

Sec. 11-153. - Purpose; prohibited conduct.

- (a) *Purpose.* This chapter is enacted to protect, preserve and promote the health, safety welfare and peace and quiet for the citizens of the city through the reduction, control and prevention of noise. It is the intent of this chapter to establish standards that will eliminate and reduce unnecessary and excessive motor vehicle and community noise, which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.
- (b) *Prohibited conduct.*
- (1) The operating, playing or permitting the operation or playing of any radio, television, stereo, musical instrument, sound amplifier or other device which produces, reproduces or amplifies sound at such a volume as to annoy or disturb the quiet, comfort, or repose of any person in any residence or to interfere in the conduct of business operations at any commercial enterprise is prohibited and a violation of this section.
 - (2) The operation on public property or on public vehicular areas of any sound amplifier which is part of, or connected to, any radio, public address system, paging system, sound amplification equipment, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located is prohibited and is a violation of this section.
 - (3) The sounding of any horn or signal device on an automobile, truck, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, is prohibited and a violation of this section. The enforcement of this section is strictly limited to private and commercial vehicles and is not applicable to any governmental emergency vehicles, police vehicles, and fire department vehicles.
 - (4) The discharge into the open air of the exhaust of any machine, of any stationary internal combustion engine or motor vehicle, except through a muffler of other noise abatement device, is prohibited. The operation of any such machine or stationary internal combustion engine or motor vehicle in such a manner as to be audible from the distance of fifty (50) feet from the building, structure, or premises upon which machine, is located shall be prima facie evidence of a violation of this section. The operation and maintenance of a properly muffled internal combustion engine for the purposes of generating electrical power or for the purpose of lawn maintenance shall not be considered a violation of this paragraph.
 - (5) The operation of public address systems at public facilities shall not be subject to the provisions of this section.
 - (6) At any time until the close of business on the last business day before the day set for the trial, the defendant may elect to enter a guilty plea to the offense and waive his right to trial before the magistrate and pay a fine and court cost to the court in accordance with the following schedule:
 - First offense\$50.00
 - Second offense100.00
 - Third offensecourt required

(Ord. No. 01-1811, 4-16-01)