

CHAPTER 92: NOISE

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§ 92.01 PURPOSE.

It is hereby declared, as a matter of public policy of Boone County, that:

(A) The making, creation or maintenance of noise of various kinds and by various means that is unreasonably loud, injurious to health, indecent, offensive or an obstruction to the free use of property within the county has so increased as to constitute a public nuisance; and

(B) The making, creation or maintenance of noise of various kinds and by various means that is unreasonably loud, injurious to health, indecent, offensive or an obstruction to the free use of property and is prolonged in its time, place and use, adversely affects and is a detriment to the comfort, repose, health, peace and safety of the residents of and visitors to the county; and

(C) The necessity, in the public interest, for the declaration of this public policy as set forth in the provisions of this chapter is declared as a matter of legislative determination and is designed to secure and promote the comfort, repose, health, peace and safety of the residents of and visitors to the county.

(Ord. 2007-14, passed 7-16-2007)

§ 92.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

STRUCTURE. Anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having a fixed location on or in the ground. Structures include buildings, mobile homes, walls, parking areas and public and private infrastructure.

(Ord. 2007-14, passed 7-16-2007)

§ 92.03 UNLAWFUL NOISE.

(A) *Generally.* Except as otherwise provided in this chapter, it shall be unlawful for any person to make, create or maintain any noise that is:

(1) Unreasonably loud, injurious to health, indecent, offensive or an obstruction to the free use of property within the county; or

(2) Adversely or substantially affects, annoys, disturbs, injures or endangers the comfort, repose, health and peace and safety of others within the county.

(B) *Violations.* Accordingly, the following acts, among others, are declared to be unlawful noises in violation of this chapter:

(1) *Construction or repair of buildings or structures.* The erection, demolition, alteration or repair of any building, or the excavation therefor, at any times other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Sunday. There shall be an exception to this constituting unlawful noise in the case of an emergency or urgent necessity in the interest of public health and safety, but then only with a permit from the County Building Inspector which permit may be granted for a period not to exceed three days while the emergency or urgent necessity continues and which permit may be renewed for an additional period up to three additional days while the emergency or urgent necessity continues.

(2) *Music and electronic devices.* Playing, using or operating, or permitting to be played, used or operated, any radio or television set, musical instrument, or other machine or electronic device for producing or reproducing sound in such a manner as to make, create or maintain an unlawful noise, or at any time with volume louder than is necessary for convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or electronic device is

operation. The operation of such set, instrument, machine or electronic device between the hours of 12:00 a.m. and 7:00 a.m. in such a manner as to be plainly audible in the immediate vicinity of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this division.

(3) *Exhaust.* The discharge into the open air of any unlawful noise created by the exhaust of any internal combustion engine, or any type of engine or power unit on a motorcycle or other motor vehicle or craft of any kind, except through a muffler or other device that will effectively reduce and prevent unlawful noise therefrom except for farm vehicles. A motor vehicle must be equipped with a muffler or other noise dissipation device that is in good working order and is in constant operation to prevent unlawful noise.

(4) *Special use vehicles and equipment.* The operation of off-road vehicles, ATVs, snowmobile and other special use vehicles shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. 2007-14, passed 7-16-2007)

§ 92.04 UNLAWFUL NOISE FROM A BUILDING OR STRUCTURE.

It shall be unlawful for any person to permit persons creating unlawful noise or persons of disorderly character to assemble in any Building or Structure owned, occupied, or controlled by him or her. A person who recklessly, knowingly, or intentionally engages in conduct which makes unlawful noise and continues to do so after being directed or requested to stop commits disorderly conduct.

(Ord. 2007-14, passed 7-16-2007)

§ 92.05 EXCEPTIONS.

The following are exempted from the provisions of this chapter:

(A) Noise or sounds emitted from any authorized emergency vehicle.

(B) Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances or any other event authorized by the county.

(C) Noise arising from or created by athletic or sporting practices or events.

(D) Sounds associated with the normal conduct of legally established non-transient businesses when such sounds are customary and within the normal range appropriate for such use and do not constitute unlawful noise. Noises ordinarily associated with agricultural uses. Noises ordinarily associated with aircrafts, airports and trains.

(Ord. 2007-14, passed 7-16-2007)

§ 92.06 ENTRY ONTO PRIVATE PROPERTY.

(A) Any duly authorized law enforcement officers or representatives in the course of their duties in enforcing this chapter shall have the right to enter onto private property, provided that they have probable cause that a violation of this chapter is occurring or has occurred, but they shall not enter into any structure or building without permission or authorization to do so.

(B) For the purpose of determining compliance with the provisions of this chapter the Boone County Sheriff or its authorized representatives are hereby authorized to make inspections of all sources of noise whenever necessary to determine the quantity and character of such noise. If any person refuses or restricts entry and free access to any part of a building or structure, or refuses inspection of any activity, device, facility, motor vehicle, or process where inspection is sought, such officer or their authorized representatives may seek from the county court a warrant for inspection requiring that such person permit entry and free access without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise. The county court shall have power, jurisdiction and authority to enforce all orders issued under the provisions of this chapter.

(Ord. 2007-14, passed 7-16-2007)

§ 92.99 PENALTY.

If any duly authorized law enforcement officer or representative has probable cause that a violation of this chapter is occurring or has occurred, the officer or representative shall first give a verbal warning to the person believed to be violating this chapter. After issuance of the verbal warning from the officer or representative, the officer or representative may write a ticket for a subsequent or continuing violation of the provisions of this chapter. A person violating the provision of this chapter or an order issued under authority of this chapter after receipt of a verbal warning shall, upon conviction, be guilty of a violation. A violation of this chapter shall carry a fine, which fine shall be an amount, fixed by the court in its discretion, not greater than \$250 per violation, or \$100 if paid at least seven days in advance of the scheduled hearing or appearance date in court for such violation.

(Ord. 2007-14, passed 7-16-2007)