

ORDINANCE __2009-02__

AN ORDINANCE OF THE CITY OF DIETRICH, IDAHO LIMITING THE AMOUNT OF NOISE GENERATED WITHIN THE CITY LIMITS

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Dietrich, Idaho

Section 1: Between the hours of 11:00 PM and 7:00 AM, it shall be unlawful for any person owning, leasing, operating or controlling the source of sound to make, allow or continue any sound which would: endanger or injure the health of humans; or annoy, disturb, injure or endanger the peace, comfort or repose of a reasonable person of normal sensitivities by the operation of any radio, phonograph or other mechanical sound device or instrument or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations, other loud or boisterous noises, or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise where the noise is clearly audible at the property line of the property from which the noise is generated.

Any person violating this section shall be punished by a civil penalty of one hundred dollars (\$100.00) for a first offense, two hundred dollars (\$200.00) for a second offense, three hundred dollars (\$300.00) for a third offense and five hundred dollars (\$500.00) for each subsequent offense within a 24 month period. Each such act which constitutes a violation of this section, which either continues or is repeated more than thirty (30) minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

Section 2: Notice to Owner of Rental Property If the violation occurs on the premises of rental property, the owner and/or his agent of said property must be notified in writing by certified mail that a violation of Section 1 has occurred on said rental property, and that a complaint for violation of said section may be taken against him if said property owner and/or his agent fail(s) to mitigate the activities of the person or persons who have rented said property.

Section 3: Other Prohibited Noises

A. Loading and unloading. It shall be unlawful to load, unload, open, close, or otherwise handle boxes, crates, containers, building materials, trash cans, dumpsters or similar objects between the hours of 11:00 PM and 6:00 AM so as to project sound across a real property line, except as exempted under Section 4, below.

B. Power tools. It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder, drill, lawnmower or garden tool or similar device used outdoors, with the exception of snow blowers, before 7:00 AM Monday through Sunday.

C. Radios, television sets, musical instruments and similar devices. It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 11:00 PM and 7:00 AM in such a manner as to create a noise disturbance across a real property boundary.

D. For the purposes of Subsections B and C, above, a "noise disturbance" is sound which annoys, disturbs, injures or endangers the reasonable quiet, comfort or repose of a reasonable person of normal sensitivities or the health or safety of others.

Section 4: Exemptions. The following uses and activities shall be exempt from this ordinance.

- 1) Noises of safety signals, warning devices and emergency pressure relief valves, when used for such purposes.
- 2) Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
- 3) Noises resulting from emergency and maintenance work as performed by the city, by the state or by public utility companies.
- 4) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the city.
- 5) Parades and public gatherings for which the City Clerk have issued a permit.
- 6) Any event licensed or issued a permit by the City Clerk.

Passed and approved by the Mayor and City Council of the City of Dietrich, County of Lincoln, State of Idaho,

This 5th day of October .2009

ATTEST:

Iva Lee Green
Iva Lee Green - Clerk

CITY OF DIETRICH
By Don Heiken
Don Heiken - Mayor

ORDINANCE NO. 2009-02

