THE LAWS OF NOISE

The issues surrounding noise in our environment are pervasive. Noise is the subject of civil lawsuits, criminal charges and even websites such as www.noisefreetexas.org. People believe passionately in their right to quiet enjoyment of their surroundings. Conflict arises when one person's sounds are another person's noise. While on the surface it would seem that such characterization would inherently be subjective, criminal courts have determined "noise" to be objective.

Municipal judges and prosecutors need to talk about noise because noise violations are Class C misdemeanors and will be seen in municipal courts. Class C charges can arise from state statutes or city ordinances.

There are a number of laws and ordinances that fall under the "quality of life" umbrella and noise ordinances are one of those. Of all the quality of life issues, much of noise regulation in the criminal context, as opposed to the consideration of noise involved in zoning and permitting, is of fairly recent vintage. With the exception of nuisance animals (a problem that has existed for many years) the prohibitions against excessive noise by states and local municipalities appears to have arisen from the 1972 Noise Pollution and Abatement Act (federal). The federal act was passed mainly in response to human hearing loss caused by occupational noise, and by excessive noise from airports and highways. At the same time (that is the last forty years) we have seen an astronomical increase in power tools, electronic communication, and traffic – all of which add to the daily level of sound.

Outdoor noise, however is becoming a major concern in communities. As communities strive for greater core density areas zoned for industrial, commercial and residential use are moving closer and closer to one another. Additionally, high rise downtown housing brings households closer together. This close proximity is resulting in noise complaints between neighbors. As a result more noise ordinances are being developed, particularly laws that limit the allowable noise level(s) at different times of day for different zoned areas.

For the purposes of this paper, and based on many of the present municipal regulations found in Texas, the regulation of noise is divided into two divergent, and quite different, paths, residential noise (including most vehicular noise) and industrial noise (including construction activities).

This paper will discuss the types of noise regulations commonly encountered; the tension between the enforcement of these ordinances and constitutional rights, primarily first amendment rights; some evidentiary consideration and problems; and the increasing tension between high density urban development and noise; and industrial issues (such as oil and gas development within a city).

WHAT IS NOISE

By looking at the definitions of sound and noise (combined from the Webster's and Oxford's dictionaries) we can see that "noise" is actually a subset of sound:

Sound is defined as (a) vibrations that travel through the air or another medium and can be heard when they reach a person's or animal's ear; (b) the sensation produced by stimulation of the organs of hearing by vibrations transmitted through the air or other medium.

Noise is defined as (a) a sound, especially one that is loud or unpleasant of that causes disturbance; commonly known as an "unwanted sound;" (b) loud, confused or senseless outcry; (c) one that lacks agreeable musical quality or is noticeably unpleasant.

It is important to note that the definition of noise is couched in "subjective" terms such as unpleasant, unwanted or confused. By its very terms, then, the subjective definition of noise is in tension with the objective requirements for legal analysis.

From a scientific perspective sound is a variation in pressure that the human ear can detect. The ear can detect pressure variations within a certain frequency range, generally from 20 Hz to 20,000 Hz (a measure of the number of pressure variations per second). As a matter of reference the lowest note on a piano is about 27.5 Hz and the highest 4,186 Hz. The speed of sound – how fast it travels from source to ear – is about 344 meters per second.

A bel is a measurement of the intensity, or loudness of sound (named after Alexander Graham Bell). This is a very large measurement, so it is usually shown in decibels (dB) which is one tenth of a bel. This scale is a logarithmic rather than a linear scale – that means that the difference between 10 and 20 decibels is a factor of 100. The meters commonly employed to determine sound intensity measure in decibels.

The loudness of sound can be measured by a meter which is generally set so that a sound (in a given frequency range – determined by the type of filtering the device uses) that is at the "hearing threshold" is enumerated as zero decibels and somewhere in the 120-14o dB range is the pain threshold. The filtering is important because many meters will not read, or accurately read, very low frequencies (that is deep bass sounds). That means the accuracy of a sound meter could be challenged if the dB reading is being used to determine a level sound for a frequency that is outside the range of the meter.

Interestingly, either due to the limited use (many departments do not own a decibel meter) or other reasons, and quite unlike more familiar devices such as a "radar gun" a legal search in the combined federal and state law Lexis database using "decibel meter" as a search term yields only 38 cases. None of these cases, nor any cases found in a more generalized search, challenge whether or not the use of a decibel meter meets any scientific evidentiary standard or that the evidence should not be admitted due to reliability issues. From this it is reasonable to surmise that the issue of reliability and admissibility will be an issue of first impression that, at some time, will be brought forward in a case before one of the municipal courts.

It also needs to be noted that the human ear is not equally sensitive to sounds tones of differing frequencies heard at the same sound pressure levels (loudness. The loudness of a sound is not equal with its sound pressure level and differs for different frequencies, and different persons. That means that different witnesses may well have a widely differing "subjective" view of the same sound.

Due to the fact that sound (and hence noise) is due to both variations in pressure and perception by an individual a number of other physical and physiological factors may affect whether or not a certain sound is noise. For example, depending on the source and frequency two sources of sound can augment and amplify what is heard (such as two electric guitars playing at the same time). Conversely, two sources could act to cancel each other (as seen primarily during the day where the amount of background sound can muffle other sounds). Physiologically speaking, our perception of loudness if effected by both background and concentration. A good example, consider driving down the road listening to the radio, then turn the air conditioner to high – and to hear the music you may well need to turn up the sound – and if you open the window, then the noise from the wind, the road, and other traffic may cause you to turn up the volume so that you may concentrate on the music. For a large part of the reason this type of interference is why sound travels more at night than during the day. The above discussion, in part, was made as a general background that may be useful in the case where the reliability of a decibel meter (or other sound measuring device) is challenged during a court proceeding.

