

Title 9 Public Peace, Morals and Welfare

Chapter 9.12 Offenses Against Public Peace

9.12.010 Noise Regulations.

A. Definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **“Ambient Noise”** means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far. For the purpose of this section, ambient noise level is the level obtained when the noise level is averaged over a period of 15 minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.
2. **“Boom Box”** means a colloquial term for self-contained, portable, hand-held music or sound amplification or reproduction equipment emitting sound that is audible at distances exceeding the permissible limits established within this article.
3. **“Construction”** means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.
4. **“Impulse Noise”** means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.
5. **“Neighborhood Residual Sound Level”** means the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. Neighborhood residual sound level is synonymous with background or ambient sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are more steady state, although they may not be continuous.
6. **“Plainly Audible”** means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, or boom box, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The title, specific words, or the artist performing the song shall not need to be determined and shall not require the use of a sound meter to determine plainly audible.
7. **“Public Space”** means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.
8. **“Sound Amplification Equipment”** means any machine or device by which the human voice, music or any other sound is amplified. Sound amplification equipment shall not include

warning devices on any vehicle traveling to do emergency work or used for traffic safety purposes.

9. **“Sound Sensitive”** means a facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include but are not limited to schools, houses of worship, out patient medical facilities, hospitals, or nursing home, or libraries.
10. **“Steady Pure Tone”** means a sound for which the sound pressure is a simple sinusoidal function of the time and characterized by its singleness of pitch.
11. **“Total Sound Level”** the summation of the sounds from the sound source under investigation and the neighborhood residual sounds which affect a given place at a given time, exclusive of extraneous sound sources.

B. Applicability. This code applies to all sound sources within the city unless otherwise exempted.

C. Declaration of Policy. It is hereby declared to be the policy of the city to prohibit unnecessary, excessive and offensive noises from all sources subject to its police power. At certain levels, noises are detrimental to the health, safety and welfare of the citizenry, and in the public interest, such noise shall be systematically proscribed.

D. Nuisance Noise. The following standards for loud, disturbing and unnecessary noises and noises in violation of this Ordinance shall apply to the activities or sources of sound set forth below:

1. **Unnecessary Noise.** Subject to the provisions of this Ordinance the creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the City is hereby prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare or which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area is hereby prohibited.

2. **Construction Activity.**

- a) **Residential zone construction activities.** It shall be unlawful for any person within a residential zone or within a radius of five hundred feet (500') therefrom to operate construction, demolition, or excavation equipment; perform any outside construction or repair work on buildings, structures, or projects; or use any industrial power tools or landscaping and yard maintenance equipment, or operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction-type device in order to erect (including excavate), demolish, alter, or repair any building, street, or highway excluding emergency work, other than during the following time periods, unless allowed by this ordinance, as follows:

- i) Prior to 6:00 A.M. and after 7:00 P.M. Monday through Friday from the first day of May through the first day of October.
 - ii) Prior to 7:00 A.M. and after 7:00 P.M. Monday through Friday during the remainder of the year.
 - iii) Prior to 7:00 am and after 5:00 pm on Saturdays, Sundays and Legal Holidays throughout the year.
- b) Non-residential zone construction activities.** Except where restricted by this Ordinance, it shall be unlawful for any person within a non-residential zone to operate construction, demolition, or excavation equipment; perform any outside construction or repair work on buildings, structures, or projects; or use any industrial power tools or landscaping and yard maintenance equipment, or operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction-type device in order to erect (including excavate), demolish, alter, or repair any building, street, or highway excluding emergency work, other than during the following time periods, unless allowed by this ordinance, as follows:
- i) Prior to 5:00 A.M. and after 7:00 P.M. Monday through Friday from the first day of May through the first day of October.
 - ii) Prior to 6:00 A.M. and after 7:00 P.M. Monday through Friday during the remainder of the year.
 - iii) Prior to 7:00 am and after 5:00 pm on Saturdays, Sundays and Legal Holidays throughout the year.
- c) Responsible parties.** Any contractor, subcontractor, tradesman, materials supplier, owner, or bona fide representative or employee who is present at the job site at the time of a violation of operating outside of authorized time periods will be held responsible.
- d) Emergency exceptions.** For cases of urgent necessity or emergency work which are in the interest of public health, safety and welfare, the Building Official may grant an exception for the hours of operation of construction activity. The permit may be granted for a period not to exceed thirty (30) days or less while the emergency exists and may be renewed for periods of thirty (30) days or less while the emergency continues.
- i) Noise resulting from emergencies, including but not limited to, repair of roofs, windows, doors, electrical, plumbing and mechanical (HVAC) shall be permitted whenever necessary. An emergency shall be defined as any situation where work must be performed in order to prevent serious injury to persons or property.

