

**Ordinance TBD-2022
NOISE ORDINANCE**

AN ORDINANCE OF THE CITY OF NEW MEADOWS, ADAMS COUNTY, IDAHO CREATING CHAPTER 7 IN TITLE 4 OF THE NEW MEADOWS CITY CODE AS FOLLOWS: PROVIDING FOR TITLE; PROVIDING FOR PURPOSE AND AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR RELEVANT ZONES; PROVIDING FOR PROHIBITIONS; PROVIDING FOR TEMPORARY WAIVERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEW MEADOWS, IDAHO:

4-7-1 TITLE

This ordinance shall be referred to as the City of New Meadows Noise Ordinance.

4-7-2 PURPOSE & AUTHORITY

This chapter is enacted pursuant to Idaho Code 18-6409. Its purpose is to provide for, and further, the health and /or safety of the public providing for the peace and quiet and overall enjoyment of public and private spaces from the harmful effects of noise pollution, and to protect the overall health and safety of the public.

The Adams County Sheriff, Mayor of New Meadows, designated Code Enforcement Officer, or any Idaho peace officer, shall be responsible for the administration and enforcement of the provisions of this chapter.

4-7-3 DEFINITIONS

Noise shall be defined as unwanted or disturbing sound in the environment that affects the health and well-being of humans and other living organisms where

- a. **The sound is plainly audible within any place of residence not the source of the sound, or,**
- b. **The sound is plainly audible upon a public right-or-way or street at a distance of one hundred feet (100 ') or more from the source of such sound.**

The following table provides the decibel levels of common noise sources and perceptions.

Decibels	Source	Perception
0	Threshold of hearing	
10	Rustle of leaves	
20	A soft whisper	
30	Inside a suburban home	
40	A quiet office	
50	Ambient noise of a normal kitchen	Interferes with sustained conversation
60	Level of ordinary conversation	Noise becomes intrusive
70	50 mph auto at 50 feet	Difficult to talk on the telephone
80	Busy city street	Noise is clearly annoying
90	Noisy kitchen	Some possibility of hearing damage if there is long exposure
100	Power lawnmower	Danger of hearing loss
110	Jack hammer, close thunder	
120	Amplified music	
130	Jet airplane at 100 feet	
135	Threshold of pain	

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Source:	Site Planning, Kevin Lynch, pg. 413
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4-7-4 RELEVANT ZONES

This code shall apply to residential, business-residential and commercial zones within the city limits of New Meadows.

4-8-4 DISTURBING THE PEACE PROHIBITED

- A. Except as stated below, between the hours of ten o'clock (10:00) P.M. one day and seven o'clock (7:00) A.M. the next day, it shall be unlawful for any person to make or cause loud or offensive noise by means of voice, musical instrument, horn, radio, loudspeaker, automobile, machinery, vibrating compaction equipment, vehicles with backup beepers engaged in reverse or moving in a reverse direction except for any vehicle being used for emergency purposes or snow removal, other sound amplifying equipment or any other means which disturbs the peace, quiet, and comfort of any reasonable person of normal sensitiveness residing in the area.
- B. Noise originating from businesses shall cease between the hours of eleven o'clock (11:00) P.M. one day and seven o'clock (7:00) A.M. the next day during the week, and one o'clock (1:00) A.M. to seven o'clock (7:00) A.M. on Saturday and Sunday.
- C. In the event of a probable violation, it is recommended that citizens contact the party responsible for the violation and seek remediation before filing a formal complaint.
- D. Exceptions: This chapter shall not apply to:
 - 1. Emergency work;
 - 2. A governmental agency acting within the scope of its functions;
 - 3. Utility work performed by employees of utility companies within the hours permitted for construction set out in section 9-3-4 of this chapter;
 - 4. Such other work or activities as may be authorized by necessity by the building official, public works director, or the mayor.
 - 5. A business or individual party who has obtained a waiver from the City for an event.
 - 6. 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 an emergency.
 - B. Sounds caused by burglar alarms that are not in violation of this code.
 - C. Sounds caused by safety warning devices required by law.
 - D. Sanitation vehicles (aka garbage trucks) in operation via contract with the city and used for the collection of business and household waste.

4-8-5 TEMPORARY WAIVERS

A. A person or entity may apply to the City Clerk's Office for a temporary waiver from the provisions of this chapter.

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B. The noise waiver may be extended upon approval of a designated official no later than 2 o'clock (2:00) A.M. in public areas or commercial zones, and no later than twelve o'clock (12:00) A.M. in residential zones. Such applications shall be submitted to the City Clerk's Office at least seven (7) days in advance of the date of the activity or event. Applications shall include, but not be limited to, the following information:

- Name
- Phone
- Email
- Location
- Date of event
- Hours of event
- Purpose of event
- Type & Intensity of Noise

4-8-6 ENFORCEMENT

A. Peace Officer Citation: Any peace officer or person empowered to enforce the provisions 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, officer or person is certifying that he has reasonable grounds to believe that the person cited committed the offense contrary to law.

4-8-6 PENALTY:

- A. First Offense: Any person violating the provisions of this chapter shall be issued a notice of violation warning and shall immediately terminate the noise in violation.
- B. Second Offense: Any person violating the provisions of this chapter a second time in less than forty-five (45) days shall be guilty of an infraction and shall pay the sum of three hundred dollars (\$300) to the City Clerk within seven (7) business days.
- C. Third and Subsequent Offenses: Any person violating the provisions of this chapter a third time in less than forty-five (45) days shall be guilty of a misdemeanor and shall be punishable as provided in section 1-4-1 of New Meadows City Code.
- D. Repeated violations of this ordinance may result in the City Council taking further action.

4-8-7 SEVERABILITY & CONFLICTING ORDINANCES

Should any section, subsection, paragraph, sentence or clause thereof, or any particular application thereof, be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

4-8-8 EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of New Meadows this 12th day of September, 2022.

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Julie A. Good, Mayor

ATTEST: _____
Kyla Gardner, City Clerk