

## **Missouri Noise Related Statutes**

### **71.010 Ordinances to conform to state law.**

Any municipal corporation in this state, whether under general or special charter, and having authority to pass ordinances regulating subjects, matters and things upon which there is a general law of the state, unless otherwise prescribed or authorized by some special provision of its charter, shall confine and restrict its jurisdiction and the passage of its ordinances to and in conformity with the state law upon the same subject.

### **71.780 Nuisances--expense of suppression, how paid.**

The legislative or governing bodies of cities organized under the general statutes or special charters shall have, and they are hereby granted, the power to suppress all **nuisances** which are, or may be, injurious to the **health and welfare** of the inhabitants of said cities, or prejudicial to the morals thereof, within the boundaries of said cities and within one-half mile of the boundaries thereof. Such nuisances may be suppressed by the ordinances of said cities, or by such act or order as the charters of said cities authorize them to adopt. If the nuisance is suppressed within the city limits, the expense for abating the same may be assessed against the owner or occupant of the property, and against the property on which said nuisance is committed, and a special tax bill may be issued against said property for said expenses.

### **304.022 Emergency vehicle defined--use of lights and sirens--right-of-way--stationary vehicles, procedure--penalty.**

1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized

to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall **not sound** the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion **sounds audible signal by bell, siren, or exhaust whistle** as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

### **305.580 Noise zoning--major airport land use zoning committee--regulation, variances, procedures.**

1. It is hereby found that the location of a new major airport will increase the value and rate of development of the land adjacent to the site; that the control of such development will be of

benefit to the entire community; that the assessed value of taxable property and the tax resources will be significantly greater; and that the protection of inhabitants and the natural resources of the area is necessary to the enhancement of the community and to encourage the compatible existence of the airport and the community. Accordingly it is recognized that large aircraft generate noise which is objectionable to certain types of development and land use but is necessary for the safe and efficient flight of the aircraft and its service to the airport. Therefore, to encourage the successful coexistence of the community and the airport, to enhance the environment, and the general welfare of the community, and provide for the orderly development generated by a major airport, the authority, to minimize the adverse effects of aircraft noise, and in addition to zoning powers given in section 305.575, may provide for the land use zoning of all territory, for **noise** compatibility, included in a rectangle extending seven miles from each end of a runway and one and one-half miles each side of a runway centerline for each proposed and planned future runway for a major airport site.

2. No such zoning regulation shall limit any existing use without the owner's consent or the payment of compensation for damages or loss resulting therefrom in the manner prescribed by chapter 523.

3. Within one hundred and twenty days after the selection and approval of a site for a new major airport, the authority shall determine the probable levels of noise which will result from the operation of aircraft using the site and establish aircraft **noise** zones based thereon applicable to the property affected by such **noise**. As aircraft **noise** characteristics change with improved technology, the authority may make changes in the aircraft **noise** zones. No property shall be used, and no buildings or other structure shall be constructed or improved, within any aircraft **noise** zone, so that persons using the property and buildings are subjected to a level of **noise** in excess of the acceptable level established by the authority for that land use.

4. It is further declared that both the control and establishment of compatible land use are public purposes for which the authority may expend funds and acquire land or property rights therein. The authority may retain any property acquired pursuant to this section and use it for a lawful purpose, or it may provide for the sale or other disposition.

5. The chairman of the authority shall establish a five member major airport land use zoning committee consisting of three members of the authority, one of which shall be a representative of the same county in which the major airport is to be located, and two of which shall be citizens residing in the county in which the major airport is to be located. Each member of the major airport land use zoning committee shall serve as a member of the committee during his term as member of the authority and a citizen member shall serve a term of two years. The committee shall recommend the adoption of zoning regulations and hear appeals for the land use zoning.

6. Zoning regulations made or changed pursuant to the provisions of this section shall be made in the same manner as that provided in section 305.575, including the provisions for notice, and any person, firm or corporation or any political subdivision which believes it has been aggrieved by any decision regarding zoning regulations made by the airport authority pursuant to the provisions of this section may appeal that decision in the same manner as that provided in section 305.575.

7. Any person, firm or corporation desiring to erect any structure or to change any existing structure or to permit any noncompliance use in variance of zoning regulations made pursuant to the provisions of this section shall apply for permission to make such variance with the authority. Such variances shall be allowed if a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary

to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and the provisions of sections 305.500 to 305.585, but any variance shall be subject to such reasonable conditions as the airport land use zoning board may deem necessary to effectuate the purposes of this section. In granting any variance, the authority shall require, and the person, firm, or corporation seeking the variance shall install, operate and maintain thereon, at the expense of said person, firm, or corporation seeking the variance, such soundproofing, lights and protection as may be necessary to protect people and the use of the land from objectionable and adverse aircraft **noise** which may result from the variance.

