

# Chapter 5

## NOISES

### 6-5-1: PROHIBITED NOISES:

No person shall cause or permit any loud and excessive noise that results in annoyance or discomfort to a reasonable person of normal sensitivities. Without limiting or precluding enforcement of any other provision of this chapter or this Code, the following are hereby prohibited:

- A. Horns, Signaling Devices: The sounding of any horn or signaling device such as that on any automobile, motorcycle, bus or other vehicle on any street or public place of the City, except as a danger warning, or the sounding of any such device for an unnecessary and unreasonable period of time.
- B. Crying Of Wares: The sale by outcry within any area of the City zoned for residential uses. However, this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events, nor to prohibit the selling of newspapers by outcry.
- C. Animals And Fowl: The keeping of, upon any premises owned, occupied or controlled by any person, any animal or fowl otherwise permitted to be kept which, by any sound or cry, shall cause annoyance or discomfort to a reasonable person of normal sensitivities.
- D. Loading, Unloading, Opening Boxes: 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.
- E. Schools, Courts, Churches, Hospitals: The creation of any loud and excessive noise on any street adjacent to any school, institution of learning, church or court while 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 in the hospital.
- F. Construction: The creation of any loud or excessive noise resulting from erection, excavation, demolition, alteration or repairs related to any structure, infrastructure, or building except between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M., Monday through Friday, and nine o'clock (9:00) A.M. and six o'clock (6:00) P.M. on Saturday and Sunday.
- G. Pile Drivers, Pneumatic Hammers: The operation of any pile driver, pipe ramming, pneumatic hammer, or similar construction equipment, except between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M., Monday through Friday, and nine o'clock (9:00) A.M. and six o'clock (6:00) P.M., Saturday and Sunday, and when so permitted, only if equipped with an effective muffling device.

- H. Refuse Or Recyclables Collection: The collection of garbage, trash, refuse or recyclables in any area zoned residential except between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. of any day and, when so permitted, only in a manner so as not to create a loud or excessive noise.
- I. Vehicle Repairs: The creation of loud and excessive noise resulting from the repair or rebuilding of any motor vehicle within any residential area of the City except between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M. daily but only in such a manner that a reasonable person of normal sensitivities residing in the area will not be caused discomfort or annoyance.
- J. Exhausts: The discharge into the open air of the exhaust of any engine, including a steam engine, internal combustion engine, motorboat or motor vehicle or the discharge of air or other gases except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.
- K. Stationary Machinery, Equipment And Fans: The operation of any immobile machine, equipment, pump, fan or similar mechanical device in any manner so as to create any loud and excessive noise.
- L. Loud, Unnecessary Or Unusual Noise: Notwithstanding any other provision of this chapter or Code, and in addition thereto, it shall be unlawful for any person to make or continue or cause to be made or continued any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivities.

#### M. Outdoor Music Or Amplified Noise:

1. The making or continuing to make any outdoor music or amplified noise between the hours of ten o'clock (10:00) P.M. on Sunday and nine o'clock (9:00) A.M. on Monday, ten o'clock (10:00) P.M. on Monday and nine o'clock (9:00) A.M. on Tuesday, ten o'clock (10:00) P.M. on Tuesday and nine o'clock (9:00) A.M. on Wednesday, ten o'clock (10:00) P.M. on Wednesday and nine o'clock (9:00) A.M. on Thursday, ten o'clock (10:00) P.M. on Thursday and nine o'clock (9:00) A.M. on Friday, twelve o'clock (12:00) midnight on Friday and nine o'clock (9:00) A.M. on Saturday and twelve o'clock (12:00) midnight on Saturday and nine o'clock (9:00) A.M. on Sunday, when the person making or causing to make such music or noise knows or reasonably should know the music or noise would disturb the peace of a reasonable person; or
2. During the course of sport team and intramural practices conducted on the grounds of a Dubuque public or parochial school or college campuses. (Ord. 34-18, 9-17-2018)

#### **6-5-2: UNLAWFUL USE OF BUILDINGS:**

No person owning or in possession of or in control of any building or premises shall use the same, permit the use of the same, or rent the same to be used by any business, employment or other use, or for any purpose of pleasure or recreation, if such use shall, by the noise generated therefrom, disturb or interfere with the peace of the neighborhood in which such building or premises is situated. (2007 Code § 33-47)

