
Noise Ordinance Passed

Contributed by Tina Tidmore

The City Council is responding to complaints by passing an ordinance, which in effect, tells people in all residential areas except agricultural to keep it down. If they don't, they may be subject to a \$500 fine or no more than 180 days in jail.

People have complained about noisy roosters, music with speakers in driveways and barking dogs.

Councilwoman Carol Hobby said it would be good if neighbors could work things out themselves. She said when Clay was more rural, this wasn't a problem. But she said that this is a result of growth as people live closer together. "I remember when dogs were needed for protection in Clay," she said.

The Noise Ordinance prohibits the following if they annoy, disturb, or injure or endanger the comfort, health, peace, safety of reasonable persons of ordinary sensibilities.

The ordinance includes a section particular to animals. It says a person who owns or keeps any animal or bird which howls, barks, squawks or makes other sounds or noise that is long enough and loud enough to create "excessive and unnecessary noise across a residential or commercial property line" or within 500 feet from where a school, nursing home, or church is located, is prohibited. For dogs which make noise continuously for twenty minutes or intermittantly for 45 minutes, the owners will be in violation of the ordinance.

Steve Archer took issue because he owns both chickens and dogs. He said the city might as well set up a sub-station in his neighborhood because he said he has an unreasonable neighbor who will be calling all the time. "This is still country," said Archer. "I can't tell my dogs to not park from 9 p.m. to 7 a.m."

City attorney Milton Barker said the ordinance refers to a reasonable person and the deputies know when someone has a vendetta and is making too many complaints for frivolous reasons. He said if Archer would be patient, the ordeal he has with two of his neighbors might be taken care of another way.

Archer also said the ordinance doesn't apply to chickens because it doesn't include "crowing" in the list of sounds that are prohibited when loud and long duration.

After the August 4 council meeting, Barker said the way he understands it, rooster sounds are included.

Councilman Benny Grissom said he agrees that the chicken issue is "ridiculous." "I don't know why someone can't have chickens," he said.

Archer said dogs are going to bark. He said a deer or other animal may come close to his yard and he can't keep them from barking. He said if a burglar comes he wants them to bark.

Mayor Charles Hart, who is a vet, said a dog can be trained to not bark incessantly. The issue is if the owner wants to train the animal.

Councilman Ricky Baker said the ordinance is needed because it is foreseeable that a dog could bark six hours, especially basset hounds. He said he had a dog that barked a lot, so he just opened the gate and let it go.

Councilman Chuck McGuffie asked what the definition of "hooting" is.

Councilman Benny Grissom asked if owl flies into a person's yard, if that is subject to the ordinance.

McGuffie said he is concerned about excessive calls to the Sheriff's Office. He made a motion that the limitation on dogs barking be 45 minutes incessantly. His motion received no second.

Baker said there does need to be a restriction on the intermittent barking. "What if a dog barks, takes a drink of water, clears his throat and starts again?"

Archer asked, "What if I have three dogs and they bark fifteen minutes each?" Archer said the council just needed to leave the animals out of it.

As a result, the council changed the time restrictions that was originally proposed but kept the intermittent part for barking dogs.

Other sounds prohibited if it causes a disturbances :

- Sounding any horn or alarm on a vehicle for more than thirty seconds constantly except as a warning of danger
- Sounding a non-emergency stationary bell, chime, siren, whistle or similar device for more than one minute in any hourly period.
- No exhaust sounds except through a muffler in good working order
- Shouting or outcry for the purpose of selling something, that annoys or disturbs people, except in a stadium or sports arena
- Sounds from drum, musical instrument, speakers, amplifiers or public address system which is audible more than 50 feet from across a real property line or more than 10 feet from a vehicle for commercial advertising purposes.
- Sounds from amplification systems, television sets, musical instruments or radio that is plainly audible 50 feet from the building or source of the sound, in an open yard, or if the sound is plainly audible inside a neighboring building
- Sounds from amplification systems, television sets, musical instruments or radio that is plainly audible 10 feet from any motor vehicle or 10 feet from sound source from pedestrians with the device
- Yelling, shouting hooting, whistling or singing on public streets particularly between 10 pm. and 7 a.m. that annoys, or disturbs the quiet.

- Grating, grinding, rattling or roaring from a vehicle that needs repair
- Domestic power tools, including power saw or lawn tools, operated between 10 p.m. and 7 a.m. when operated outdoors in a residential area
- Any construction between 6 a.m. and 9 p.m. within 500 feet of any residential zoned district

Factors that will be considered to determine if the noise is a violation: volume, intensity, common for place and time, natural or unnatural, closeness to sleeping facilities, zoning of the area, density of residents, time of day, duration, recurrent or intermittent, from commercial or non-commercial activity.

Noise from a performance of an organized sporting events on school campuses or in publicly or privately owned parks are not a violation of the ordinance.

Sounds from children 12 and under are not a violation, such as speech and laughter.