

CHAPTER 8 OFFENSES AND NUISANCES

ARTICLE 8.04 NOISE*

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Sec. 8.04.001 Generally

(a) Offenses; declaration of nuisance. Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, or any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is prohibited after the effective date hereof, and is hereby declared to be a nuisance. The following acts, among others, are declared to come within the purview of this article and to be nuisances within the meaning hereof, but said enumeration shall not be deemed to be exclusive, such acts being as follows:

- (1) The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours from 10:00 p.m. until 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type residence;
- (2) The use of any stationary loudspeaker or amplifier, particularly during the hours from 10:00 p.m. until 7:00 a.m., to produce a noise or sound of such intensity that annoys or disturbs persons of ordinary sensibilities in the immediate vicinity thereof; provided, however, that nothing herein shall be construed to prohibit the infrequent use of a loudspeaker or amplifier for periods of short duration by a religious organization or association in the playing of music where the intensity of same does not annoy or disturb such persons;
- (3) The keeping of any animal or fowl which, by causing frequent or long-continued noise, disturbs the comfort or repose of persons of ordinary sensibilities in the immediate vicinity thereof;
- (4) The continued or frequent sounding of any horn or other signal device on any automobile or other vehicle except as a danger or warning signal, or the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary purpose or unreasonable period of time;
- (5) The blowing of any steam whistle attached to any stationary boiler, except when giving notice of the time to commence or stop work, or as a warning of danger;
- (6) The discharge into the open air of the exhaust of any fixed and stationary steam engine, stationary internal combustion engine, or motor vehicle or boat engine, except through an exhaust system in good working order and in constant operation to prevent excessive or unusual noise; provided that this subsection shall not apply to trains and locomotives;