- e) **Permanent exceptions:** If the Building Official should determine that the public health, safety and welfare will not be impaired by the erection, demolition, alteration, or repair (including excavation) of any building or the excavation of streets and highways at such times other than allowed by this ordinance, the Building Official may grant permission for such work to be done at times other than those permitted by this Ordinance upon application being made in writing at the time the permit for the work is awarded or during the progress of the work and such work may continue through the authorization of the construction permit provided there are no complaints from neighboring properties or the general public at which time said exception to the hours of operation will be reconsidered and may be revoked.
- f) **Mufflers.** All engine driven equipment or motorized equipment used in construction and demolition activity shall be operated with a muffler. Construction tools or equipment shall be in good working condition and shall be operated properly according to the manufacturers' instructions and applicable federal and state regulations.
- g) **Stop orders.** Whenever any work on a construction project is in violation of the provisions of this section, the Building Official may order the construction project stopped by notice in writing served on any persons responsible for the project, and any such persons shall forthwith stop work on the project until a permit is obtained.

3. Animals.

- a) **General.** The keeping of any animal whatsoever which annoys or disturbs the peace, comfort, health or repose of adjacent neighbors or any person in the vicinity by causing repetitive, frequent, loud or long continued noise, shall constitute a public nuisance and shall be prohibited.
- b) **Animals which disturb the neighborhood.** It is unlawful to harbor or keep any animals that disturb the peace by loud noises at any time of the day or night.
- c) **Dogs.** It is unlawful for any person to own, keep or harbor within the City limits any dog which by excessive barking, howling or otherwise, disturbs the peace and quiet of any neighborhood or person or which becomes a public nuisance. It is considered a public nuisance to harbor or keep a dog which barks, howls or otherwise disturbs the peace in an excessive, continuous or untimely manner.

4. Vehicles

- a) **Mufflers.** It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise, and it is unlawful for any person

operating any motor vehicle to use a cut-out, by-pass or similar muffler elimination appliance.

- b) **Engine braking.** It is unlawful to operate a truck or motor vehicle in the City of Cottonwood in such a manner as to cause the engine to emit additional noise from its exhaust or muffler system through deceleration or down shifting gears.
- c) **Squealing of tires.** It is unlawful to operate a motor vehicle in a manner which results in squealing of tires on a paved surface. Violation of this section shall be a civil traffic violation.
- d) **Loud speakers.** It is unlawful to play, operate, or use any device known as a sound track, loud speaker or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the Chief of Police to operate any such vehicle so equipped, which may be considered for parades, political campaigns or similar activities.
- e) **Amplifiers on vehicles.** It shall be unlawful to operate or use mechanical loud-speakers or amplifiers on automobiles, trucks, busses or other moving or standing vehicles for advertising or other purposes, including but not limited to vehicles referred to as "boom cars" or "broadcast vehicles," except where permission has been received for special events or through granting of a use permit for such activities by the City.
- f) **Blowing horns or signaling devices.** It shall be unlawful to sound or blow any horn or signal device on any automobile, truck, bus, motorcycle or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
- g) **Use of vehicles.** It shall be unlawful to operate or use any automobile, truck, bus, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- h) **Refuse collection vehicles.** No person, firm or business shall collect refuse with a refuse, trash, garbage or waste collection vehicle, or operate or permit the operation of the compacting mechanism of such vehicle so as to create a noise disturbance in a residential zone or within 200 feet thereof or across a residential real property boundary between the hours of 9:00 p.m. and 6:00 a.m. the following day.

