AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING SUB-SECTION 527.04(k) OF ITS GENERAL OFFENSES CODE, AS THE SAME APPLIES TO NOISE CONTROL AND ENGINE BRAKES/COMPRESSION BRAKES.

The City of Morgantown hereby ordains that Subsection 527.04(k) of its General Offenses Code is repealed in its entirety.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

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MAYOR

ADOPTED:

FILED:

_____
CITY CLERK

RECORDED:

527.03 LOUD AND UNNECESSARY NOISES PROHIBITED.

No person shall 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, repose, health, peace or safety of others, within the City.
(Ord. 93-33. Passed 11-16-93.)

527.04 CERTAIN LOUD AND DISTURBING NOISES ENUMERATED.

SEE (K) on next page.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of Section 527.03, but such enumeration shall not be deemed to be exclusive, namely:

(a) Animals and Birds. The keeping of any animal or bird by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(b) Defect in Vehicle or Load. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(c) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower, small power equipment, or similar device used outdoors in residential areas between the hours of 9:00 p.m. and 8:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

(d) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(e) Engine-Repair and Testing. It shall be unlawful for any person to repair, rebuild or test any engine so as to create a noise disturbance.

(f) Exhaust. The discharge into the open air of the exhaust of any steam 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 therefrom.

(g) Horns or 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 a danger warning; the creation 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 signaling device when traffic is for any reason held up.

(h) Loudspeakers/Public Address System.

(1) Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom creates as noise disturbance across a residential real property boundary or within a noise sensitive zone.

(2) Using or operating for any commercial purpose any loudspeaker, public address system, or similar device:

A. Such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone; or

B. Between the hours of 8:00 p.m. and 10:00 a.m. the following day on a public right-of-way or public space.

(i) Radios, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

(1) Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone (except for activities open to the public and for which a permit has been issued by "appropriate authority" according to criteria set forth in Article 315 of the Morgantown City Code);

(2) In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters; or,

(3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

(j) Yelling and Shouting. Yelling, shouting, whistling, hooting, or generally creating a racket on public rights of way or public spaces between the hours of 8:00 p.m. and 10:00 a.m. the following day so as to annoy or disturb the quiet, comfort or repose of persons in any business or residence, or of any person in the vicinity.

(k) Engine Brakes and Compression Brakes. The use of any engine brake, compression brake or mechanical brake which is activated or operated by the compression of a motor vehicle is prohibited within the City limits. Emergency response vehicles shall be exempted from the foregoing prohibition.
(Ord. 01-40. Passed 11-20-01.)

527.05 MEASUREMENT AND CONTROL OF NOISE.

(a) Noise Prohibited. No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set forth herein unless such noise be reasonably necessary to the preservation of life, health, safety or property.

(b) Measurement and Control. It shall be unlawful for any person to cause a sound from a stationary source which exceeds any sound level as set forth in the applicable column in the following table titled "Maximum Permissible Sound Levels" when measured at any point within any other property affected by the sound. Measurement shall be made by a duly authorized individual who is knowledgeable in the proper use of the measurement equipment. Measurement shall be made in slow response, A-weighting, except in the case of impulsive sound which shall be measured with an impulsive sound level meter, ANSI S1.4-1971. Octave band measurements, where noted, shall be made with an octave band analyzer.