

Chapter 7.41 NOISE [\(back to top\)](#)

Section 7.41.010 Loud and unnecessary noise prohibited.

(a) It is unlawful for any person to make, continue, or allow to be made or continued, any excessive, unnecessary, unusual or loud noise which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

(b) The following acts, which enumeration shall not be deemed to be exclusive, are hereby declared to be noise nuisances in violation of this section and are unlawful:

(1) The playing or permitting or causing the playing of any radio, radio receiving set, television, phonograph, "boom box," loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound when done in such a manner or with such volume, intensity, or with continued duration so as to annoy, to distress, or to disturb the quiet, comfort, or repose of any person of reasonable sensibilities within the vicinity or hearing thereof. This subsection shall not apply to persons who have written authorization for an event which includes use of such a device, or to the police or public authorities who are using such a device in the performance of their duties.

(2) Steam Whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the opening or closing of the establishment or institution, or of the time to begin or stop work, or as a warning of danger.

(3) Exhaust of Steam Engines, Etc. The discharge into the open air of the exhaust of any stationary steam engine, internal combustion engine, noise creating blower or power fans, or devices operated by compressed air, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(5) Motor Vehicles. The use of any motor vehicle, motorcycle, bus or other vehicle so out of repair or in such a manner as to create loud or unnecessary grating, grinding, rattling, or other noise which shall annoy, distress, or disturb the quiet, comfort, or repose of any person of reasonable sensibilities within the vicinity.

(6) Peddlers, Hawkers, Etc. The raucous shouting, whistling, yelling, singing, hooting, or crying of peddlers, hawkers, vendors before eight a.m. or after ten p.m.

(7) Construction. The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools, or equipment used in construction, excavation, drilling, demolition, alteration or repair work:

(i) Other than between the hours of seven a.m. and ten p.m.;

(ii) This subsection shall not apply in cases of extreme and urgent necessity in the interest of public safety and convenience, and then only by permit obtained from and issued by the director of public works, or any of the director's duly appointed assistants.

(8) Loading and Unloading. The creation of loud, excessive and unreasonable noise in connection with loading or unloading any vehicle, in the opening and destruction of bales, boxes, crates and containers or in the handling of ash, trash and garbage cans, either in the loading or unloading, or the creation by improper loading of excessive and unreasonable noise by the transportation of any materials over and along streets. (Ord. No. 41-918 § 1)

Section 7.41.020 Classification and measurement of noise.

For the purposes of determining and classifying any noise from a fixed, stationary source as loud, unusual or unnecessary as declared to be unlawful and prohibited by Section 7.41.010(a) herein, the following test measurements and requirements may be applied:

(a) Noise occurring within the jurisdiction of the city shall be measured at a distance of at least twenty-five feet from a noise source if located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, at least twenty-five feet from the property line of the property on which the noise source is located.

(b)(1) The noise shall be measured on the "A" weighing scale on sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.

(2) For purposes of this section, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour, or twenty-five miles per hour with a wind screen.

(3) In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement. (Ord. No. 41-918 § 2)

Section 7.41.030 Excessive noise levels.

(a) A noise measured or registered as provided herein from any source not exempted by this chapter at a level which is equal to or in excess of the db(A) established for the time period and zones listed below or that exceeds the background level by five db(A), whichever is greater, is declared to be excessive, unusual, loud and unnecessary, for the purposes of Section 8.41.010:

Zone	8 a.m. to next 10 p.m.	10 p.m. to next 8 a.m.
Residential	55 db{A}	50 db(A)
Commercial	60 db{A}	55 db(A)
Light Industrial	70 db{A}	65 db(A)
Industrial	80 db{A}	75 db(A)

Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares, and is established by measuring the noise level over a fifteen-minute period of time.

(b) The noise levels for subsection (a) of this section shall be modified for the Old Town district as follows:

(1) Noise levels may exceed background levels by five db(A) to a maximum of eighty db(A).

(2) Noise levels shall be measured from the outside property line when measurements are being made of an activity on a property other than streets or public right-of-way.

(3) Noise levels under this section may be increased or waived for specific special events when approved in advance by the city manager under procedures adopted by the city council.

(c) For purposes of this section, the aforementioned zones shall be defined as follows:

(1) "Residential" means an area of single or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple unit dwellings, high-rise apartment districts and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. "Residential" zone includes educational facilities, hospitals, nursing homes and similar institutions.

(2) "Commercial" means an area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments located within walking distances of the residents served; a tourist-oriented area where hotels, motels and gasoline stations are located; a large integrated regional shopping center; a business trip along a main street containing offices, retail businesses and commercial enterprises; a central business district; or a commercially dominated area with multiple unit dwellings.

(3) "Light industrial" means an area containing clean and quiet research laboratories, an area containing light industrial activities which are clean and quiet; an area containing warehousing; or an area in which other activities are conducted where the general environment is free from concentrated industrial activity.

(4) "Industrial" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity, but shall not include agricultural operation.

(5) "Old Town district" means the Old Town overlay district as defined in the zoning code.

(6) Adjacent Zones. When a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern. (Ord. No. 44-294 § 1)

Section 7.41.040 Exceptions.

The following activities, as long as they are conducted in daytime hours as a normal function of a permitted use and the equipment is maintained in proper working condition, are excepted from the provisions of this chapter:

- (a) Lawn maintenance;
- (b) Repair of personal use vehicles;
- (c) Home repair of place of residence. (Ord. No. 41-581 § 4)

Section 7.41.050 Enforcement.

In addition to all law enforcement officers, the following personnel employed by the city shall have the power to enforce the provisions of this section:

- (a) All health officers that are authorized representatives of the director of the Wichita-Sedgwick County department of community health;
- (b) All authorized representatives of the superintendent of central inspection. (Ord. No. 41-581 § 5)

Section 7.41.060 Penalty.

Any person who violates any of the provisions of this section within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars or be imprisoned in jail for a period not to exceed six months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. 41-581 § 6)