**305.630 Noise mitigation--requirements--roads, relocation of highways--effect of plan on floodplain.**

1. Any area surrounding an airport as defined in section 305.600 which is to be expanded, and which has a noise level rating of seventy-five  $L_{dn}$  or greater shall be purchased by the airport authority or owner of such airport for purposes of noise mitigation within a reasonable period of time after the determination of such noise level. Noise level monitors shall be placed in locations surrounding the airport in such a manner as to ensure that an accurate noise level reading may be made in any given area, and such noise level monitors shall be maintained in proper working condition. Upon the request of at least ten percent of the residents of a neighborhood, the airport authority or other owner of the airport shall install noise level monitors in such neighborhood and maintain them in proper working condition, if any portion of such neighborhood is located within three miles of the airport.

2. Whenever property is purchased or otherwise taken for airport use, as required by subsection 1 of this section, or pursuant to any powers authorized by law, a plan shall be prepared to establish a perimeter zone of not less than one thousand feet distance from the proposed airport boundary. Any area within one thousand feet from the proposed airport boundary in which the noise level rating is less than sixty-five  $L_{dn}$  may be exempted or excluded from the perimeter zone required by this subsection. Residences within this area shall be purchased by the airport authority provided the majority of property owners agree to such a purchase plan. Nothing in this subsection shall be deemed to prohibit any airport buy out program that is agreed to by the residents of any area involved in such a program or to prohibit any resident from requesting the airport to purchase such resident's property for conditions other than noise abatement. Whenever a perimeter zone of not less than one thousand feet distance from the proposed airport boundary is established, the owner of the airport shall landscape such buffer to provide a visual barrier to air traffic activities and airport operation.

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**306.090 Maximum sound levels for recreational motorboats--exceptions.**

1. It is unlawful for any person to operate a recreational motorboat upon the waters of this state in any manner under any condition so that the recreational motorboat emits **sound** at a level exceeding eighty-six decibels on an A-weighted scale when measured from a distance of fifty or more feet from the recreational motorboat.

2. This section shall not be construed so as to prohibit use of any exhaust system or device, including but not limited to those not discharging water with exhaust gases as long as the device or system emits sound at a level in compliance with subsection 1 of this section.

3. The provisions of this section do not apply to motorboats operated under permit pursuant to section 306.130, nor to trial runs for a period not exceeding the twenty-four hours immediately

preceding a regatta or race, nor to official trials in competition for speed records for a period not exceeding the twenty-four hours immediately preceding a regatta or race.

**306.147 Muffler, defined--noise level regulation, muffler system required, certification of manufacturer--exceptions--on-site test to measure noise levels, penalty--application of section.**

1. As used in this section, the term "muffler" means a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and which prevents excessive or unusual **noise**.
2. Effective January 1, 1996, a person shall not manufacture, sell or offer for sale or operate in this state any motorboat manufactured after that date that exceeds the noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005. All motorboats manufactured prior to January 1, 1996, shall not exceed eighty-six decibels on an A-weighted scale when subjected to a sound level test as prescribed by SAE J34 when measured from a distance of fifty or more feet from the motorboat.
3. No person shall remove, alter or otherwise modify in any way a **muffler** or muffler system in a manner which will prevent it from being operated in accordance with this section. Nothing in this section shall preclude a person from removing, altering or modifying a muffler or muffler system so long as the muffler or muffler system continues to comply with subsection 2 of this section. This section shall not be construed so as to prohibit the use of any exhaust system or device, including but not limited to those not discharging water with exhaust gases, so long as the device or system is in compliance with subsection 2 of this section.
4. No motorboat shall be equipped with any electrical or mechanical device or switch that when manipulated in any manner would allow the muffler or exhaust system to emit a noise level that exceeds the maximums in subsection 2 of this section.
5. Effective January 1, 1996, a person shall not manufacture, nor shall any person sell or offer for sale any motorboat which is manufactured after January 1, 1996, which is equipped with a muffler or muffler system which does not comply with this section. The subsection shall not apply to power vessels designed, manufactured and sold for the sole purpose of competing in racing events and for no other purpose. Any such exemption or exception shall be documented in every sale agreement and shall be formally acknowledged by signature on the part of both the buyer and the seller. Copies of such agreement shall be maintained by both parties. A copy of such agreement shall be kept on board whenever the motorboat is operated. Any motorboat sold under this exemption may only be operated on the waters of this state in accordance with subsection 7 of this section.
6. As of January 1, 1996, every manufacturer which delivers a new motorboat for sale in this state shall certify, if the purchaser or dealer makes a request in writing, that the decibel level of the motorboat engine, muffler and exhaust system, as delivered to any licensed dealer in this state, does not exceed the noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005. Such certificate of decibel level from the manufacturer shall be given by the dealer to the purchaser of the new motorboat if the motorboat is sold for use upon the waters of this state. The purchaser shall sign a statement acknowledging receipt of the certificate of decibel level which shall be supplied by the dealer. The dealer shall represent by affidavit whether or not the engine or muffler system of the new motorboat being sold has been altered or modified in any way.

