

**Chapter 6-20**

**NOISE**

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**Section 6-20-01PURPOSE**

The purpose of this Ordinance is the protection of the health, safety, and welfare of the citizens of Boise. 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 citizens of the city, and this Ordinance shall be liberally construed to effectuate that purpose.

(5788, Added, 03/18/1997)

**Section 6-20-02DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall apply:

**CITY:**

Boise City, Idaho, or the area within the city limits of Boise City, Idaho.

**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.

**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, fire-fighting association, or fire district, an ambulance, or a motor vehicle belonging to a federal, state, county, or municipal law enforcement agency.

**LOUD AMPLIFICATION DEVICE:**

Any equipment designed or used for sound production, reproduction, or amplification, including,

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but not limited to any radio, television, phonograph, musical instrument, stereo, tape player, compact disc player, loud speaker, public address (P.A.) system, sound amplifier, or comparable sound broadcasting device.

### 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 ordinance.

### 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.

(5788, Added, 03/18/1997)

## Section 6-20-03 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 (100) feet or more from the source of such sound.

(5788, Added, 03/18/1997)

## Section 6-20-04 ENFORCEMENT

- A. Peace officer citation. Any Boise City peace officer or person empowered to enforce this provision of the Boise City 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.
- B. Citizen citation. A uniform citation may also be signed by any citizen or person in whose presence an alleged violation of this Ordinance occurred and be witnessed by a Boise City peace officer or person empowered to enforce this provision of the Boise City Code whose name shall be endorsed on the citation.

(5788, Added, 03/18/1997)

## Section 6-20-05 ORDINANCE ADDITIONAL TO OTHER LAW

The provisions of this Ordinance shall be cumulative and nonexclusive and shall not affect any other claim, cause of action, or remedy; nor, unless specifically provided, shall it be deemed to repeal,

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amend, or modify any law, ordinance, or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on such subject.

(5788, Added, 03/18/1997)

### **Section 6-20-06 EXEMPTIONS**

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

- 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 has been authorized by the owner of such property or facility or its agent.
- C. Sounds caused by parades, fireworks 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 Boise City Code.
- 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 that the device is located or pursuant to a conditional use permit (i.e. drive-thru window speakers, car lot p.a. 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 ordinance. This exemption only applies in relation to other units within the same facility.

(5788, Added, 03/18/1997)

### **Section 6-20-07 PENALTY**

Any person who shall violate any of the terms or provisions of this Ordinance 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.

(5788, Added, 03/18/1997)

### **Section 6-20-08 SEVERABILITY**

If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

(5788, Added, 03/18/1997)

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