



NEWCASTLE MUNICIPAL CODE

Noise & Disturbance Laws

15.05.040 Hours of construction.

A. Except as otherwise provided in any code adopted by reference in this title, the activities regulated by this title shall be limited to the following hours:

1. Monday through Friday: 7:00 a.m. to 7:00 p.m.
2. Weekends and legal holidays: 9:00 a.m. to 6:00 p.m.

B. The city manager, on the recommendation of the building official, may issue an authorization or revoke an authorization to expand the hours stated in subsection (A) of this section subject to conditions as deemed appropriate by the city manager, including a condition allowing withdrawal of the authorization for failure to comply with any conditions, if conducting the activity during the expanded hours will not significantly increase the activity's adverse impact on residents or property in the vicinity of the property on which the activity will occur; provided, that in no event shall the activity be permitted to occur after 10:00 p.m. or prior to 7:00 a.m. on any day. The city manager's decision shall be final unless the requestor or an aggrieved party files an appeal with the hearing examiner pursuant to the city's appeals ordinance. (Ord. 98-165 § 2; Ord. 97-146 § 1; Ord. 77 § 21, 1995).

9.05.510 Noise.

A. General Prohibition. No person shall cause, nor shall any person in possession of property allow to originate from the property, sound that is a public disturbance **noise**.

B. Illustrative Enumeration. The following sounds are public disturbance **noises** in violation of this section:

1. The frequent repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except to alert for danger or as specifically permitted or required by law.

2. The creation of frequent, repetitive or continuous sounds in connection with the operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.

3. Yelling, shouting, whistling or singing on or near the public streets, particularly between the **hours** of 10:00 p.m. and 8:00 a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.

4. The creation of frequent repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.

5. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

6. Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

7. The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.

8. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the **hours** of 7:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on weekends and holidays. Sounds originating from construction sites during expanded **hours** authorized by the city manager pursuant to NMC [15.05.040](#) (B) shall be exempt from this section.

9. Sounds originating from residential property relating to temporary projects for the maintenance or repair of horns, grounds and appurtenances, including but not limited to, sounds from lawnmowers, powered hand tools, and composters, between the **hours** of 7:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on weekends and holidays.

C. Exclusion. This section shall not apply to the following:

1. Audio equipment for regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the **hours** of 9:00 a.m. and 10:30 p.m.

2. City-sponsored activities on city-owned property, provided activity is approved by the city manager.

D. Penalty. Any person who violates this section shall be subject to a civil fine not to exceed \$250.00 for a first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor. (Ord. 2005-318 § 1; Ord. 98-165 § 1; Ord. 73 § 51, 1995).