7. The provisions of this section shall not apply to motorboats registered and actually participating in a racing event or tune-up periods for such racing events or to a motorboat being operated by a boat or engine manufacturer for the purpose of testing or development. The operator of any motorboat operated upon the waters of this state for the purpose of a tune-up for a sanctioned race or for testing or development by a boat or engine manufacturer shall at all times have in such operator's possession and produce on demand by a law enforcement officer a test permit issued by the state water patrol. For the purpose of races or racing events, such race shall only be sanctioned when conducted in accordance with and approved by the United States Coast Guard or this state.

8. Any officer authorized to enforce the provisions of this section who has probable cause to believe that a motorboat is not in compliance with the **noise** levels established in this section may direct the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board if such officer chooses, and the operator shall comply with such request. The owner of any motorboat which violates any provision of this section shall have sixty days from the date of the violation to bring the motorboat into compliance with the provisions of this section. Thereafter, it shall be the owner's responsibility to have the motorboat tested by the state water patrol. If the motorboat fails the state water patrol test, the owner shall immediately moor the motorboat and shall keep the motorboat moored until the state water patrol certifies that the motorboat is in compliance with the provisions of this section. Any person who fails to comply with a request or direction of an officer made pursuant to this subsection is guilty of a class C misdemeanor. Nothing in this subsection shall be construed to limit the officer's ability to enforce this section and to issue citations to the owner or operator of any motorboat during the sixty-day compliance period.

9. Any officer who conducts motorboat **sound** level tests as provided in this section shall be qualified in motorboat **noise** testing by the department of public safety. Such qualifications shall include but may not be limited to the selection of the measurement site, and the calibration and use of noise testing equipment in accordance with the testing procedure prescribed by SAE J2005 and SAE J34.

10. Unless otherwise indicated, any person who knowingly violates this section is guilty of an infraction for a first offense with a penalty not to exceed one hundred dollars, is guilty of an infraction for a second offense with a penalty not to exceed two hundred dollars, and is guilty of an infraction for a third or subsequent offense with a penalty not to exceed three hundred dollars.

### **307.170 Other equipment of motor vehicles--violations, penalty.**

1. Signaling devices: Every motor vehicle shall be equipped with a **horn**, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary **noise**, and no other **sound**-producing signaling device shall be used at any time.

2. **Muffler** cutouts: Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating

lever, and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion.

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**307.198 All-terrain vehicles, equipment required--penalty.**

1. Every all-terrain vehicle, except those used in competitive events, shall have the following equipment:

(4) An adequate **muffler** system in good working condition, and a United States Forest Service qualified spark arrester.

2. A violation of this section shall be an infraction.

**348.010 Purposes.**

1. It is hereby found and declared that:

(3) That environmental damage, resulting from air, water, and other pollution and from public water supply, solid waste disposal, **noise** and other environmental problems, seriously endangers the public health and welfare; and

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**537.294 Firearm ranges--definitions--not to be deemed a nuisance, when--immunity from civil and criminal liability, when.**

1. As used in this section, the following terms shall mean:

(1) "Firearm range", any rifle, pistol, silhouette, skeet, trap, black powder or other similar range in this state used for discharging firearms in a sporting event or for practice or instruction in the use of a firearm, or for the testing of a firearm;

(2) "Hunting preserve", any hunting preserve or licensed shooting area operating under a permit granted by the Missouri department of conservation.

2. All owners and authorized users of firearm ranges shall be immune from any criminal and civil liability arising out of or as a consequence of **noise** or sound emission resulting from the use of any such firearm range. Owners and users of such firearm ranges shall not be subject to any civil action in tort or subject to any action for public or private nuisance or trespass and no court in this state shall enjoin the use or operation of such firearm ranges on the basis of noise or sound emission resulting from the use of any such firearm range. Any actions by a court in this state to enjoin the use or operation of such firearm ranges and any damages awarded or imposed by a court, or assessed by a jury, in this state against any owner or user of such firearm ranges for nuisance or trespass are null and void.

3. All owners and authorized users of existing hunting preserves or areas that are designated as hunting preserves after August 28, 2008, shall be immune from any criminal and civil liability arising out of or as a consequence of noise or sound emission resulting from the normal use of any such hunting preserve. Owners or authorized users of such hunting preserves shall not be subject to any action for public or private nuisance or trespass, and no court in this state shall enjoin the use or operation of such hunting preserves on the basis of noise or sound emission resulting from normal use of any such hunting preserve.

4. Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability for compensatory damage arising from physical injury to another human, physical injury to tangible personal property, or physical injury to fixtures or structures placed on real property.

**574.010 Peace disturbance--penalty.**

1. A person commits the crime of peace disturbance if:

(1) He unreasonably and knowingly disturbs or alarms another person or persons by:

(a) Loud **noise**; or

2. Peace disturbance is a class B misdemeanor upon the first conviction. Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand dollars and no more than five thousand dollars.