

Chapter 2

NOISE CONTROL

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5-2-1: SHORT TITLE:

This chapter shall be known as the *MORRISON NOISE CONTROL ORDINANCE*. (Ord. 382, 6-21-2011)

5-2-2: DECLARATION OF POLICY:

It is declared that at certain levels, noise is detrimental to the public health, comfort, convenience, safety and welfare of the citizens of the town. This chapter is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Morrison through the reduction, prohibition and regulation of noise. It is the intent of this chapter to establish and provide for sound levels that will eliminate unreasonable and excessive noise, and prevent sound levels which are physically harmful and detrimental to the residents, visitors, and businesses of the town. (Ord. 382, 6-21-2011)

5-2-3: DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of this chapter:

AUDIBLE OR PLAINLY AUDIBLE: The information content of sound is unambiguously transferred to the auditor, such as, but not limited to, understanding of spoken speech, comprehension of raised or normal voices, or comprehension of musical rhythms.

COMMERCIAL DISTRICT: A. An area where offices, clinics and the facilities needed to serve them are located;

B. An area with local shopping and service establishments;

C. A tourist oriented area where hotels, motels and gasoline stations are located;

D. A business strip along a main street containing offices, retail businesses and commercial enterprises;

E. Other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

"Commercial district" includes, but is not limited to, any parcel of land zoned as a convenience commercial district, a neighborhood commercial district, a community commercial district, a commercial district, a large lot commercial district or an office district, under the zoning ordinance of the town.

COMMERCIAL PURPOSE: Means and includes the use, operation or maintenance of any sound or amplifying equipment, for the purpose of advertising any business, any goods or any services, or for the purpose of attracting the attention of the public to or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment.

CONSTRUCTION ACTIVITIES: Any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

CONTINUOUS NOISE: A steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten (10) minutes or more, with an accumulation of an hour or more during a period of eight (8) hours.

DEVICE: Any mechanism which is intended to produce or which actually produces sound when operated or handled.

DYNAMIC BRAKING DEVICE: A device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

EMERGENCY WORK: Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger or potential danger.

INDUSTRIAL DISTRICT: An area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. "Industrial district" includes, but is not limited to, any parcel of land zoned as an industrial district or a planned development district with uses permitted in an industrial district under the zoning ordinance of the town.

MOTOR VEHICLE: Any vehicle, such as, but not limited to, a passenger vehicle, truck, truck trailer, trailer or semitrailer, propelled or drawn by mechanical power, and includes motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

MUFFLER: Any apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

NONCOMMERCIAL PURPOSE: The use, operation or maintenance of any sound amplifying equipment for other than a commercial purpose. "Noncommercial purpose" means and includes, but is not limited to, philanthropic, political, patriotic and charitable purposes.

RESIDENTIAL DISTRICT: An area of single- or multiple-family dwellings and includes areas where multiple-unit dwellings, high rise apartments and high density residential districts are located. "Residential district" also includes, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities. "Residential district" includes, but is not limited to, land zoned as a large lot residential district, a small lot residential district, a duplex residential district, a high density residential district, a medium density residential district, or a mobile home residential district under the zoning ordinance of the town.

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of a human voice, music or any other sound, or by which the human voice, music or any other sound is amplified.

UNREASONABLE NOISE: Any excessive or unusually loud sound, or any sound which disturbs the peace and quiet of any neighborhood or causes damage to any property or business. (Ord. 382, 6-21-2011)

5-2-4: GENERAL PROHIBITIONS:

- A. **Unlawful To Make Unreasonable Noise:** No person shall knowingly make or continue, or cause to be made or continued, any unreasonable noise within the town.
- B. **Unlawful Noises Generally:** The following acts, enumerated in subsections B1 through B7 of this section, are declared to cause unreasonable noise in violation of this chapter; provided, however, that the following enumeration is not in limitation of subsection A of this section, and is not exclusive.
1. **Bells And Chimes:** No person shall use, operate, cause or permit to be sounded any bell or chime, or any device for the production or reproduction of the sounds of bells or chimes, audible at the property line of any church, clock or school, between the hours of eleven o'clock (11:00) P.M. of one day and six o'clock (6:00) A.M. of the following day.
 2. **Radios, Television Sets, Phonographs And Similar Devices; Use Restricted:** It is unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, CD player, drum, personal listening device, or other machine or device for the production or reproduction of sound, in such a manner as to cause any unreasonable noise.
 3. **Exhausts; Mufflers:** No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device.
 4. **Defect In Vehicle Or Load:** It is unlawful for any person to operate, or cause or permit to be operated or used, any automobile, truck, motorcycle or other motor vehicle so out of repair, so loaded or in such a manner as to cause any unreasonable noise.
 5. **Quiet Zone:** The creation of any unreasonable noise is prohibited within the vicinity of any school, institution of learning, church or court while the same is in use or session, which unreasonably interferes with the workings of such institution, or within the vicinity of any hospital, or nursing home, or which disturbs or unduly annoys patients in the hospital or residents in the nursing home, provided conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, or nursing home, church or court.
 6. **Dynamic Braking Devices:** No person shall operate any motor vehicle with a dynamic braking device engaged which is not properly muffled.
 7. **Truck Loading:** No person shall load any garbage, trash or compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district or within three hundred feet (300') of any hotel, motel, or residential district between the hours of ten o'clock (10:00) P.M. of one day and seven o'clock (7:00) A.M. of the following day. (Ord. 382, 6-21-2011)