- 5. Other Nuisance Noises.** The following noise producing activities are hereby prohibited or regulated, as follows:
- a) Sound amplification in proximity to residential type uses.** The playing of any radio, phonograph, sound amplification equipment or musical instrument in such a manner or with such volume, as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
 - b) Sound amplification in City parks and public right-of-way.** Except where permitted for special events or otherwise considered as exempt from these regulations, self-contained, portable, hand-held music or sound amplification or reproduction equipment, including but not limited to devices referred to as "boom boxes," radios, stereos, or any similar device shall not be operated on a public space, park or public right-of-way in such a manner as to be considered a public nuisance by disturbing the peace and quiet of any other person, including, but not limited to, when such uses are plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 A.M. and 10:00 P.M. Between the hours of 10:00 P.M. and 8:00 A.M., sound from such equipment shall not be plainly audible by any person other than the operator.
 - c) Sound amplification in relation to commercial uses and entertainment venues.** It is hereby declared to be a public nuisance, and it is unlawful for any person, firm or corporation owning or operating or in control of any restaurant, hotel, nightclub, bar, store, or any place of public amusement, entertainment or accommodation, or any other commercial activity to play or permit to be played any music or musical instrument or instruments whether played by individuals, orchestra, radio, phonograph, music box, sound amplification equipment or other mechanical device or means in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet, or otherwise interfere with or annoy the comfortable enjoyment of life or property of any person and is no less a nuisance because the extent of the annoyance inflicted is unequal.
 - d) Yelling, shouting, etc. on streets.** Yelling, shouting, hooting, whistling or singing on the public streets, at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or of persons in the vicinity.
 - e) Residential equipment.** Residential landscaping and yard maintenance equipment, including power tools and lawn maintenance equipment, shall not commence operations before 6:00 A.M. nor continue past 7:00 P.M. All engine driven equipment used in these activities shall be operated with a muffler.

- f) **Alarms.** An exterior burglar alarm of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within 5 minutes for continuous airborne sound and 15 minutes for impulsive sound after it has been activated.
- g) **Blowing whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, as a warning of fire or danger or upon request of proper City authorities.
- h) **Exhaust discharge.** To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- i) **Recreational noise.** The flying of controlled model airplanes, sailing of model boats or racing of model automobiles, having internal combustion engines not to exceed thirty-five hundredths cubic inch piston displacement, when used in the pursuit of a recreation hobby at City parks or facilities shall be permitted only at such times as may be designated and authorized by the City of Cottonwood Parks and Recreation Department.
- j) **Noises near schools, hospitals, churches, etc.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or session thereof; Provided, that signs must be displayed in such streets indicating that the same is a school, institution of learning, church court or hospital.
- k) **Loading and unloading operations.** The creations of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- l) **Noises to attract attention.** The use of any drum, loud-speaker or other instrument or devise for the purpose of attracting attention by creation of noise to any performance, show or sale of display of merchandise.

E. Exemptions. The following noises shall be exempt from the provisions of this section:

1. **Official City activities.** Any noise created by City of Cottonwood vehicles, equipment or facilities while being operated for necessary public business.
2. **Official night time work.** Excavations or repairs of bridges, streets or highways by or on behalf of the City or the State, at night, when the public welfare and convenience renders it disruptive or inconvenient to perform such work during the day.
3. **Public events.** The reasonable use of amplifiers or loud-speakers in the course of public events, political rallies and similar approved activities which are non-commercial in character, and which do not use amplifiers or loud-speakers in connection with any moving vehicle.

4. **Mechanical equipment.** Heating, ventilation and air-conditioning equipment, and pool and spa equipment when it is functioning in accord with manufacturer's specifications and is in proper operating condition.
5. **Landscaping equipment.** Lawn maintenance equipment when it is functioning in accord with manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition when operated during the permissible times of the day and in accordance with all such provisions of this Ordinance.
6. **Utility equipment.** Public or utility owned or operated stationary mechanical equipment so long as such equipment is properly functioning pursuant to manufacturer's specifications.
7. **Emergency devices.** Noises of safety signals, warning and alarm devices, emergency generators, storm warning sirens, emergency pressure relief valves or horns and the authorized testing of such equipment.
8. **Emergency activity.** Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency and noises resulting from emergency work.
9. **Church noise.** Noises of church chimes and bells when operated during regular hours of operation and are not considered as unnecessarily repetitive, excessive, or loud.
10. **Authorized activities.** Non-amplified noises resulting from the activities such as those planned or commonly expected for school, governmental or community groups or duly authorized by such groups.
11. **Organized sporting events.** Noise resulting from organized sporting events at parks, schools and other authorized facilities, including from participants and spectators.
12. **Aircraft.** Noises created by aircraft when in the condition of flying, preparing to fly or in association with maintenance activities.
13. **Road noise.** Road and street noise generated from the normal operation of traffic except as regulated herein.

F. Penalties. Any person who shall violate any of the provisions of this code shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment, and each day of violation continued shall be a separate offense, punishable as hereinabove described.

G. Severability. If any provision or portion of a provision of the ordinance set forth in this chapter is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by

any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.