

## **Chapter 137**

### **NOISE**

#### **§ 137-1. Definitions. [Amended 11-3-1986 by Ord. No. 86-24]**

As used in this chapter, the following terms shall have the meanings indicated:

**LOUD NOISE** — Any sound which is capable of being heard or perceived by a person of normal aural range at a distance of 25 feet or greater from the source.

#### **§ 137-2. Playing of music. [Amended 12-18-2006 by Ord. No. 06-30]**

No person shall play, use, or operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of sound with louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners thereto or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants. The use or operation of any such instrument, radio, phonograph, machine or device in such a manner as to be plainly audible at a distance of 100 feet from the building, structure, vehicle or place in which it is used or operated shall be prima facie evidence of a violation of this chapter.

#### **§ 137-3. Advertising.**

No person shall for advertising purposes or for the purpose of attracting the attention of the passing public play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, loud musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound on the streets or public places of the City of Salem or in any place where the sound therefrom is cast directly upon the streets or public places or which is so placed and operated that the sound therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.

#### **§ 137-4. Speakers and amplifiers. [Amended 10-16-1995 by Ord. No. 95-15]**

No person shall use or operate any sound truck or any loudspeaker or sound amplifier or radio or phonograph with a loudspeaker or sound amplifier or any other such vehicle upon the streets of the City of Salem without the approval of the appropriate committee of the City Council.

#### **§ 137-5. Horns and warning devices.**

No person shall sound any horn or warning device on any automobile, motorcycle, bus or other vehicle, except when required by law or when necessary to give timely warning of the approach of the vehicle or as a warning of impending danger to persons driving other vehicles or to persons upon the street. No person shall sound any horn or warning device on any automobile, motorcycle, bus or other vehicle which shall emit an unreasonably loud or harsh sound or for any unnecessary or unreasonable period of time.

**§ 137-6. Shouting or crying out of wares.**

No hawker, peddler or vendor shall shout or cry out his wares upon any street or public place between the hours of 7:00 p.m. and 7:00 a.m.

**§ 137-7. Loading and unloading of vehicles.**

No person shall create any loud or excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers.

**§ 137-8. Loud noises to attract attention.**

No person shall use any drum, loudspeaker or other instrument or device or create any noise for the purpose of attracting attention to any performances, show or sale or display of merchandise.

**§ 137-9. Disturbing the peace.**

No person shall create any unreasonably loud disturbance or unnecessary noise of such character, intensity or duration as to disturb the peace, quiet and comfort of the neighboring inhabitants or to the annoyance or inconvenience of travelers on the street or persons in neighboring premises.

**§ 137-10. Motor vehicle noise. [Amended 3-3-2008 by Ord. No. 08-06]**

No person shall operate a truck or other motor vehicle in the City of Salem in such manner or so constructed or loaded that it shall create or emit an unreasonably loud or harsh sound disturbing the peace, quiet and comfort of the citizens of the City of Salem. The use of Jake brakes® or other similar breaking device is prohibited in the City of Salem and shall constitute a presumed violation of this chapter; however, it shall be a defense if the truck driver can demonstrate that such breaking device was used for emergency purposes.

**§ 137-11. Unlawful acts. [Amended 10-16-1995 by Ord. No. 95-15]**

Notwithstanding anything to the contrary contained in the preceding sections of this Code, it shall be unlawful for any person to engage in any activity as more particularly set forth in §§ 137-2 through 137-10, inclusive, at any time of the day or evening.

**§ 137-12. Violations and penalties. [Amended 10-16-1995 by Ord. No. 95-15; 12-18-2006 by Ord. No. 06-30]**

Any person violating any of the provisions of this chapter shall, upon conviction, be punishable by a fine of not less than \$300 nor more than \$1,000 or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.