

ORDINANCE NO. 159

AN ORDINANCE REGULATING AND RESTRICTING NOISE POLLUTION  
IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS,  
IOWA:

Section 1. PURPOSE. Excessive noise is a serious hazard to the public health and welfare and the quality of life in a close urban society. The purpose of this Ordinance is to establish standards for the control of noise pollution that interferes with the comfortable enjoyment of life, property, recreation or the conduct of business.

Section 2. SPECIFIC ACTIVITIES PROHIBITED. The following acts are deemed to be loud, disturbing, unusual, unreasonable and unnecessary noises in violation of this Ordinance, but said list shall not be deemed to be all inclusive:

- a. No person shall operate construction equipment before 7:00 a.m. and after 7:00 p.m., unless a permit therefor has been obtained from the University Heights City Council.
- b. No person shall use, operate or cause to be used or operated any radio, record player, stereo, tape deck or player, compact disc player, MP3 player, amplifier, speaker, sound amplifying device or similar device for producing, reproducing, or amplifying sound upon the public streets or in any building or upon any premises, public or private, if the sound therefrom is plainly audible to the general public across a residential real property boundary from any public street or public place within the City, and unreasonably disturbs the peace, quiet, and comfort of the general public, unless the person has a permit or express permission from the City. For purposes of this Section, "general public" includes persons beyond the subject premises and/or persons upon public places, including law enforcement officers. For purposes of this Section, "plainly audible noise" shall mean any noise for which the information content of the noise is transferred to the listener such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or lowered, or comprehension of musical rhythms.

- c. No person shall make or cause, permit or allow to be made upon the public streets or in any building or upon any premises, public or private, as to be plainly audible to the general public across a residential real property boundary from any public street or public place within the City, any noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, hammer, drum, horn, other musical instrument, wind instrument, mechanical device or other similar device, unless the person has a permit from the University Heights City Council. For purposes of this Section, "general public" includes persons beyond the subject premises and/or persons upon public places, including law enforcement officers. For purposes of this Section, "plainly audible noise" shall mean any noise for which the information content of the noise is transferred to the listener such as, but not limited to, understanding spoken speech, comprehension of whether a voice is raised or lowered, or comprehension of musical rhythms.

Section 3. EXCEPTIONS TO PROVISIONS.

- a. The following exceptions to the above provisions shall apply to the activities listed below at all times:
  - 1) Sound produced by a vehicle motor while the vehicle is moving on a public right-of-way.
  - 2) Sound produced by any governmental body, or the representatives, agents, employees, contractors, or subcontractors, in the performance of a governmental function, including work performed by or for public or private utilities.
  - 3) The emission of sound in the performance of emergency work, including snow removal and maintenance of trees.
  - 4) The emission of sound from non-professional athletic and school events or practices.
  - 5) Cement sawing of freshly poured concrete street, alley, side walk, or road surface.
- b. The following exceptions to the above provisions shall only apply to the activities listed below between the hours of 7:00 a.m. to 9:00 p.m.:

- 1) The emission of sound through the unamplified human voice.
- 2) The activity, operation or noise source emanates from an operation or activity (including, by way of example only, but not limited to, construction, reconstruction, remodeling and rebuilding of any structure or place in conformity with applicable provisions of this Code and state law) that cannot be reasonably done in an alternative manner, time, or place so as to otherwise comply with this Ordinance.
- 3) The emission or sound from the use of lawn and garden equipment and chainsaws.

Section 4. PENALTIES FOR VIOLATION. Any person who violates this Ordinance is guilty of a simple misdemeanor and shall be fined \$250.00.

Section 5. SAVING CLAUSE. In the event any word, phrase, sentence, paragraph or section contained in this Ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this Ordinance would have been enacted and remain in full force and effect.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council this 14<sup>th</sup> day of August, 2007, and approved this 14<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Mayor

ATTEST: (seal)

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City Clerk