

NOISE

8-9-1: PURPOSE:

The purpose of this chapter is the protection of the health, safety, and welfare of the citizens of Rupert. It is determined that sound can and does constitute a hazard to the health, safety, welfare, and quality of life of residents of the city. The mayor and council, by way of Idaho Code section 50-308 are empowered to impose reasonable limitations and regulations upon the production of sound to reduce the harmful effects thereof. Now, therefore, it is hereafter the policy of this city to prevent and regulate sound generated by loud amplification devices wherever it is deemed to be harmful to the health, safety, welfare, or quality of life of the city, and this chapter shall be liberally construed to effectuate that purpose. (Ord. 769, 3-3-1998)

8-9-2: DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply:

ABANDONED OR UNIDENTIFIED VEHICLE: Any vehicle which is left, or which is parked upon any street, alley or public property for a period of twenty four (24) hours or longer within the "restricted parking district", as defined in this section or for a period of seventy two (72) hours or longer within any other district or part of the city, and the owner of which vehicle cannot be found, located or determined, or the owner of which refuses to remove such vehicle from such street, alley or public property upon notice, oral or written, given by the judge or by any member of the police department.

ALLEY OR ALLEYWAY: A minor public way providing secondary access at back or side of property for vehicle or pedestrian traffic.

AUTHORIZED EMERGENCY VEHICLE: Vehicles operated by any fire department, fire district, nonprofit fire protection or fire patrol organization, police,

sheriff or other law enforcement agency, ambulances and like emergency vehicles authorized by the chief of police to mount and use a siren and light of the type approved by the chief of police.

BICYCLE: Every vehicle propelled by human power upon which person may ride, having two (2) tandem wheels, except scooters and similar devices.

CITY: Rupert City, Idaho, or the area within the city limits of Rupert City, Idaho.

COMMERCIAL VEHICLE: Every vehicle designated, maintained or used primarily for the transportation of property or persons for hire, compensation or profit.

COMMON AREA(S): The area(s) of a facility, complex, apartment unit, hotel, motel or the like that are open either to the general public or persons with the permission of the owner or agent of the owner of the area. This definition would include, but not be limited to, the following: swimming pools, restaurants, patios, hot tubs, saunas, laundry rooms, meeting rooms, lobbies, lounges, bars and other areas within the facility that are either constructed or designed for use in this manner.

CROSSWALK: A. That part of a street included within the connections of the lateral lines of the sidewalks at intersections measured from the curbs or in the absence of curbs from the edges of the traversable roadway.

B. Any portion of a street distinctly indicated for pedestrian crossing by lines or other traffic control devices.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

EMERGENCY: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY VEHICLE: A motor vehicle belonging to a fire department, firefighting association, or fire district, an ambulance, or a motor vehicle belonging to a federal, state, county, or municipal law enforcement agency.

GROSS WEIGHT: The weight of a vehicle without load, plus the weight of any load thereon.

INTERSECTION: The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the intersecting highways or the area within which vehicles traveling on different highways may come into conflict.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

LOADING ZONE: A space or section of a street which has been set aside for the exclusive purpose of loading and unloading persons, supplies and merchandise.

LOUD AMPLIFICATION DEVICE: Any equipment designed or used for sound production, reproduction, or amplification, including, but not limited to, any radio, television, phonograph, musical instrument, stereo, tape player, compact disc player, loud speaker, public address (PA) system, sound amplifier, or comparable sound broadcasting device.

MOTOR VEHICLE: Every vehicle which is self-propelled but not operated upon rails, except vehicles moved solely by human power.

MOTORCYCLE: Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

OFFICIAL TIME STANDARD: The standard time or daylight saving time as may be in current use in the city.

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices placed or erected by authority of the city or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OPERATOR: Every person who shall operate a vehicle upon any street in the city.

PARKING CONTROL OFFICE OR PARKING CONTROL: A division of the Rupert city department of customer and support services, or such other administrative arrangements as the city may establish, and all designated representatives thereof.

PARKING METER ZONE: Any and all areas or streets established by authority of the city or official having jurisdiction, as those areas within or upon which the parking of vehicles shall be controlled and inspected with the aid of timing devices and meters.

PARKING METERS: A mechanical device which is so adjusted as to show the length of time of parking upon the streets in the city.

PEDESTRIAN: Any person who is afoot, including infants in a carriage being pushed or pulled by a person.

PERSON: Any individual, association, organization, or entity having a legally recognized existence, whether public or private.

PLACE OF RESIDENCE: Any building or portion thereof adapted or used and intended for the overnight accommodation of persons. In the event the building is used for multiple individual units (i.e., apartment, condominium, hotel, motel, duplex, triplex, etc.) each individual unit shall be considered a separate residence for the purposes of this chapter.

PLAINLY AUDIBLE: Sound for which the information content is clearly communicated to the listener, including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener.

PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel only by the owner or by those having express or implied permission from the owner.

RESTRICTED PARKING DISTRICT: The area of the city so designated for the purpose of providing special regulations for the control of parking and traffic.

