

NOISE ORDINANCE

I. Definitions.

For purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

- A. “Emergency work” means work made necessary to restore property to a safe condition following a public disaster, work required to protect persons or property from imminent exposure to danger or work by private or public utilities for providing or restoring immediately necessary utility service.
- B. “Vehicle” means a device capable of being moved upon a public highway.
- C. “Noise” means the intensity and duration of sounds from any and all sources.
- D. “Person” means any individual, corporation, partnership, association, governmental body or other entity whatsoever.
- E. “Plainly audible” means any sound that can be detected by a person using his or her unaided hearing faculties.

All other terms shall be interpreted in conformance with their usual and ordinary meaning.

II. Noise disturbances.

A. It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise between the hours of 10:00 p.m. and 7:00 a.m. Noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of the community. Any such noise shall be considered to be a public nuisance and an unlawful noise disturbance, unless covered under an exemption.

B. It shall be unlawful for any person to make or cause to be made any of the following loud or unreasonable noises at any time. Such noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of the community. The following noises shall be considered to be a public nuisance and an unlawful noise disturbance regardless of the time of day (unless covered under the exemptions):

- 1. Frequent, repetitive, or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors of real property;

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a vehicle except as a warning of danger or specifically permitted or required by law;
3. The creation of frequent, repetitive, or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any vehicle, motorcycle, or off-highway vehicle so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;
4. The creation of frequent, repetitive, or continuous noise by use of a musical instrument, whistle, sound amplifier, stereo, radio, television, or other device capable of reproducing sound so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;
5. Sound from a vehicle audio system, such as a radio, tape player or compact disc player, which is operated at such a volume that it is plainly audible by a person of normal hearing at a distance of 75 feet or more from the vehicle itself and lasts more than 30 seconds;
6. Sound from portable audio equipment, such as a radio, tape player or compact disc player, which is operated at such a volume that it is plainly audible by a person of normal hearing at a distance of 75 feet or more from the source of the sound and lasts for more than 30 seconds; or
7. Yelling, shouting, or otherwise making loud and raucous noise which unreasonably disturbs or interferes with the peace, comfort, and repose of owners or possessors of real property; or
8. Sound from fireworks (unless explicitly permitted by Tribal Council in writing);
9. Any other repetitive and unreasonably loud noise not otherwise listed or covered under the exemptions.

III. Exemptions.

The following noises are exempt from the provisions of this chapter, unless modified by Tribal Council via Ordinance, code provision, regulation or resolution:

- A. Noise originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;
- B. Noise created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible;

C. Noise created by emergency work necessary in the interest of law enforcement or for the health, safety, or welfare of the community;

D. Noise originating from officially sanctioned Tribal, government or school events including but not limited to: parades, sporting events, and other public events;

E. Noise created by natural phenomenon;

F. Noise created by unamplified human voices except yelling, shouting, or otherwise making loud and raucous noise which unreasonably disturbs or interferes with the peace, comfort, and repose of owners or possessors of real property;

G. Noise created from school marching bands while practicing or parades on public streets;

H. Noise created by ships and other vessels engaged in interstate commerce;

I. Noise created by ships and other vessels navigating in adverse weather conditions such as fog;

IV. Penalties.

Any person violating this chapter shall be guilty of a misdemeanor.