

CHAPTER 9

NOISE

(OM 003-01 02/27/01)

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4-9-1: **DEFINITIONS GENERALLY.** All terminology used in this chapter and not defined in the following shall be in conformance with applicable American Standards Institute Publications, including but not limited to S1, 1-1 1971, or those from its successor publications or bodies. For the purposes of this chapter, certain words and phrases used in this chapter are defined as set forth in the following definitions:

CONTINUOUS SOUND: Any sound that exists, essentially without interruption, for a period of ten minutes or more.

DEVICE: Any mechanism that is intended to produce, or that actually produces, noise when operated or handled.

EMERGENCY WORK: Work made necessary to restore property to safe conditions following public calamity, or work required to protect persons or property from an imminent exposure to danger.

EMERGENCY VEHICLE: A motor vehicle used in response to a public calamity, or to protect persons or property from an imminent exposure to danger.

MOTOR VEHICLE: Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles and racing vehicles.

MUFFLER:	An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.
NOISE DISTURBANCE:	Any sound that annoys or disturbs reasonable persons with normal sensitivities, or that injures or endangers the comfort, repose, health, hearing, peace and safety or other persons.
NOISE:	Any sound that is unwanted or that causes or tends to cause an adverse psychological or physiological effect on human beings.
PERSON:	Any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.
PROPERTY BOUNDARY:	An imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, that separates the real property owned by one person from that owned by another person.
PUBLIC RIGHT-OF-WAY:	Any street, avenue, boulevard, highway or alley or similar place that is owned or controlled by a public governmental entity.
SOUND:	A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium, and that propagates at finite speed to distant points.
USE DISTRICT:	Those districts established by the city zoning ordinances.

4-9-2: **PROHIBITED ACTS GENERALLY.** It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusual loud noise or any noise that either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of Providence City.

4-9-3: **PROHIBITED ACTS.** The following acts, among others, are declared to be loud, disturbing or unnecessary noises in violation of this Chapter, but said enumeration shall not be deemed to be exclusive, namely:

A. Horns and Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, that creates any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary or unreasonable period of time. The use of any horn, whistle or other device operated by engine exhaust.

B. Radios, subwoofers, etc. The using, operating, or permitting to be played, used or operated in residential areas and electronic amplifying device such as: television, radio receiving set, musical instrument, in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. The operation of any such device between the hours of ten (10:00) p.m. and six (6:00) a.m. the following morning in such a manner as to be plainly audible at a distance of thirty (30) feet from the building, structure or vehicle in that it is located shall be prima facie evidence of a violation of this section.

C. Loud speakers, amplifiers and other sound devices for advertising. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure without or in violation of a permit issued pursuant to Section 4 of this Chapter.

D. Yelling, Shouting, etc. Yelling, shouting, whistling or otherwise creating sustained noise on the public streets, particularly between the hours of ten (10:00) p.m. and six (6:00) a.m. the following day, or at any time of place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence.

E. Dogs. The keeping of any dog that by making frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity. (See also Providence City Code 5-1-10:F.)

F. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device that will effectively prevent loud or explosive noises there from.

G. Defect in vehicle or load. The use of any automobile, motorcycle, or other vehicle, that due to lack of repair or improper loading creates loud and unnecessary grating, grinding, rattling or other noise.

H. Loading and unloading of vehicles. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

I. Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building shall be prohibited between the hours of ten (10:00) p.m. and six (6:00) a.m. the following day, local prevailing time, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the city.

J. Schools, Courts, Churches, Hospitals, Parks. The creation of any excessive noise adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, that unreasonably interferes with the working of such institution, or that disturbs or unduly annoys patients in the hospital, or in any park, that unreasonably disturbs the users thereof.

K. Pile drivers, Hammers, etc. The operation between the hours of ten (10:00) p.m. and six (6:00) a.m. the following day of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of that is usually attended by loud or unusual noise.

L. Power Lawn Mowers. The operation of any power mower, cultivator, or like or related device (except snow blowers) in an area zoned residential between the hours of ten (10:00) p.m. and six (6:00) a.m. the following day.

4-9-4: **EXCEPTIONS:** The following uses and activities shall be exempt from noise level regulations:

A. Noises of safety signals, warning devices, and emergency pressure relief valves.

B. Noises resulting from any authorized emergency vehicle, when responding to an emergency.

C. Noises resulting from emergency work as defined in Section 1.

D. Any other noise resulting from activities of a temporary duration permitted by

law that a license or permit therefore has been granted by the city in accordance with Section 5.

E. Any aircraft or railroad equipment operated in conformity with or pursuant to state statute, federal law, federal regulations and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.

F. Farm equipment, when in actual crop production (such as, but not limited to baling hay).

G. Noises resulting from a City sponsored event (such as, but not limited to, baseball games, dances, celebrations, etc.)

4-9-5: **APPLICATION FOR SPECIAL PERMIT.** Applications for a permit for relief from the noise level designated in this Chapter on the basis of undue hardship may be made to the city council or duly authorized representative. Any permit granted by the council hereunder shall contain all conditions upon that said permit and shall specify a reasonable time that the permit shall be effective. The city council or duly authorized representative may grant a relief as applied for if they find:

- A. That additional time is necessary for the applicant to alter or modify the activity or operation to comply with this chapter; or
- B. The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with the Chapter; and
- C. That no other reasonable alternative is available to the applicant.

The city council, in granting such a special permit, may prescribe any conditions or requirements they deem necessary to minimize adverse effects upon the community of the surrounding neighborhood.

4-9-6: **PENALTY.** Any person violating any of the provisions of this Chapter shall be deemed guilty of an infraction. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

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4-9-7: **ADDITIONAL REMEDY - INJUNCTION.** As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof or that causes discomfort or annoyance to reasonable persons of normal sensitivity or that endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be a public nuisance and may be subject to abatement as prescribed by law.

4-9-8: **SEVERABILITY.** It is the intention of the city council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the city council that if any provision of this Chapter be declared to be invalid, all other provisions thereof shall remain valid and enforceable.