

CHAPTER 9
NOISE

Section 9-1. Findings of council; purpose of chapter.

(a) The town council finds that the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to the health, comfort, convenience, safety, welfare and prosperity of the residents of the town.

(b) The necessity in the public interest for the provisions, prohibitions and regulations contained in this chapter is declared as a matter of legislative determination and public policy, and it is further declared that the provisions, prohibitions and regulations contained in this chapter are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the town and its inhabitants.

Section 9-2. Definition.

As used in this chapter, the term “sound-amplifying equipment” shall mean any machine or device for the amplification of the human voice, music or any other sound, and used with the intent of attracting the attention of the public or reaching the public ear. Such term shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

Section 9-3. Loud, unnecessary, etc., noise generally.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual 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 acts described in the following sections of this chapter are hereby declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive.

Section 9-4. Sound-amplifying equipment - Registration when used for noncommercial purposes.

- (a) No person shall use or cause to be used sound-amplifying equipment for noncommercial purposes in or over the town, unless such equipment is registered with the town clerk. Application for such registration shall be filed with the town clerk in duplicate and shall state the following.
- (1) The name and address of the applicant.
 - (2) The address of the place of business of the applicant.
 - (3) The license number of any sound truck, or federal registration number of any aircraft, to be used by the applicant.
 - (4) The name and address of the person who owns the sound truck or aircraft.
 - (5) The name and address of the person having direct charge of the sound truck or aircraft.
 - (6) The names and addresses of all persons who will use the truck or aircraft or amplifying equipment, either or both.
 - (7) The purpose for which the amplifying equipment will be used.

- (8) A general statement as to the section or sections of the town in which sound amplification will be employed.
 - (9) The proposed hours of operation.
 - (10) The proposed days of operation.
 - (11) A general description of sound-amplifying equipment to be used.
 - (12) The maximum sound-producing power of the equipment to be used, including the wattage, volume in decibels of sound to be produced and approximate distance to which sound will be thrown.
- (b) The town clerk shall return to the applicant for registration under this section one copy of the application filed pursuant to subsection (a), duly certified by the town clerk as a correct copy thereof. Such copy shall be considered as a certificate of registration and shall be in the possession of the person operating the sound-amplifying equipment and shall be promptly displayed and shown to any policeman of the town upon request.
 - (c) All persons using or causing to be used sound-amplifying equipment registered under this section shall amend the application filed pursuant to subsection (a) within forty-eight (48) hours after any change in the information therein furnished.

Section 9-5. Same-Permit for use for commercial purposes.

- (a) No person shall operate or cause to be operated any sound amplifying equipment in or over the town for commercial advertising purposes, unless a permit has been obtained from the town clerk.
- (b) Persons applying for a permit under this section shall file with the town clerk an application, in writing, giving the information required in the application referred to in section 9-4(a).
- (c) Upon receipt of an application for a permit under this section, the town clerk shall refer the same to the town council for its approval or disapproval. The council shall not approve the application, if it reveals that the applicant would violate the regulations prescribed in section 9-6 or the provisions of some other chapter of this Code or other ordinance of the town, or if the applicant has not obtained any license required by the license ordinance.
- (d) Upon approval by the town council of the application for a permit under this section, the town clerk shall issue the permit. The permittee shall keep such permit in his possession in the sound truck or in the aircraft during the time the sound-amplifying equipment is in operation. The permit shall be promptly displayed and shown to any policeman of the town upon request.

Section 9-6. Same-Use regulations.

The use of sound-amplifying equipment registered under section 9-4 or for which a permit has been issued under section 9-5 in or over the town shall be subject to the following regulations:

- (1) The only sound permitted is music and human speech.
- (2) Operations are permitted for seven (7) hours each day, except Sundays and legal holidays, when no operations shall be authorized. The permitted seven (7) hours of operation shall be between the hours of 10:30 a.m. and 5:30 p.m.
- (3) Sound-amplification equipment mounted on a vehicle shall not be operated unless the vehicle is operated at a speed of at least ten (10) miles per hour, except when such vehicle is stopped or

impeded by traffic, in which case the equipment shall not be operated for longer than thirty (30) seconds at each such stop.

