observation of moving objects, or through the sense of hearing.

(d) **Outdoor music festivals.** At any outdoor music festival, it shall be unlawful for any person or group sponsoring the event to make, cause, allow, or permit any noise that:

(1) Exceeds 70 dba on an approved sound-level meter when measured at the established perimeter of the event.

(2) Provided, the City Council may make exceptions upon application for sound levels or hours of operation when the public interest will be served thereby.