5-2-5: SOUND LEVEL STANDARDS:

- A. Construction Activities: Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of nine o'clock (9:00) P.M. of one day and six o'clock (6:00) A.M. of the following day. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.
- B. Power Equipment: No person shall operate or permit to be operated on any private property, or on the public way within any residential or commercial district(s), any power equipment used for home or building repair or grounds maintenance, or any construction equipment used for construction activities, between the hours of ten o'clock (10:00) P.M. of one day and seven o'clock (7:00) A.M. of the next day. Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws, pavement breakers, log chippers, riding tractors, or powered hand tools.
- C. Temporary Exemption From Chapter:
1. Applications for a temporary exemption from the provisions of subsections A and B of this section shall be made to the town clerk or her designee.
 2. In approving or denying a temporary exemption, consideration shall be given to effective dates, hours of operation, type of noise, location, loudness, equipment noise characteristics and public health, safety and welfare.
 3. Any temporary exemption approved hereunder may provide for, without limitation, a public information program prior to construction, restrictions on effective dates, hours of operation, type of noise, location, loudness, and equipment type relating to that particular activity giving rise to the relief requested.
 4. The town clerk shall promptly notify the board of trustees of each temporary exemption approved. (Ord. 382, 6-21-2011)

5-2-6: AMPLIFIED SOUND:

A. Sound Amplification Provisions:

1. No person shall use or operate any loudspeaker, public address system, or other sound amplifying equipment for the purpose of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblage of persons, between the hours of eleven o'clock (11:00) P.M. of one day and six o'clock (6:00) A.M. of the following day, in such a manner as to be plainly audible at the property line of the property on which such person is located. The intensity and loudness of any amplified sound which is transmitted between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. of one day, shall not be unreasonable.
2. No person shall use or operate any loudspeaker, public address system, or other sound amplifying equipment in a motor vehicle in such a manner as to be plainly audible at twenty five feet (25') from

the motor vehicle, unless a permit has been issued by the town clerk pursuant to subsection C of this section which allows such amplification. If such a permit has been issued, the intensity and loudness of any amplified sound, which is transmitted between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. of one day, shall not be unreasonable.

3. The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.
4. The provisions of this section shall not apply to sound made on property owned by, controlled by, or leased to the town, the federal government, or to any branch, subdivision, institution or agency of the government of this state or any political subdivision within it, and when such sound is made by an activity of the governmental body or sponsored by it or by others pursuant to the terms of a contract, lease, or permit granted by such governmental body.

B. Application For Permit To Use Sound Amplifying Equipment In A Motor Vehicle: Any person, partnership, association, or corporation desiring to use or operate any loudspeaker, public address system, or other sound amplifying equipment in or from a motor vehicle for either commercial or noncommercial purposes must first obtain a permit from the town clerk. The permit may authorize the use or operation of such sound amplifying equipment between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. of one day. The application for the permit shall be filed with the town clerk and shall provide the following information:

1. The name, address and telephone number of both the owner and the user of the sound amplifying equipment;
2. The license number of the motor vehicle which is to be used;
3. The general description of the sound amplifying equipment which is to be used;
4. Whether the sound amplifying equipment will be used for commercial or noncommercial purposes; and
5. The dates upon which and the streets over which the equipment is proposed to be operated.

C. Permit Issuance: Required permits may be issued by the town clerk if the town clerk finds that the conditions of motor vehicle movement or pedestrian movement are such that the use of the equipment will not constitute an unreasonable interference with traffic safety, that the applicant will not violate the hour restrictions of the permit, and that the use of the sound amplifying equipment will not disturb the peace and quiet of any neighborhood. An applicant may appeal the denial of a permit by the town clerk to the board of trustees if such appeal is filed in writing with the town clerk within seven (7) days of the denial of said permit by the town clerk. The board of trustees or its designee shall conduct any hearing and/or review of the denial of the permit request, and a decision shall be final. The board of trustees may promulgate rules and regulations or procedures to govern any such hearing and/or review. (Ord. 382, 6-21-2011)

5-2-7: VIOLATION, PENALTY:

A. It is unlawful for any person to violate any of the provisions of this chapter.

B. Every person convicted of a violation of any provision of this chapter shall be subject to a penalty as provided in section [1-4-1](#) of this code. (Ord. 382, 6-21-2011)