ORDINANCE 2025-03

AN ORDINANCE WRITTEN TO, MANAGE, REGULATE AND CONTROL NOISE WITHIN THE DEWEYVILLE TOWN LIMITS.

WHEREAS, The Deweyville Town Council finds, after investigation, receiving input from the public, and from research by experts in the field, that the creation of noise within the town may interfere with or disturb the well-being of the citizens and could create a danger to the general health, safety, and welfare of residents. Such noises generally may be classified under one of three (3) headings hereafter, beginning with the least offensive and proceeding to those which are the most harmful and offensive:

A. **Sounds Of Agriculture, Commerce, and Industry**: In this category are those noises necessarily made by farm animals, vehicles, and machines, commercial vehicles in process of transporting persons or goods, necessary noises of construction or demolition and other sounds necessarily connected with the carrying on of modern life. The enforcement authorities of the town are authorized to work with the producers of this type of noise to eliminate, mitigate, or modify and/or muffle such sounds in a way that will minimize the disturbing effects of the noise. Creation of such noises, when they reach such a state that they become harmful or disturbing, are declared to be a public nuisance and shall be abated. Continued refusal to modify excessive noise is declared to be a class c misdemeanor, subject to penalty as provided in section 1.9 Penalties of this code.

B. **Public Disturbance Noises**:

1. In this category are those noises, which because of their intensity, the decibel level, the constancy of the noise or proximity to residences, and generally inhabited areas, create a disturbance to human life and efficiency. Included in this category and typical thereof, though not exclusive of others not so listed, would be the following:

a. Loud machinery and pneumatic apparatus, inadequate or defective muffled vehicle engines and motors.

b. Amplified music or voices (i.e. music or talk radio emanating from a radio or boombox style amplification source), or other amplified sounds.

c. Miscellaneous noises, including those of residential animals (i.e. barking dogs, crowing roosters, etc.), machinery, gunfire, etc., when their emission creates a public disturbance, either because of the intensity, or disturbing nature and/or the time of the emission.

2. Noises of these categories are determined to be not only a nuisance which may be abated by the proper authorities in the town but are unlawful and each occurrence shall constitute a class c misdemeanor, subject to penalty as provided in section 1.9 Penalties of this code.

C. **Intentionally Caused Noises**: In this category are those noises which are deliberate and caused for the sake of making noise without regard to the comfort, sleep or general health and welfare of town residents. Production of such noise is unlawful and constitutes a class C misdemeanor, subject to penalty as provided in section 1.9 Penalties of this code. Typical of this type of noises are the following:

1. Improperly muffled vehicle engines, when the same are rapidly accelerated or decelerated, and especially during such hours that they are likely to interfere with the sleep or peaceful calm of residential neighborhoods.
2. Sounds that are mechanically, pneumatically, or electronically produced or amplified, when the same are not enclosed within a building or enclosure which absorbs the sound so as not to disturb the surrounding area.
3. Sounds or music created or amplified within a public building or enclosure with such volume and intensity that the sound produced is actually or potentially dangerous to hearers within the enclosure.

WHEREAS, it is the intent of the town to foster a rural residential and agricultural atmosphere wherein residents have the right to use and enjoy their property as long as their actions do not unreasonably interfere with the rights of neighboring property owners. This right ensures that your neighbors do not disturb or cause harm to you and your property as well.

WHEREAS, every resident and property owner must acknowledge that all residents and property owners have equal rights of quiet enjoyment. It is incumbent upon each resident or property owner to evaluate their own actions to minimize opportunity for disagreement. The best solution is cooperate and compromise between residents.

WHEREAS, the desired resolution of an occurrence of or perception of any Public Disturbance Noise, or Intentionally Caused Noise from nearby property owner is between neighbors and/or property owners. Mitigation to minimize, modify, or eliminate the issue (i.e. headphones or earbuds instead of speakers) is preferable. Disputes, disagreements, or complaints from property owners to the Town becomes official public record and the reported incident/infraction becomes matter for investigation and analysis.

WHEREAS, Investigation includes the standards of measurement hereinafter set forth, which will take into account the latest advances in noise measurement and control while at the same time preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, sound level measurements, while desirable, shall not be required to demonstrate violation of this chapter if other evidence or testimony establishes the creation of a disturbance or public nuisance.

WHEREAS, no event shall the peak intensity of sound exceed a sound level in excess of the following limits, measured in decibels, using, unless otherwise mentioned, the "A" frequency weighing and the "slow" response characteristic of a sound level meter conforming in all respects to the American National Standards Institute (ANSI) standard section, as revised, for type 2 instruments.

