

**Chapter 29**

**Noise**

**Sec. 29.1 Noise, Generally**

## **Article I, Generally**

### **Sec. 29.1 Noise**

(a) It shall be unlawful for any person to make, continue, or cause to be continued, any loud, excessive, or disturbing noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the town. The following acts, among others, are declared to be loud, excessive, or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive.

(1) **Blowing horns:** The sounding or blowing of any horn or signal device on any automobile, motorcycle, motor bus or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal or any loud or harsh noise and the sounding of such device for any unnecessary period of time.

(2) **Radios, phonographs, television, etc.** The playing of a radio, hi-fi, stereo set, phonograph, piccolo, television or any musical instrument in such manner or with such volume as to annoy or disturb any person, or the playing of such instrument in such manner as to annoy or disturb the quiet, comfort or repose of any person.

(3) **Pets:** The keeping of any animal or bird which by causing frequent or long continuous noise shall disturb the comfort or repose of any person in the vicinity.

(4) **Use of vehicle:** The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or used or repaired in such manner as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.

(5) **Exhaust discharge:** To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) **Devices using compressed air:** The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(7) **Building operations:** The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than from official sunrise to 10:00 p.m., except in cases of urgent necessity in the interest of public safety, and then only with a permit from the zoning administrator.

(8) **Noises near schools, churches, etc.:** The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interfere with the work or worship in any such place or institution; provided, that signs shall be displayed in or near such streets, indicating that the same is a school, church, library, or court.

(9) Loading and unloading operations: The creation of loud and excessive noises in connection with loading or unloading any vehicle, railway car, or opening and destroying bales, boxes, crates and containers.

(10) Hawking, peddling or soliciting: Shouting, loud talking, crying or soliciting by peddlers, hawkers, solicitors and vendors which disturb the quiet and peace of the neighborhood, or any person therein.

(11) Noises to attract attention: The use of any drum, noisemakers or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or display or advertisement of merchandise, by the creation of noise.

(12) Loud speakers or amplifiers on vehicles: The use of any mechanical loud speakers or amplifiers on trucks, or other vehicles for advertising or other purposes.

(13) Business noises at night near residences: The operation of any garage, service station, auto repair business, taxi cab business, plant, store, factory or other place of business in such manner as to create loud and disturbing noises, of such frequency or such volume as to annoy and disturb the quiet and comfort, peace or repose of any person.

(b) A loud, excessive, or disturbing noise is defined as any sound regulated by this section, which is plainly audible and deemed inappropriate by any law enforcement officer at a distance of fifty (50) feet from its source.

(c) The complaints of three (3) or more persons, or of one (1) or more persons, when combined with the complaint of a police officer, is prima facie evidence that a sound regulated by this section annoys, disturbs, or endangers the comfort, repose, health, peace or safety of others, in violation of this Article.

(d) Noises audible in public streets or public places which violate the standards of this Article are hereby declared to be public nuisances which may be abated by any law officer.