

**AN ORDINANCE ESTABLISHING A VIOLATION FOR LOUD NOISE IN THE CITY OF WOOD HEIGHTS, MISSOURI BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:**

**SECTION 1. LOUD NOISE PROHIBITED.**

- a) It shall be unlawful for any person to make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, response health, peace or safety of others within the city limits of the city.
- b) The acts described in this division, among other, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

**SECTION 2. HORNS AND SIGNALING DEVICES.**

The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as danger warning; the creating by means of any such signaling device of any unreasonable loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up, is hereby declared unlawful.

**SECTION 3. RADIOS, PHONOGRAPHS, etc.**

- a) It shall be unlawful to play or permit to be played any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound in a manner that disturbs the peace, quiet or comfort of the neighboring inhabitants.
- b) Playing or permitting to be played any device described in (a) so that it is plainly audible at a distance of fifty (50) feet from the building, structure or outdoor area in which the device is located shall be prima facie evidence of a violation of this section.
- c) Playing or permitting to be played any device described in subsection (a) so that it is plainly audible at a distance of one hundred (100) feet from the building, structure or outdoor area in which the device is located shall be prima facie evidence of a violation of this section.
- d) Except as allowed in division 2 of this article, it shall be unlawful for the operator of any vehicle to play or permit to be played any sound producing or sound amplifying device in or on the vehicle so that it is plainly audible at a distance of fifty (50) feet from the vehicle.

**SECTION 4: YELLING, SHOUTING, etc.** Yelling, shouting, hooting, whistling, offensive language or singing on a public street, at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or any dwelling, hotel or other type of residence, or of any persons in the vicinity, is hereby declared unlawful.

**SECTION 5. ANIMALS**

- a) The keeping of any animal that, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity is hereby declared unlawful.
- b) No person shall own, keep or harbor any dog which, by loud, continual or frequent barking, howling or yelping, shall annoy or disturb any neighborhood or any person, or which habitually barks at or chases pedestrians, or vehicles, whatsoever, to the annoyance of such pedestrian or drivers of such vehicles; provided, however that this section shall not apply to the city dog pound, veterinary offices and hospitals, or license kennels or pet shops.

**SECTION 6: BLOWING WHISTLES**

The blowing of any locomotive whistle or whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon specific permission of the city council, is hereby declared unlawful.

#### SECTION 7: MUFFLERS REQUIRED

The discharge into the open air of the exhaust of any stem engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from, is hereby declared unlawful.

- a) Except as provided in this section, no person shall use motor vehicle unmuffled compression brakes within the city limits of Wood Heights. It shall be an affirmative defense that said unmuffled compression brakes were applied in an emergency to protect people+ and /or property.
- b) This section shall not apply to vehicles of any municipal fire department, whether or not responding to an emergency.
- c) As used in this section, the term "compression brakes" means the use of the engine and transmission to retard the forward motion of a motor vehicle by compression of the engine. "Compression brakes" are also referred to as "Jake Brakes (brand name)".
- d) The City of Wood Heights shall post at reasonable locations within the boundaries of the City signs indicating "unmuffled compression brakes prohibited" or substantially similar wording. The City Engineer shall have authority to post signs pursuant to this section on roads in the City of Wood Heights in response to reasonable requests from the community or the Board of Alderman.

#### SECTION 8: MOTORS OUT OF REPAIR: LOADS

The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise, is hereby declared unlawful.

#### SECTION 9: LOADING AND UNLOADING

The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is hereby declared unlawful.

#### SECTION 10: CONSTRUCTION, REPAIR AND DEMOLITION OF BUILDING, STREETS

- a) Buildings. It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by demolishing, constructing, altering or repairing any building or structure other than between the hours of sunrise and sunset.
- b) Streets. It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by excavating, grading, paving constructing, altering or repairing any public or private street, drive or parking lot other than between the hours of sunrise and sunset. Nothing in this article shall prevent work on any public street, including utility installation, removal or repair, when the City of Wood Heights has determined that the work is necessary in order to minimize traffic disruption.
- c) Utilities: It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by installing, removing or repairing any utility other than between the hours of sunrise and sunset.
- d) Site preparation: It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by operating any earthmoving, excavating, paving or tree cutting equipment other than between the hours of sunrise and sunset.
- e) Permits: Upon application, the City of Wood Heights may grant a permit to any person extending the hours of work set forth in subparagraphs (a) through (d) for an identified project. The permit shall state the nature, location and extended hours of the work to be done. The permit may be granted for a period of time not to exceed three (3) days and may be renewed for periods not to exceed three (3) days on an emergency basis only as determined by the City of Wood Heights. A permit authorized by this subsection shall be granted only if the City of Wood Heights first determines that the public health and safety will not be impaired by the permitted work and that significant loss or inconvenience would result to any party if the permit were not granted.
- f) Fees: The city shall receive a fee of \$15.00 upon receipt of an application for a permit as provided for in subparagraph (e).

#### SECTION II: IN VICINITY OF SCHOOLS AND CHURCHES

The creation of any excessive noise on any street adjacent to any school, institution of learning,

or church, while the same is in use, which disturbs or unduly annoys is hereby declared unlawful.

**PENALTY**

Any person violating any of the provisions of this article shall be deemed guilty of misdemeanor; and upon conviction thereof, shall be punished by a fine of less than one dollar(\$1.00) to five hundred (\$500.00). Each day such violation committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. It shall be the duty of the Chief of Police and officers of the Police Department to enforce the provisions of this ordinance.

Section III. This Ordinance shall be in effect from and after the date of its passage and approval. All Ordinances or parts of Ordinances in conflict hereafter are hereby repealed (Ordinance Number 98-824-03 and Ordinance 246 are repealed).

Read three times and PASSED by the Board of Alderman and approved by the Mayor this 22 day of September, 2010.

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John D. Allen, Mayor

ATTEST:

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Kimberly Easley, City Clerk