RIGHT OF WAY: The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the word "roadway" applies separately but not to all such roadways collectively.

SCHOOL BUS: Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to and from school.

SIDEWALK: That portion of a street between the curb lines, or lateral lines defining vehicular traffic and the adjacent property lines, and intended for pedestrian travel.

STAND OR STANDING: The halting of a vehicle, whether occupied or not, other than for the purpose of and while actually engaged in receiving or discharging passengers.

STOLEN VEHICLE: Any vehicle, whether located upon private or public property, which the police department has reasonable grounds to believe that the owner thereof has been, or is, unlawfully deprived of possession.

STOP OR STOPPING: The complete cessation of movement; any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with or in compliance with the direction of a police officer or traffic control signal or device.

STREET OR HIGHWAY: The words "street" or "highway" shall be used interchangeably and shall mean the entire width between the boundary lines of every way or place open to the public, as a matter of right for public vehicular travel, but not to include alleys.

THROUGH STREET: Every street or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting roadways is required by law to yield the right of way to vehicles on such through streets.

TRAFFIC: Either persons or vehicles while using any street or sidewalk for the purpose of travel.

TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed.

TRUCK: Every motor vehicle designed, used or maintained primarily for the transportation of property.

Pickup Truck: Every motor vehicle eight thousand (8,000) pounds' gross weight, or less, which is designed, used or maintained primarily for the transportation of property.

Truck Camper: Any structure designed, used or maintained primarily to be loaded onto or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

Truck Tractor: Every motor vehicle designed and used primarily for drawing other vehicles.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except devices used exclusively upon stationary rails or tracks.

WRECKED VEHICLE: Any vehicle damaged by accidental or other cause and left unattended upon any street, alley or public property. (Ord. 769, 3-3-1998)

8-9-3: NOISE PROHIBITIONS:

It shall be unlawful for any person to operate or permit the operation of any loud amplification device in such a manner that the sound therefrom:

- A. Is plainly audible within any place of residence not the source of the sound; or
- B. Is plainly audible upon a public right of way or street at a distance of one hundred feet (100') or more from the source of such sound; or
- C. Is plainly audible from upon or within a motor vehicle upon a public right of way or street at a distance of fifty feet (50') or more from the source of such sound. (Ord. 769, 3-3-1998)

8-9-4: ENFORCEMENT:

A. Peace Officer Citation: Any Rupert city peace officer or person empowered to enforce this provision of this code is authorized to issue a uniform citation upon his own observation of a violation without the necessity of a citizen complainant's signature on said citation. By signing the citation, the officer or person is certifying that he has reasonable grounds to believe that the person cited committed the offense contrary to law.

B. Citizen Citation: A uniform citation may also be signed by any citizen or person in whose presence an alleged violation of this chapter occurred, and be witnessed by a city peace officer or person empowered to enforce the provisions of this chapter whose name shall be endorsed on the citation. (Ord. 769, 3-3-1998)

8-9-5: EXEMPTIONS:

The following sounds are exempted from the provisions of this chapter:

A. Sounds caused by any emergency vehicle or personnel when responding to an emergency call or acting in time of emergency.

B. Sounds caused by activities upon any outdoor municipal, school, religious, or publicly owned property or facility; provided, that such activities have been authorized by the owner of such property or facility or its agent.

C. Sounds caused by parades, firework displays, or any other event for which a permit for that type of activity is required and has been obtained from the authorized governmental entity within such hours as may be imposed as a condition for the issuance of said permit.

D. Sounds caused by locomotives or other railroad equipment.

E. Sounds caused by burglar alarms that are not in violation of this chapter.

F. Sounds caused by safety warning devices required by law.

G. Sounds caused by devices approved for use within the confines of the particular zoning designation where the device is located or pursuant to a conditional use permit (i.e., drive-through window speakers, car lot PA systems).

H. Sounds emanating from devices used within the common areas of a multi-unit facility whose use has been approved by the owners or management of the facility. Said use must be in compliance with any regulations imposed by the owners or management of the facility to be exempt under this chapter. This exemption only applies in relation to other units within the same facility. (Ord. 769, 3-3-1998)

8-9-6: PENALTY:

A. Fine: Any person who shall violate any of the terms or provisions of this chapter shall be guilty of an infraction and shall be punishable by a fine of one hundred dollars (\$100.00) excluding court costs and fees. There is no right to a trial by jury of a citation or complaint for an infraction, and such trials shall be held before the court without a jury.

B. Suspension Of License: If a defendant fails to pay a traffic infraction penalty: 1) within the time allowed by a notice of default judgment; or 2) within the time allowed by a deferred payment agreement; or 3) within such further time as allowed by order of the court; then, unless the court makes a finding that the defendant has shown that the defendant has complete and continuing financial inability to pay the penalty, the court shall sign a notice of nonpayment of penalty and send it to the Idaho department of transportation for suspension of defendant's driver's license as provided by law. (Ord. 769, 3-3-1998)