

AN ORDINANCE REGULATING NOISE WITHIN THE CITY LIMITS OF ROYALTON.

SECTION 1. UNLAWFUL TO MAKE LOUD OR UNNECESSARY NOISE.

- (a) It shall be unlawful for any person to make, or cause to be made any loud, unnecessary or unusual noise which either annoys, disturbs, or affects the comfort, repose, health, or peace of others.
- (b) Enforcement Duties. The Police Department shall enforce the provisions of this ordinance. The Police Department may enter upon private property in order to make inspections for the purpose of enforcement of this ordinance and shall make all reasonable efforts to prevent violations of this chapter.

SECTION 2. UNLAWFUL ACTS.

The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but the following shall not be deemed to be exclusive.

- (a) Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.
- (b) Radios, Tape and Disc Players, etc. The using, operating, or permitting to be played any radio receiving set, tape or disc player, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.
 - (1) The play, use, or operation of any radio, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from such machine or device shall be prima facie evidence of a violation of this ordinance.
 - (2) When sound violating this ordinance is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.
 - (3) This section shall not apply to sound produced by the following:
 - (i) Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the City Council of Royalton, so long as the activity is conducted pursuant to the conditions of the license, permit, or contract authorizing such activity.
 - (ii) Church bells, chimes or carillons.
 - (iii) School bells.
 - (iv) Anti-theft devices.

- (v) Machines or devices for the production of sound on or in authorized emergency vehicles.
- (4) With the exception of the machines or devices listed in subsection (3), this section shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production or reproduction of sound, whether on public or private property.
- (c) Loud Speakers, Amplifiers for Advertising. The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (d) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing at any time or place as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any persons in the vicinity.
- (e) Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (f) Whistles or Sirens. The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work or as a warning of fire or danger, or by public emergency vehicles.
- (g) Engine Retarding Brakes. It shall be unlawful for any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the City of Royalton. "Engine retarding brake" shall mean a Dynamic Brake, Jake Brake, Jacob's Brake, C-Brake, Paccar Brake, Transmission Brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.
- (h) Exhausts. The discharge into the open air of the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (i) Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.
- (j) Sound Trucks for Advertising Purposes. The use of sound trucks or any other vehicle equipped with sound amplifying devices for the purposes of advertising any program, project, or meeting of any public agency, private business, religious organization, civic group, political party, or charitable organization.

- (k) Loading, Unloading, Opening Boxes. 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.
- (l) Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration, or repair of any building between the hours of 9 p.m. and 7 a.m. on week days and all day Sunday except where single individuals or families work on single family residences for their own occupancy owned by them, except that the Building Inspector may, in cases of emergency, grant permission to repair at any time when he finds that such repair work will not affect the health and safety of the persons in the vicinity.
- (m) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court, or hospital while the same are in use which unreasonably interferes with the use thereof provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (n) Hawkers, Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (o) Pile Drivers, Hammers, etc. The operation between the hours of 9 p.m. and 7 a.m. of any pile driver, power shovel, pneumatic hammer, derrick, power or electric hoist, or other appliance the use of which is attended by loud or unusual noise.
- (p) Blowers. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of aerating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (q) Noisy Parties and Gatherings.
 - (1) Prohibition. No person shall, between the hours of 9:00 p.m. and 7:00 a.m. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.
 - (2) Evidence. Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this ordinance.
 - (3) Duty to Disperse. When a police officer determines that a party or gathering is in violation of this ordinance, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party or gathering.
 - (4) Exceptions. The following are exempt from violation of this section:
 - (i) Activities which are duly authorized, sponsored or licensed by the City Council

of Royalton, so long as the activity is conducted pursuant to conditions of the license, permit or contract authorizing such activity.

(ii) Church bells, chimes or carillons.

(iii) Persons who have gone to a party for the sole purpose of abating the violation.

SECTION 3. EXEMPTIONS.

(a) Upon special request made by contractors, the City Council may exempt contractors performing public works operations from time prohibitions set forth within this ordinance.

Section 4. ENFORCEMENT

(a) DUTIES OF CITY OFFICERS:

(1) Enforcement: The Police/Sheriff shall enforce the provisions relating to noise nuisances affecting public welfare.

(2) Power to Inspect: Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

(b) ABATEMENT:

(1) Notice of Determination: Whenever the officer charged with enforcement determines that a noise ordinance violation exists on premises in the City, the officer shall notify in writing the owner or occupant of the premises of such fact and shall order that such nuisance be terminated and abated.

SECTION 5. PENALTIES.

(a) Violation of this ordinance is a misdemeanor.

THIS ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

DATED: 4/2/13

CLERK

MAYOR