

ORDINANCE # 998 (21)

AN ORDINANCE AMENDING PART 10, CHAPTER 4, ART. B, SEC. 10-414 OF THE MOORE MUNICIPAL CODE ESTABLISHING A NEW SPECIFIC PROHIBITION FOR OPERATING OR PERMITTING TO BE OPERATED ANY DEVICE DESIGNED FOR SOUND PRODUCTION, AMPLIFICATION OR REPRODUCTION, INCLUDED BUT NOT LIMITED TO, ANY RADIO, MUSICAL INSTRUMENT, PHONOGRAPH, EQUIPMENT, ELECTRONIC AUDIO EQUIPMENT, TAPE RECORDER, LOUDSPEAKER, OR OTHER SIMILAR DEVICE AT ANY CITY OWNED PARK THAT EXCEEDS SIXTY-FIVE DECIBELS (65 DB) MEASURED AT THE BOUNDARY OF ANY CITY OWNED PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOORE, OKLAHOMA THAT:

Sec. 10-414. Specific prohibitions.

The following acts, among others and not to exclude other such acts, are declared to be excessive or unusual noises in violation of this article, except and unless in the urgent interest of public health, welfare and safety, a permit has been issued by the city manager for continuance or performance over such time periods as may be so stated:

1. Owning, maintaining or harboring for hire any animal or bird, which, by frequent or prolonged noise-making, cause or tend to cause excessive sound levels, whether originating from public or private facilities, except publicly-owned or publicly-operated zoos. Police dogs may be exempted from the prohibitions of this section under such terms and conditions as the city manager or council may establish;
2. Performance of construction, demolition or repair work at or on any structural or roadway project or undertaking whether by manual or mechanical means, such as to produce a noise disturbance;
3. Discharge into the open air of the sound-laden exhaust from, or escape of excessive sound from, working parts of the transmission or conveyance of fluids or solids through piping, conduit, or by way of other mechanical transport, stationary, portable or mobile engine or motorized vehicle, such as to produce a noise disturbance;
4. Sounding of horns, whistles, sirens, firearms or other such alarm or announcement device, whether manual or power-operated, or the detonation of fireworks or explosives, except as required as warning of fire, natural disaster or other impending or incidental danger, or which may be required as a part of law enforcement, by emergency, or as excepted by the exemptions to this article;
5. Operating or permitting the use or operation of any device designed for sound production, amplification or reproduction, including, but not limited to, any radio, musical instrument, phonograph, equipment, electronic audio equipment, television set, tape recorder, loud speaker, or other similar device:
 - a. Between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to be plainly audible within any dwelling unit which is not the source of the sound; or

- b. On public property or on a public right-of-way so as to be plainly audible 50 feet or more from such device, except as authorized by permit;
- 6. Shouting, carousing, singing, boisterous, belligerent or clamorous noise-making or other prolonged noise-making such as to cause or tend to cause excessive sound pressure levels;
- 7. Operation of any motorized surface boat or underwater vehicle, whether on land, water impoundment, lake, stream, diversion channel, or astride a conveyance, such as to produce a noise disturbance;
- 8. Operation of powered models or toys such as to produce a noise disturbance;
- 9. Running, testing or otherwise operating aircraft engines on the ground or operating an airport facility in such a manner as to cause or tend to cause noise disturbance. Nothing in this section shall be construed to prohibit, restrict, penalize or enjoin or in any manner regulate the movement of aircraft which are, in all respects, conducted in accordance with or pursuant to applicable federal laws and regulations, or air traffic control instructions;
- 10. Operating or permitting to be operated in any place of public entertainment during any hour of operation when patrons or customers may be expected to be present, any loudspeaker or sound amplifier which produces, reproduces or amplifies sound, or which produces a noise disturbance at a point normally to be occupied by a patron or customer, unless a conspicuous legible sign is posted at or within five feet of each public entrance and not more than five feet above the level of the ground, floor, or other entrance threshold, readable by a person with 20/20 vision at a distance not less than ten feet from the loudspeaker or amplifier, which sign shall state:

"WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT"

This provision shall not be construed to allow the operation of a loudspeaker or sound amplifier in such manner as to violate subsection (K) of this section;

- 11. Creating noise disturbance within 500 feet of any school or other such institution of learning, church, hospital, convalescent hospital or mass-care home, or court of law from 10:00 p.m. to 7:00 a.m., provided conspicuous, legible signs are serviceably displayed at such distance from the aforementioned institutions, or any of them, that such potential violation may be avoided;
- 12. No property owner, lessor or lessee shall knowingly allow any automobile, motorcycle, minibike or other vehicle which creates a noise disturbance to be driven across his property. Nothing in this section shall be construed as to prohibit the arrest of the operators of such vehicles as may be provided by this Code.
- 13. Operating or permitting to be operated any device designed for sound production, amplification or reproduction, included but not limited to, any radio, musical instrument, phonograph, equipment, electronic audio equipment, tape recorder, loudspeaker, or other similar device at any city owned park that exceeds sixty-five decibels (65 dB) measured at the boundary of any city owned park.

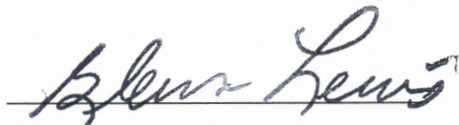
Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

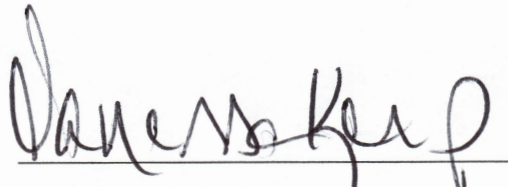
Severability. If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this 20 day December, 2021.

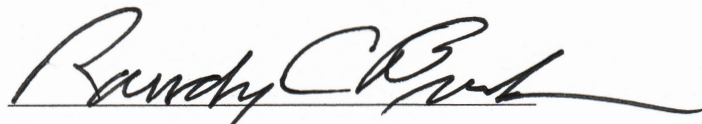
ATTEST




GLENN LEWIS, Mayor


VANESSA KEMP, City Clerk

Approved as to form and legality:


RANDY C. BRINK, City Attorney