### 6-5-3: EXEMPT NOISES:

The following noises are exempt from the provisions of this chapter:

- A. Emergency Operations: Emergency short term operations that are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery, shall be exempt from the prohibitions of section [6-5-1](#) of this chapter; provided, that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.
- B. Noise Required By Law: The prohibitions of section [6-5-1](#) of this chapter shall not apply to any noise required specifically by law for the protection or safety of people or property.
- C. Lawn Mowers, Garden Tools: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment that is necessary for the maintenance of property, if kept in good repair and maintenance, shall be exempt from the prohibitions of section [6-5-1](#) of this chapter. No person shall operate such equipment, however, with the exception of snow removal equipment, except between the hours of eight o'clock (8:00) A.M. and sunset, Monday through Friday, and nine o'clock (9:00) A.M. to sunset, Saturday and Sunday.
- D. Residential Air Conditioners: Noise emitted by residential air conditioners shall be governed by section [6-5-4](#) of this chapter.
- E. Airplanes: Aircraft operations that are controlled specifically by Federal law shall be exempt from the prohibitions of this chapter.
- F. Bells, Chimes: Bells, chimes and similar devices that signal the time of day and operate during the daytime hours for a duration of no longer than five (5) minutes in any given one hour period shall be exempt from the prohibitions of section [6-5-1](#) of this chapter.
- G. Entertainment And Sporting Events:
  - 1. Reasonable sounds emanating from sanctioned sporting events conducted on the grounds of a Dubuque public or parochial school or college or university campuses within a sports stadium between the hours of nine o'clock (9:00) A.M. and ten o'clock (10:00) P.M. Sunday through Thursday, and nine o'clock (9:00) A.M. and twelve o'clock (12:00) midnight on Friday and Saturday. For purposes of this section sanctioned sporting events are described as competitive matches between teams from different institutions. Sanctioned sporting events includes one hour prior to the event and one-half ( $\frac{1}{2}$ ) hour after the event. Sports team practices and intramurals are not considered sanctioned sporting events under this subsection.
  - 2. Reasonable sounds emanating from musical instruments of marching bands or other musical teams, without electronic amplification, engaged in performance or practice, conducted on the grounds of a Dubuque public or parochial school or college or university campuses between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Sunday through Thursday, and seven o'clock (7:00) A.M. and twelve o'clock (12:00) midnight on Friday and Saturday.

3. Nothing in this subsection G shall be read to prohibit a public-address announcer at events during the permissible hours. (Ord. 35-18, 9-17-2018)

#### **6-5-4: RESIDENTIAL AIR CONDITIONERS:**

No person shall install, operate or use any residential air conditioner, or combination of residential air conditioners, that create a loud and excessive noise level at a lot line of any dwelling located on any adjacent premises. (2007 Code § 33-49)

#### **6-5-5: CITY CONTRACTS, CONTRACTORS AND SUBCONTRACTORS:**

It is the policy of the City to comply with the noise standards, as set forth in this chapter, in its own operations and the operations of its contractors and subcontractors. All contractors and subcontractors shall be required to comply with the provisions of this chapter. (2007 Code § 33-50)

#### **6-5-6: ENFORCEMENT:**

It shall be the duty of the City Manager or the City Manager's designee to enforce the provisions of this chapter. (2007 Code § 33-51)

#### **6-5-7: VARIANCE PERMITS:**

- A. Issuance: Variance permits may be issued, pursuant to the provisions of this chapter, by the City Manager or the City Manager's designee from the noise prohibitions of this chapter.
- B. Temporary Variance Permit: A temporary variance permit may be issued upon request; provided, that the work producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.
- C. Special Events: A temporary variance permit may be issued for special events, such as circuses, Fourth of July celebrations and similar community events that are limited in duration and are generally acceptable to the people of the community; provided, that precautions are taken to maintain the noises produced at the lowest practical level.
- D. Application For Permit: Applications for temporary variance permits shall be made in writing to the City Manager or the City Manager's designee and shall contain such information as requested by the City Manager or the City Manager's designee, including, but not limited to, the following:
  1. Dates requested;
  2. Time and place of operation;
  3. Equipment and operation involved;
  4. Necessity for such permit;

5. Steps to be taken to minimize noise; and
6. Name and telephone number of responsible person(s) who will be present at the operation site while the noise is produced. (2007 Code § 33-52)