WHEREAS, the microphone used to measure the intensity of a noise may be placed at any point on the property line (if the noise source radiates into private property) or at any point fifty feet (50') distance from the noise source being measured and shall be at least five feet (5') from any wall and not less than three feet (3') above the

ground. If it is not possible to measure five feet (5') from a wall, five (5) dB variance will be allowed. When measurements are made inside buildings or enclosures, readings may be obtained from any area to which persons may have access. The following limits refer to the largest reading obtained, using the procedure set out in this section.

WHEREAS, exceeding the following limits shall constitute violation of this chapter:

A. Continuous and Intermittent Noises: Continuous and intermittent noises shall not exceed: Day 85 dBA, Night 55 dBA

B. Continuous Noises: Continuous noises shall not exceed : Day 65 dBA, Night 50 dBA

C. Intermittent Noises: Intermittent noises shall not exceed: Day 70 dBA, Night 60 dBA

D. Impulse Noises: Impulse noises shall not exceed the following levels, measured on the "fast" response scale of the sound level meter: Day 75 dBA, Night 69 dBA

E. Unlawful To Sustain Sound Level: It is unlawful to sustain in any open public place such as the Town Park or Town Cemetery, any sound level measured with the "slow" response characteristic equal to or in excess of:

One hundred five (105) dBA at any time (if the sound level exceeds 105 dBA at any time, a mandatory 10-minute sound break at a level below 85 dBA will be taken). The restriction contained in this subsection is in addition to any other applicable limits stated in this section.

WHEREAS, it is hereby recognized that certain community noise sources and activities are beyond the practical control of the town. The following noise sources and activities are therefore exempted from the provisions of this chapter:

1. Agricultural activities necessary for the reasonable and efficient operation of an agricultural operation (farm, dairy, animal husbandry, etc.) regardless of time of day. It is known that certain seasonal agricultural activities (i.e., bailing or harvesting) may run 24-hours in a day.
2. Town or state roadway construction projects during typical construction working hours from six o'clock AM (6:00 AM) to nine o'clock PM (9:00 PM). Noise from roadway construction projects between the hours of nine oh one o'clock PM (9:01 PM) and five fifty-nine o'clock (5:59 AM) may also be exempt from the provisions of this chapter, as long as a permit is obtained from the Town. The permit must be in writing and shall state the dBA limitation (maximum allowed) and shall be for one project only. Other reasonable regulations may be imposed by the town in order to protect the public peace and welfare. The exemption shall be deemed withdrawn if the dBA limit is not strictly adhered to or any other reasonable limitation is violated. Any violation shall be a class c misdemeanor, subject to penalty as provided in section 1-9 Penalties of this code.
3. Sounds created by emergency activities or emergency vehicles.

4. Sounds giving warning of emergencies including police or fire sirens, fire and burglar alarms (except continuous vehicle alarms).
5. Emergency repairs to buildings or vehicles.
6. Town sponsored public events and activities occurring as part of any Town celebrations.

B. Sounds created by parades, carnivals, dances, fireworks display, or other special public social events not specifically mentioned in subsection A of this section shall be exempt from the provisions of this chapter as long as a permit is obtained from the town. The permit must be in writing and shall state the dBA limitation (maximum allowed) and the hours the exemption is in force and shall be for one event only. Other reasonable regulations may be imposed by the town council in order to protect the public peace and welfare. The exemption shall be deemed withdrawn if the dBA limit is not strictly adhered to or if the event continues outside of prescribed hours or any other reasonable limitation is violated. Any violation shall be a Class C misdemeanor, subject to penalty.

WHEREAS, Any person who violates any provision of this chapter shall be deemed guilty of a Class C misdemeanor and, upon conviction therefor, shall be subject to penalty. Each day that a violation occurs shall constitute a separate offense.

ADOPTED AND PASSED by the Deweyville Town Council, this 12th day of June, 2025.

The Town of Deweyville:

By: Lesley Kendrick
Lesley Kendrick, Mayor

Attest:

Nancy Page
Nancy Page, Town Recorder

COUNCIL MEMBERS VOTE

	Aye	Nay	Abstain	Absent
Lesley Kendrick	___	___	___	___
Nate Spackman	✓	___	___	___
April Litchford	___	___	___	✓
Les Wheatley	✓	___	___	___
Eric Page	✓	___	___	___