

CHAPTER 11



Article I. In General

ARTICLE I. IN GENERAL

SECTION 11-1. PROHIBITED. No person shall make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the town.

SECTION 11-2. EXCEPTIONS. This Chapter shall not be construed to prohibit music upon streets or sidewalks by brass bands or other bands, nor to prohibit religious organizations from beating drums in the course of their religious services.

SECTION 11-3. CERTAIN ACTS CONSTRUED AS NOISE. The following acts are declared to be loud, disturbing and unnecessary noises in violation of the provisions of this Chapter; such 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 on any street or public place, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any such signaling device, and the sounding of any such device for an unnecessary or 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.

(2) **Radios, musical instruments, phonographs, etc.** Using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of 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 for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P.M. and seven o'clock A.M. in such manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Subsection.

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(3) **Sound trucks.** Sound trucks or other devices or mediums for amplifying sound operated or permitted to be operated within the town for advertising purpose or to attract the attention of the public, where the sound therefrom is transmitted from, to, in or over any public thoroughfare, park, or other public place.

This Subsection shall not prohibit the use of sound amplification for dissemination of civil defense or other emergency, religious or political messages, or information concerning civic, recreational and other matters of general public interest; provided prior permission has been obtained from the mayor commissioner, who is hereby authorized, directed and empowered to make and enforce reasonable conditions as to the time, place, volume of sound, etc. Civil defense and other emergencies shall not require a permit.

(4) **Dropping or throwing objects.** The unnecessary dropping or throwing of objects on or against the ground, pavement, concrete walk or other object so as to create loud or unnecessary clanging, grating, rattling or other noise.

(5) **Yelling, shouting, etc.** Yelling, shouting, hooting, whistling or singing on public streets, particularly between the hours of eleven o'clock P.M. and seven o'clock A.M., or any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any office, dwelling, hotel or other type of residence or of any person in the vicinity.

(6) **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 person in the vicinity.

(7) **Steam whistles.** The blowing of any train 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 town officials.

(8) **Exhausts.** Discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(9) **Defect in vehicle or load.** 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 noise.

(10) **Loading, unloading, opening boxes.** Creation of a loud and excessive noise in connection with loading or unloading any vehicle, or opening and destruction of bales, crates and containers.

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(11) **Construction or repairing of buildings.** Erection (including excavating), demolition, alteration or repair of any building other than between the hours of seven o'clock A.M. and eleven o'clock P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the mayor commissioner which permit may be granted for a period not to exceed three days, or less, while the emergency continues and which permit may be renewed for periods of three days, or less, while the emergency continues. If the mayor-commissioner shall 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 within the hours of seven o'clock P.M. and seven o'clock A.M. and if he shall further determine that loss or inconvenience would not result to any party in interest, he may grant permission for such work to be done within the hours of seven o'clock P.M. and seven o'clock A.M., upon application made at the time the permit for the work is awarded or during the progress of the work. No loud noises or machinery shall be allowed on Sunday.

Cross reference: Buildings, Chapter 4.

(12) **Schools, courts, churches, hospitals.** Creation of any excessive noise on any street adjacent to a school, institution of learning, church or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients therein; provided, that conspicuous signs are displayed in such streets indicating the proximity of a school, hospital, church or court.

(13) **Hawkers, peddlers, etc.** Shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(14) **Noises to attract attention** Use of any drum or other instrument or device for the purpose of attracting attention by creating of noise to any performance, show or sale.

(15) **Transportation of metal rails, etc.** Transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public place.

(16) **Pile drivers, hammers, etc.** Operation, between the hours of ten o'clock P.M. and seven o'clock A.M., of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other machine or equipment, the use of which is attended by loud or unusual noise.

(17) 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 operating gases or fluids, unless the

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blower or fan is equipped with a muffler device sufficient to deaden such noise. (Ord. No. 50, §§ 11-14)