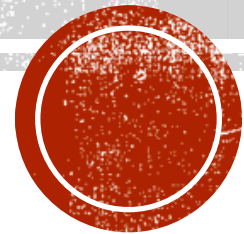


NOISE ORDINANCE VIOLATIONS

Class C Misdemeanor

Fine Range: \$1-\$1000



GENERAL PROHIBITIONS

- **Section 30-2 General Prohibitions**
 - **Type of noise prohibited:** loud, unnecessary, or unusual sound or noise that disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.
 - **Factors**
 - Time
 - Proximity to residential structure
 - Recurrent, intermittent, or constant nature of the noise
 - Volume and intensity of sound
 - Whether sound or noise is enhanced by electronic or electrical means
 - Whether sound can be controlled without unreasonable effort of expense



MAXIMUM PERMISSIBLE SOUND

- Section 30-5 Maximum permissible sound
 - Sound levels cannot exceed maximum level beyond the property lines of the property on which it is generated
 - Maximum level on receiving property:
 - Residential property
 - 65 dB(A) during day (8:00 a.m. to 10:00 p.m.)
 - 58 dB(A) during night
 - Nonresidential property
 - 68 dB(A) at all times
 - Sounds above listed levels are a prima facie violation of Section 30-5
- Section 30-5(b)
 - the creation of any sound causing people on other property to be aware of vibrations or resonance caused by the sound



PERMIT FOR SOUND AMPLIFICATION EQUIPMENT

- Sec. 30-8. – Permit for sound amplification equipment
 - Individuals may exceed the decibel levels in Section 30-5 by obtaining a permit.
 - With a permit, the maximum level on the property receiving the sound is 75 dB(A)
 - Daily and extended daily permits are valid for certain dates between 8:00 a.m. and 10 p.m.
 - Annual permits are valid between the hours of 8 a.m. and 10 p.m. Sunday through Thursday; and between the hours of 8 a.m. and 11 p.m. Friday and Saturday



DECIBEL READINGS

- Decibel Reading (if applicable)
 - Section 30-6 Method of Sound Measurement
 - Section details that a specific type of sound meter must be used
 - Measurements must be taken to provide a proper representation of the sound being measured.
 - The microphone shall be positioned to accurately measure the sound and not create any enhancement or diminution of the sound
 - Windscreen must be used for the microphone
 - Measurements taken from property line of receiving property toward the source of the sound



ELEMENTS UNIQUE TO NOISE VIOLATION CASES

- **Complainant**
 - The complainant is the one who heard the noise and is the main witness.
 - This individual must testify that that the sound or noise disturbed, injured, or endangered the complainant's comfort, repose, health, peace, or safety.
- **Police Officer**
 - The officer takes the decibel reading and issues the citation when appropriate.
 - The officer must testify to the decibel reading.
 - When the officer issues the citation, the officer also identifies the defendant.
 - Normally the complainant is unable to identify the individual who received the citation.



CASE STATISTICS (FROM JANUARY 1, 2019 TO MARCH 31, 2020)

- Total Number of Cases Analyzed: 159
 - Case open 30
 - Cases in Warrant Status 26
- Case Resolutions
 - Plead (Guilty or No Contest) or Convicted at Trial 34
 - Case Dismissed 69
 - Officer Not Present 37
 - Prosecutorial Discretion 15
 - Nolle 9
 - Insufficient Evidence 6
 - Complaining Witness Absent 13
 - Defective Complaint 2
 - Defense Motion 1
 - Officer Present Not Ready 1

