

9.04.040 - Prohibited noises.

- A. *Prohibited conduct.* Between the hours of 9:00 p.m. and 7:00 a.m. on all days and between hours of 7:00 p.m. and 8:30 a.m. on Sundays, legal holidays, Christmas day and such other days as the city council determines will be appropriate, it is unlawful for any person to make continual or cause to be made or continued, in the operation of any machine or the exercise of any trade or calling or otherwise, any noise which either annoys, injures or endangers the comfort, repose, health or safety of others unless the making and continuing of such noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person. The restrictions of this section do not prohibit speech of any kind.
1. Between the hours of 7:00 p.m. and 8:30 a.m. on Sundays through Thursdays, it is unlawful for any person to make continual, or cause to be made or continued, in the operation of any machine or the exercise of any trade or calling or otherwise, any noise which either annoys, injures, or endangers the comfort, repose, health, or safety of others upon a public park or public right of access for any purpose, unless the making and continuing of such noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person. The restrictions of this section do not prohibit speech of any kind.
- B. *Specific prohibitions.* The following acts and the causing or permitting thereof are declared to be in violation of this section. Violations of this section are not limited to these acts:
1. *Construction.* It is unlawful to operate or permit the operation of any tools or equipment used in construction drilling or demolition work between the hours of nine p.m. and seven a.m. such that the sound therefrom creates a noise disturbance across a residential real property boundary except for emergency work of public service utilities or by special variance.
  2. *Domestic power tools.* It is unlawful to operate or permit the operation of any mechanically powered saw, drill, grinder, sander, lawn or garden tool, lawn mower or other similar device used outdoors other than powered snow removal equipment between the hours of 9:00 p.m. and 7:00 a.m. or on Saturday or Sunday before the hour of 8:30 a.m.
  3. *Loudspeakers or public address systems.* It is unlawful to use, operate or permit the operation of any loudspeaker, public address system, or similar device amplifying sound therefrom on a public right-of-way or way to which the public has the right of access for any commercial purpose if said amplified sound can be heard from a distance of further than 200 feet or if said sound crosses a real property boundary unless so authorized by permit obtained pursuant to this Code.
  4. *Powered model vehicles.* It is unlawful to operate or permit the operation of a powered model vehicle so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 9:00 p.m. and 7:00 a.m. or on Saturday or Sunday before 8:30 a.m.
  5. *Radios, television sets, musical instruments and similar devices.* It is unlawful to operate or permit the operation or playing of any radio, television, phonograph, drum, musical instrument or similar device:
    - a. At any time of day or night in such a manner as to create an objectionable noise disturbance across a real property boundary; or
    - b. In such a manner as to create a continuing noise disturbance greater than 70 decibels measured at 25 feet from such device when operated in or on a motor vehicle on a public right-of-way or on any public or private space whatsoever.

Vehicles in violations of this section shall be subject to being towed in accordance with the provisions of section 10.32.140 of this Code.
- C. *Penalty.* Any person, firm or corporation violating any provision of this section shall be fined not less than \$200.00 for each offense, and a separate offense shall be deemed committed on each day

during or on which a violation occurs or continues. The foregoing may be enforced by police officers and by traffic control officers. This section may also be enforced by noncriminal procedure in accordance with chapter 1.16 of this Code and General Laws chapter 40 section 21D as the same may be amended from time to time.

(Ord. dated 4/6/04; Ord. dated 6/20/00; Ord. dated 4/23/96 § 1; prior code §§ 20-26—20-28)