- (4) Sound-amplification equipment mounted on an aircraft shall not be operated unless the aircraft is flying at an altitude of one thousand five hundred (1,500) feet or more.
- (5) On aircraft, sound shall be issued from one loudspeaker only and the cone of sound shall be directed so as to cover at one time an area on the ground of less than seven hundred (700) square yards and so as to avoid hospitals, schools, churches and courthouses.
- (6) From vehicles, sound shall not be issued within one hundred (100) yards of hospitals, nursing homes, schools, churches and courthouses.
- (7) Human speech and music amplified shall not be lewd, indecent, slanderous or inciting to riot or other unlawful conduct.
- (8) The volume of sound from aircraft shall be controlled so that it is not audible on the ground over an area in excess of seven hundred (700) yards square and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
- (9) The volume of sound from vehicles or from loudspeakers on buildings or other permitted locations shall be controlled so that it will not be audible for a distance in excess of one hundred (100) yards from the loudspeaker, and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
- (10) No amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

Section 9-7. Playing radios, phonographs, etc.

- (a) The following acts shall be unlawful: The using, operating or permitting to be played, used or operated of any radio or television receiving set, musical instrument, phonograph or other machine or device for producing or reproducing sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima fade evidence of a violation of this section.
- (b) This section shall not apply to the use of sound-amplifying equipment in accord with the provisions of sections 9-4 through section 9-6.

Section 9-8. Use of noise to attract attention to shows, sales, etc.

The use of any drum or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale is prohibited, except as otherwise provided in sections 9-4 through 9-6.

Section 9-9. Yelling, shouting, etc.

The following acts shall be unlawful: Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

Section 9-10. Noise by hawkers, peddlers, etc.

The shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood, shall be unlawful.

Section 9-11. Noise from aircraft.

The operation of any airplane over the town in such manner as to cause unnecessary noise is prohibited.

Section 9-12. Noise from vehicles generally.

- (a) It shall be unlawful for any person, in operating a motor vehicle or motorcycle within the town, to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise.
- (b) The use of any automobile, 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 unnecessary noise is prohibited.
- (c) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.
- (d) In operating a motor vehicle or motorcycle, the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:
 - (1) The practice of unnecessarily racing the motor of a motor vehicle or motorcycle while standing or moving, thereby causing unnecessary noise from such motor.
 - (2) The practice of unnecessarily retarding the spark to the motor of a motorcycle and thereby causing unnecessary, loud and explosive noise from the motor.
 - (3) In starting a motor vehicle or motorcycle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor or the screeching of tires.
 - (4) The practice of coming to an unreasonable quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes or screeching of tires.

Section 9-13. Sounding of vehicle, signaling device.

The following acts shall be unlawful: The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

Section 9-14. Exhaust discharge.

The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited.

Section 9-15. Loading vehicles, opening boxes, etc.

The creation of any loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is prohibited.

Section 9-16. Blowing of steam whistles.

The blowing of any locomotive whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper town authorities, is prohibited.

Section 9-17. Operation of blowers or power fans.

The operation of any noise-creating blower or power fan is prohibited, unless the noise from such blower or fan is muffled.

Section 9-18. Building operations generally.

The erection, including excavating, demolition, alteration or repair, of any building other than between the hours of 7:00 a.m. and 8:00 p.m. shall be unlawful, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the town council, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the town council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation of streets and highways between the hours of 8:00 p.m. and 7:00 a.m. and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between such hours, upon investigation being made at the time the permit for the work is awarded or during the progress of the work.

Section 9-19. Operation of pile drivers, pneumatic hammers, etc.

The operation, between the hours of 8:00 p.m. and 7:00 a.m., of any pile driver, steam shovel, pneumatic hammer, derrick steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise is prohibited.

Section 9-20. Noise near schools, courts, etc.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, shall be unlawful.

Section 9-21. Noisy animals and birds.

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 is prohibited.