

Sec. 46-42. - Specific prohibitions.

In addition to the general prohibitions set forth in section 46-41 above and the maximum permissible sound levels set forth in this division and unless otherwise exempted by this division or by any other act of this governing body, the following specific acts or the causing or permitting thereof are hereby declared in violation of this division:

- (1) Radios, television sets, musical instruments and similar devices: operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument or similar device which produces or reproduces sound:
 - a. Between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to create excessive and unnecessary noise across a residential real property line or within a noise-sensitive area; or
 - b. In such a manner as to exceed the levels for public space set forth herein, measured at a distance at least 50 feet (15 meters) from such device operating on a public right-of-way or public space.
- (2) Loudspeakers: using or operating for any purpose any loudspeaker, loudspeaker system or similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. to 10:00 a.m. on weekends and holidays in areas within or adjacent to residential, commercial or noise-sensitive zones, except for public speaking, public assembly or other activity for which a variance has been issued by the city commission.
- (3) Street or garage sales: offering for sale or selling anything or advertising by shouting or outcry within any residential or commercial area or a noise-sensitive zone, except by variance issued by the city commission.
- (4) Animals: owning, possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise-sensitive zone. This provision shall apply to public zoos or private animal attractions operated for profit to which the general public has general admission and which are regulated by the city commission.
- (5) Loading and unloading: loading and unloading, opening, closing or other handling of boxes, crates, containers, equipment, building materials, garbage cans or similar objects between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and between 7:00 p.m. and 10:00 a.m. on weekends or holidays in or within 50 yards of any residential property line or noise-sensitive zone.
- (6)

Construction and demolition: operating or permitting the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 9:00 p.m. and 7:00 a.m. the following day on weekdays or 9:00 p.m. and 7:30 a.m. on weekends and holidays in or within 50 yards of any residential area or noise-sensitive zone, except for emergency work by public service utilities or by a variance approved by the city commission.

- (7) Powered model vehicles: operating or permitting the operation of powered model vehicles between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 7:00 p.m. and 10:00 a.m. on weekends or holidays in or within 100 feet of any residential area or noise-sensitive zone or in such a manner as to exceed the levels set for public space land use as set forth herein, measured at a distance of not closer than 100 feet (30 meters) from any point on the path of a vehicle operating on a public space or public right-of-way.
- (8) Emergency signaling devices: the intentional sounding or permitting the sounding outdoors of any fire, burglary or emergency management alarm, fire whistle or similar stationary emergency signaling device, except for emergency signaling devices shall not occur before 7:00 a.m. or after 7:00 p.m., and any such testing shall use the minimum-cycle test time appropriate for such devices, in no case to exceed 60 seconds. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device shall not occur more than once in each calendar month. Such testing shall occur only on weekdays and not before 7:00 a.m. or after 10:00 p.m. and shall be exempt from the time limit specified herein. The sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is automatically terminated within 15 minutes of activation, shall be prohibited.
- (9) Motorboats: operating or permitting the operation of any motorboat in any lake, river, stream, canal, bay or other waterway in such a manner as to cause unnecessary and excessive noise within a residential area or noise-sensitive zone.
- (10) Noise-sensitive zones: creating or causing the creation of any sound within any noise-sensitive zone so as to exceed the decibel levels set forth herein for such zone when measured at a distance at least 25 feet (7.5 meters) from the sound source, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive zone or the creating or causing the creation of any excessive and unnecessary noise within or adjacent to any noise-sensitive zone containing a hospital, nursing home, school, court or other designated area, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive zone.
- (11) Domestic power tools: operating or permitting the operation of any saw, fender, drill, grinder, lawn or garden tool or similar tool between 10:00 p.m. and 7:00 a.m. the following day on weekdays or 10:00 p.m. and 7:30 a.m. on weekends and holidays, unless such equipment is operated inside a building or other structure so that the sound therefrom does not travel

across any residential real property line or noise-sensitive zone. All such equipment shall be properly muffled and maintained in working order so as not to create excessive and unnecessary noise.

- (12) Multifamily dwellings: operating or permitting the operation within a multi-family dwelling of any source of sound in a manner so as to exceed 55 db(A) from 7:00 a.m. to 10:00 p.m. or 45 db(A) from 10:00 p.m. to 7:00 a.m. on weekdays and 10:00 p.m. to 10:00 a.m. on weekends and holidays, when measured within an adjacent intrabuilding dwelling. These noise limits shall not be exceeded more than ten percent of any measurement, which shall not be less than ten minutes. The maximum permissible sound level, when measured in an adjacent intrabuilding area between 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays shall be 50 db(A).
- (13) Pumps, air-conditioning or air-handling equipment and other continuously operating equipment: operating or permitting the operation of any pump, air-conditioning, air-handling or other continuously operating equipment in such a manner as to exceed any of the following sound levels when measured as specified in the code of recommended practices incorporated herein:

Measurement Location	Sound Level [db(A)]
Any point on neighboring property line	60
Centering of nearest neighboring patio or porch	55
Outside a neighboring living area window nearest the equipment location	55

- a. The following is exempted from the noise regulations of section 46-42(13) of this chapter: Any pumps, air-conditioning, or air handling equipment located in an approved planned development where the side setback is less than seven and one-half feet from the real property line.

- (14) Places of public entertainment: operating or permitting to be operated any loudspeaker or other source of sound in any place of public entertainment that exceeds the level shown in Table 1 below, at any point normally occupied by a customer, without a conspicuous and legible sign stating WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT.

Table 1

Permissible Noise Exposures

Duration Per Day, Continuous Hours	Noise Level [db(A)]
8	90
6	92

4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

- (15) Refuse collection vehicles: collecting refuse with a refuse collection vehicle between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 7:00 p.m. and 10:00 a.m. on weekends and holidays within a residential area or noise-sensitive zone.
- (16) Recreational motorized vehicles operating off public right-of-way: operating or causing to be operated any recreational motorized vehicle or motorcycle off the public right-of-way in any residential or noise-sensitive zone. This section shall apply to all motorized vehicles or motorcycles, whether or not duly licensed and registered.
- (17) Repair of motorized vehicles: operating or causing to be operated any motorized vehicle under repair between the hours of 7:00 p.m. and 10:00 a.m. on weekdays, weekends and holidays within the residential areas or noise-sensitive zone.

(Code 1990, § 161-4; Ord. No. 2017-13, § 2(2.01), 10-10-2017)