

Central Valley Town Noise Ordinance

Ordinance Number 2015-001

WHEREAS, the Central Valley Town Council identified a need to prepare a Noise Ordinance; and

WHEREAS, it is necessary to establish official Town-wide planning goals and policies for future development in Central Valley Town to promote orderly growth, preserve property values, promote public safety and provide for the general welfare of Central Valley residents; and

WHEREAS, it is in the best interest of the safety, health, and welfare of the residents of Central Valley Town for residents and property owners to enjoy a noise free environment; and

NOW, THEREFORE, be it hereby ordained by the Central Valley Town Council as follows:

PROHIBITED ACTS:

- A. Generally: It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusual loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of Central Valley Town.
- B. Specifically: The following acts, among others, when they occur between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M are declared to be loud, disturbing or unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:
 - 1. Horns, Signaling Devices, Etc.: The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary or unreasonable period of time. The use of any horn, whistle or other device operated by engine exhaust.
 - 2. Radios, Phonographs, Etc.: The using, operating, or permitting to be played, used or operated in residential areas any television, radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or 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 during the prohibited time period in such a

manner as to be plainly audible at a distance of thirty feet (30') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. Loudspeakers, Amplifiers And Other Sound Devices For Advertising: The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure without or in violation of a permit issued by the town council.
4. Yelling, Shouting, Etc.: Yelling, shouting, whistling or otherwise creating noise on the public streets or any place, so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence.
5. Dogs: The keeping of any dog which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
6. Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
7. Defect In Vehicle Or Load: The use of any automobile, motorcycle, or other vehicle, which due to lack of repair or improper loading creates loud and unnecessary grating, grinding, rattling or other noise.
8. Loading And Unloading Of Vehicles: 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.
9. Construction Or Repairing Of Buildings: The erection (including excavation), demolition, alteration or repair of any building shall be prohibited, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the city.
10. Schools, Courts, Churches, Hospitals, Parks: The creation of any excessive noise 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 or in any park, which unreasonably disturbs the users thereof.
11. Pile Drivers, Hammers, Etc.: The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is usually attended by loud or unusual noise.
12. Power Lawn Mowers: The operation of any power mower, cultivator, or like or related device (except snowblowers) in an area zoned residential.

13. Motor Vehicle Noise: The operation of any vehicle having more than two (2) axles, upon any residential street or in any area zoned residential. This provision shall not apply to the operation of garbage collection vehicles provided the collections before six o'clock (6:00) A.M. are in primarily commercial areas using their best efforts to avoid noise in residential areas. This subsection shall not apply to the operation of vehicles returning to or leaving the residence of the operator.

EXCEPTIONS:

The following uses and activities shall be exempt from noise level regulations:

- A. Noises of safety signals, warning devices, and emergency pressure relief valves.
- B. Noises resulting from any authorized emergency vehicle, when responding to an emergency.
- C. Noises resulting from emergency work.
- D. Any other noise resulting from activities of a temporary duration permitted by law for which a license or permit therefor has been granted by the town.
- E. Any aircraft or railroad equipment operated in conformity with, or pursuant to state statute, federal law, federal regulations and traffic control instruction used pursuant to and within the duly adopted state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.
- F. The use of typical farm equipment to include but not limited to; tractors, balers, swathers, combines, sprayers, airplanes and helicopters in the pursuit of equine and agriculture activities anytime time or night.

APPLICATION FOR SPECIAL PERMIT:

Applications for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the town council or duly authorized representative. Any permit granted by the council hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The town council or duly authorized representative may grant a relief as applied for if they find:

- A. That additional time is necessary for the applicant to alter or modify the activity or operation to comply with this ordinance; or
- B. That the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; and

C. That no other reasonable alternative is available to the applicant.

The town council, in granting such a special permit, may prescribe any conditions or requirements they deem necessary to minimize adverse effects upon the community of the surrounding neighborhood. The town may give preference in granting permits for dances or other activities conducted at locations historically used for such activities. Dances or other activities sponsored by the town shall be deemed to have received a special permit as outlined herein.

PENALTY:

Any person violating any of the provisions of this ordinance shall be deemed guilty of a class C misdemeanor. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

ADDITIONAL REMEDY; INJUNCTION:

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement as prescribed by law.

ENFORCEMENT

This ordinance will be enforced when two written valid complaints as determined by the town council are received.

This ordinance shall take effect upon adoption and posting.

Ordinance Passed and adopted this 21st day of January, 2015