

## CHAPTER 97 NOISE

### Section

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### § 97.01 DEFINITIONS

**Excessive loud and/or harsh noise:** Any noise which is plainly audible by a person with normal hearing at a distance of 50 feet from its point of origin or emanation.

**Person:** Any person, firm, association, partnership, joint venture, corporation or any private entity of any nature.

(Ord. 34-2003, passed 11-17-2003)

### § 97.02 PROHIBITED ACTIVITY

It shall be unlawful for any person within the City to make, continue, or cause to be made or continued, any unreasonably loud, harsh, excessive or unnecessary or unusual noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others unless the making and continuing of the noise is necessary for the protection or preservation of property or the life, health or safety of a person or persons.

Said offensive noise activity may include, but is not limited to, sounds from horns, radios, stereos, any amplification system, musical instrument, or any other device which causes noise of any kind.

Further prohibited is the use or operation of any vehicle on any public or private property in such a manner as to produce any unreasonably loud, harsh or excessive noise, or to discharge into the open air the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

A person may be cited as violating this ordinance for the production of any noise that is excessively loud or harsh.

(Ord. 34-2003, passed 11-17-2003)

### § 97.03 EXEMPTED NOISE

Specifically exempted from violation of this ordinance are the following noises:

1. Amplified noise for which a permit has been issued by the Elizabethtown Police Department;
2. Noise from safety signals, warning devices and emergency pressure relief valves;
3. Noise resulting from any authorized emergency vehicle or law enforcement activity or training facilities;
4. Noises resulting from construction or demolition activity;
5. Noises from the use of farm machinery, lawn mowers or other machinery properly muffled utilized for agricultural or landscaping purposes;

6. Noises originating or emanating from religious activities, public recreational facilities such as, but not limited to, fairgrounds, sport arenas, sports stadiums, amusement parks and other public amusement establishments;
7. The operation of any aircraft in conformity with, or pursuant to, federal law, federal air regulations and/or air traffic control instructions.

(Ord. 34-2003, passed 11-17-2003)

#### **§ 97.99 PENALTY**

Any person violating this section shall be fined in an amount not less than twenty (\$20.00) nor more than two hundred fifty dollars (\$250.00); each day the violation is continued shall constitute a separate offense. Any person violating this ordinance may also be found guilty of a civil offense. The civil fine shall be not less than twenty (\$20.00) nor more than two hundred fifty dollars (\$250.00). The civil fine shall be paid directly to the City of Elizabethtown. If the fine is not paid within thirty (30) days from the date of notification, then the City may recover said fine in a civil action in a Court of proper jurisdiction. The City may also obtain injunctions or abatement orders to insure compliance with this ordinance or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.

The citing officer may at his or discretion cite the offender to appear before the Code Enforcement Board.

(Ord. 34-2003, passed 11-17-2003)