

SECTION VII VEHICLE REPAIRS It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.

SECTION VIII TRAIN HORNS AND WHISTLES It shall be unlawful for any person to operate or sound, or cause to be operated or sounded (between the hours of 10:00p.m. of one day and 7:00 a.m. of the next day) a train horn or train whistle which creates a noise in excess of eighty-nine dbA at any place or point three hundred feet or more distance from the source of such sound.

SECTION LX ADDITIONAL REGULATIONS It shall be unlawful for any person to wilfully make or continue, or cause to be made or continue any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person or normal sensitiveness residing in the area.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- The volume of the noise;
- The intensity of the noise;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural
- The volume and intensity of the background noise, if any;
- The proximity of the noise to residential sleeping facilities;
- The nature and zoning of the area within which the noise emanates;
- The density of the inhabitation of the area within which the noise emanates;
- The time of the day or night the noise occurs;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant;
- and Whether the noise is produced by a commercial or noncommercial activity.

ARTICLE III AMPLIFIED SOUND

SECTION I REGISTRATION: REQUIRED It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use, or operate within the city ~~of~~ a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound track for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property with out first filing a registration statement and obtaining approval thereof as set forth in this article.

SECTION II REGISTRATION: REQUIREMENTS AND DUTIES

(a) Registration statements; filing. Every user of sound amplifying equipment shall file a registration statement with the city clerk five days prior to the date on which the sound amplifying equipment is intended to be used, which statement shall contain the following information:

- (1) The name, address and telephone number of both the owner and user of the sound amplifying equipment;
- (2) The maximum sound producing power of the sound amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced, and the approximate distance for which sound will be audible from the sound amplifying equipment;
- (3) The license and motor number if a sound truck is to be used;
- (4) A general description of the sound amplifying equipment which is to be used; and
- (5) Whether the sound amplifying equipment will be used for commercial or noncommercial purposes.

(b) Registration statements; approval. The city clerk shall return to the applicant an approved certified copy of the registration statement unless he finds that:

- (1) The conditions of the motor vehicles movement are such that the use of the equipment would constitute a detriment to traffic safety; or
- (2) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
- (3) The registration statement reveals that the applicant would not be able to comply with the provisions of this ordinance.

(c) Registration statements; disapproval. In the event the registration statement is disapproved, the city clerk shall endorse upon the statement his reasons for disapproval and return it forth with to applicant.

SECTION III FEES Prior to the issuance of the registration statement, a fee in the amount of twenty-five dollars per day, or any portion thereof, shall be paid to the city, if the loudspeaker or sound amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound amplifying equipment for non-commercial purposes.

SECTION IV REGULATIONS The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations.

- (a) The only sounds permitted shall be either music or human speech, or both.
- (b) The operation of sound amplifying equipment shall occur between the hours of 8:00 a.m. and 10:00 p.m. each day except on Sundays and legal holidays. No operation of sound amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 a.m. and 10:00p.m.
- (c) No sound emanating from sound amplifying equipment shall exceed fifteen dbA above the ambient sound level as measured at any property line.
- (d) It shall be unlawful to operate any sound amplifying equipment within two hundred feet of churches, schools, hospitals, or city or county buildings.
- (e) In any event, the volume of sound shall be so controlled that it will not be unreasonable loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

ARTICLE V PENALTIES AND REPEALER

SECTION I Any person violating the provisions of this ordinance ~~sh~~ may be fined in any sum not to exceed \$ 500.00.

SECTION II All ordinances and parts of ordinances ~~and~~ in conflict herewith are hereby repealed.