

93.70 NOISE LIMITATIONS FROM SOUND AMPLIFICATION DEVICES

(A) No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, compact disk player, loud speaker, or any other sound amplifying device, or by a horn, drum, piano, or other musical or percussion instrument in the following circumstances:

(1) On private residential property between the hours of 10:00 p.m. and 8:00 a.m. where the sound is audible more than 60 feet from the source of the sound at a decimal level of between 90 and 100;

(2) On private residential property between the hours of 8:01 a.m. and 9:59 p.m. where the sound is audible more than 150 feet from the source of the sound at decimal level of between 90 and 100;

(3) On two-family and multi-family dwellings between the hours of 10:00 p.m. and 8:00 a.m. where the sound is audible beyond the confines of the unit at a decimal level of between 90 and 100 from where the source of the sound is generated;

(4) On commercial property between the hours of 11:00 p.m. and 8:00 a.m. where the sound is audible more than 150 feet from the source of the sound at a decimal level of between 90 and 100; or

(5) On a street, road or highway, on public property, or in the public right of way where the sound is audible 60 feet from the device generating the sound at a decimal level between 90 and 100. Persons in possession of a current parade permit, activities authorized by ordinance, resolution, contract or motion of Village Council, activities authorized by a permit, or activities of a school are exempt from the provisions of this subparagraph.

(6) On commercial property between the hours of 8:01 a.m. and 10:59 p.m. where the sound is audible more than 300 feet from the source of the sound at a decimal level of between 90 and 100.

(B) The measuring device for Section (A) will be a decimal meter. Words or phrases need not be discernable and bass reverberations are included.

(C) No person, being the owner, or person in possession of a premises, or a person in control of the premises by reason of employment, agency or otherwise, whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.

(D) Warning and alarm devices which have the purpose of signaling unsafe or dangerous conditions or situations, or calling for police, are exempt from the provisions of this section when used for such purposes.

(E) Violations of Section (1), (2), (3) and (4) will not be enforced unless a formal complaint is filed with the Aberdeen Police Department. The filer of the complaint must be personally aggrieved by the violation. This does not apply to the following:

(1) Violations of Section 93.70(A)(5)

(F) Permits may be obtained for one day variances of this Ordinance which allows for the extension of the time limits and the audible distance with the approval of any of the following

(1) Mayor

(2) Simple motion of village council

(G) The application for a permit does not guarantee that one will be granted

(H) Whoever violates this section is guilty of using unreasonable sound amplifying devices, a minor misdemeanor, except that if the offender persists in the unreasonable use of sound amplifying devices after reasonable warning or request to desist, using unreasonable sound amplifying devices is a misdemeanor of the fourth degree. The penalty shall be as provided in Section 10.99.