

## **CHAPTER 405**

### **NOISE CONTROL**

#### **SECTION:**

- 405.01: General Prohibition
- 405.02: Specific Restrictions
- 405.03: Hourly Restrictions of Certain Operations
- 405.04: Noise Variances
- 405.05: Enforcement and Impact Statements

#### **405.01: GENERAL PROHIBITION:**

No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions contained in Section 405.02 below. (Ord. 927, 6-30-1983)

#### **405.02: SPECIFIC RESTRICTIONS:**

- A. Horns, Audible Signaling Devices, Etc.: No person shall sound any audible signaling device on any vehicle except as a warning of danger.
- B. Exhaust: No person shall discharge the exhaust or permit the discharge of exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises, and complies with all applicable State laws and regulations.
- C. Defective Vehicles or Loads: No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
- D. Loading, Unloading, Unpacking: No person shall create loud and excessive noise in loading, unloading or unpacking any vehicle.
- E. Radios, Phonographs, Paging Systems, Etc.: No person shall use, operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 P.M. and 7:00A.M., in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent or at a distance of 50 feet if the source is located in a structure or building, shall be prima facie evidence of a violation of this Chapter.
- F. Participation In Noisy Parties Or Gatherings: No person shall participate in any party or other gathering of people giving rise to noise disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.
- G. Loudspeakers, Amplifiers for Advertising, Etc.: No person shall operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production

or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment.

- H. Amplified sound from motor vehicles: It shall be a violation of this Chapter to play, operate or permit the playing, use of operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or alley, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this section is produced or reproduced by any such device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this section is guilty of the violation. (Ord. 1315, 02-14-2005)
- I. Animals: The provisions of Chapter 501 of this Code shall govern unreasonable noises created by animals.
- J. Schools, Churches, Etc.: No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning or church when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents.
- K. Air Conditioning Units: No person shall place, maintain or operate an air conditioning unit in such a manner so as to unreasonably disturb the peace, quiet and comfort of persons using adjacent properties. (Ord. 927, 6-30-1983)

#### **405.03: HOURLY RESTRICTIONS OF CERTAIN OPERATIONS:**

- A. Recreational Vehicles: No persons shall, between the hours of 9:00 P.M. and 7:00 A.M., drive or operate any minibike or other recreational vehicle not licensed for travel on public highways. (Ord. 1553, 6-4-2018)
- B. Domestic Power Equipment: No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment, except between the hours of 7:00 A.M. and 9:00 P.M. on any weekday, or between the hours of 9:00A.M. and 9:00 P.M. on any weekend or legal holiday. Snow removal equipment is exempt from this provision. (Ord. 1553, 6-4-2018)
- C. Refuse Handling: No person shall collect or remove garbage or refuse in any residential district except between the hours of 7:00 A.M. and 9:00P.M. on any weekday or between the hours of 9:00 A.M. and 9:00 P.M. on any weekend or legal holiday. (Ord. 1553, 6-4-2018)
- D. Construction Activities: No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas powered machine or other power equipment except between the hours of 7:00 A.M. and 9:00) P.M. on any weekday, or between the hours of 9:00A.M. and 9:00 P.M. on any weekend or legal holiday. (Ord. 1553, 6-4-2018)
- E. Snowmobiles: Snowmobiles shall be operated only at times allowed by Section 604.03 of this Code. (Ord. 927, 6-30-1983)

#### **405.035: EXEMPTIONS:**

- A. Any construction or maintenance activity in which the City of Roseville is considered the owner and/or the project engineer on the project, is exempt from Chapter 405 of the

City Code regarding Noise Control subject to the following:

1. All work shall be done during normal working hours as described in 405.03 of the Roseville City Code unless circumstances or conditions require work be done outside of these hours or if it is determined that there is significant benefit to surrounding properties and/or the general public by performing work outside of these hours. Only projects listed below are exempt;
    - a. Sewer Lining projects which take more than 12 hours per segment
    - b. Water main or valve replacement work which would impact significant amount of residents or business during normal working hours.
    - c. High traffic areas where a lane closure or full road closure is required, but doing so during normal working hours would create a significant impact on the general public, residents and businesses surrounding the work area.
  2. Work outside of normal working hours as described in 405.03 is limited to a maximum of two days per project segment as notified in subpart B.
- B. If work will be performed outside of normal working hours as described in 405.03 the City shall notify the residents/businesses within 500 feet of the project as far in advance as practical. At minimum residents shall be notified seven days in advance of the work via a mailed letter. The City Manager, Mayor and Council shall also be notified. The letter, at minimum, shall indicate the necessity of the work, schedule of the work, the scope of the work, the impacts and the mitigation techniques that will be used to minimize impacts.  
(Ord. 1548, 4-9-2018)

#### **405.04: NOISE VARIANCES:**

Any person may apply to the City Council for a variance from the requirements of this Chapter prior to doing those acts. The applicant shall provide a certified list of property owners within 350 feet of the site(s) where the activity is to occur. The Council procedure for public hearings shall be as set forth in Chapter 108 of this Code. For good cause shown, the City Council may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Council may impose reasonable conditions to it. (Ord. 1175A, 11-25-1996)

#### **405.05: ENFORCEMENT AND IMPACT STATEMENTS:**

- A. Civil Remedies: In addition to criminal penalties, this Chapter may be enforced by injunction, action for abatement or other appropriate civil remedies.
- B. Noise Impact Statements: The City Council may require any person applying for a change in zoning classification, permit or license for any structure, operation, process, installation, alteration or project that may be considered a potential noise source to submit a noise impact statement. The City Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested. (Ord. 927, 6-30-1983; 1995 Code)