STATE LAW

Under state law noise is regulated under offenses involving disorderly conduct. In pertinent parts:

Sec. 42.01. DISORDERLY CONDUCT. (a) A person commits an offense if he intentionally or knowingly:

(5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;

(c) For purposes of this section:

(1) an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence; and

(2) a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

(f) Subsections (a)(1), (2), (3), (5), and (6) do not apply to a person who, at the time the person engaged in conduct prohibited under the applicable subdivision, was a student in the sixth grade or a lower grade level, and the prohibited conduct occurred at a public school campus during regular school hours.

Most of the case law interpreting whether or not noise can be legitimately called disorderly conduct has come from evidentiary challenges to offenses that resulting from searches incident to arrest after being stopped.

It appears that he constitutionality of 42.01(5) was first challenged in 1988, *Blanco v. State*, 761 S.W.2d 38 (Tex.App. – Houston 14th Dist. 1988), *no writ*. In this case the appellant was convicted of the class C misdemeanor for refusing to turn down his stereo at an apartment complex (requests made by neighbors, management and police). He had positioned his stereo to direct the sound to the swimming pool area and the volume, and vibration, was loud enough to disturb neighbors.

The State has, within its police power, the right to protect the tranquility, quiet enjoyment, and well-being of the community. *Kovacs v. Cooper*, 336 U.S. 77, 69 S. Ct. 448, 451, 93 L. Ed. 513 (1949) (holding "loud and raucous noises" sufficiently specific); *See, Grayned v. City of Rockford*, 408 U.S. 104, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972) (holding anti-noise statute constitutional); *Reeves v. McConn*, 631 F.2d 377 (5th Cir. 1980) (holding constitutional a sound amplification statute defined by "unreasonably loud, raucous, jarring, disturbing or a nuisance"). This right of the State is limited only by individual constitutional rights, such as First Amendment free speech. *See Clark v. State*, 665 S.W.2d 476, 482 (Tex. Crim. App. 1984). Consequently, where a statute impacts constitutional rights, we must analyze the breadth of the statute to determine if the impact is constitutional.

In analyzing a facial challenge to the overbreadth of a law, we must first determine if the statute reaches a substantial amount of constitutionally protected conduct. *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 102 S. Ct. 1186, 71 L. Ed. 2d 362 (1982); *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S. Ct. 2908, 2918; 37 L. Ed. 2d 830 (1973); *Clark v. State*, 665 S.W.2d 476 (Tex. Crim. App. 1984).

In addition to free speech protections, the State's police power to protect the quiet environs is further limited by requiring "fair notice" that the contemplated conduct is prohibited by statute. *Papachristou v. City of Jacksonville*, 405 U.S. 156, 92 S. Ct. 839, 31 L. Ed. 2d 110 (1972); *Morgan v. State*, 557 S.W.2d 512 (Tex. Crim. App. 1977). Appellant asserts lack of fair notice in his challenge to the noise provision for facial vagueness.

If a statute does not implicate any constitutionally protected conduct or speech, it is valid unless it is impermissibly vague in all applications. *Hoffman Estates*, 102 S. Ct. at 1191; *Clark v. State*, 665 S.W.2d at 482. Though based on fairness, the vagueness doctrine "is not a principal designed to convert into a constitutional dilemma the practical difficulties in drawing criminal statutes both general enough to take into account a variety of human conduct and sufficiently specific to provide fair warning that certain kinds of conduct are prohibited." *Colten v. Commonwealth of Kentucky*, 407 U.S. 104, 92 S. Ct. 1953, 1957, 32 L. Ed. 2d 584 (1972).

The appellant correctly points out that vague laws offend the Constitution by allowing arbitrary and discriminatory enforcement, by failing to provide fair warning, and by inhibiting the exercise of First Amendment freedoms. *Grayned v.City of Rockford*, 408 U.S. 104, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972). However, when appellant's conduct, as here, falls so clearly within the proscribed activity, he cannot complain of the law's vagueness as applied to others. *Hoffman Estates*, 102 S. Ct. at 1194; *Clark v. State*; 665 S.W.2d at 482. He has the burden to show the operation of the statute is unconstitutional as to him in his situation; that it may be unconstitutional as to others is not sufficient. *Parent v. State*, 621 S.W.2d 796, 797 (Tex. Crim.

App. [Panel Op.] 1981). He has failed in this regard. Appellant created so much noise that buildings vibrated and residents complained. We find his conduct was clearly within the core of activity proscribed by the statute.

Appellant's argument that prescribed decibel levels should be a part of the statute to give fair warning as to prohibited noise level is rigid and inflexible. Instead, the test is whether the conduct is compatible with the normal activity of a specific place at a specific time.*Grayned*, 92 S. Ct. at 2303. The Texas Legislature has chosen to reflect this test with the word "unreasonable." Since we are limited to the use of words, we can never demand mathematical certainty from our language. *Grayned*, 92 S. Ct. at 2300. Because of this, the Courts apply a less stringent test of vagueness where a statute does not affect constitutionally protected rights. Additionally, the noise provision's intent requirement mitigates any possible vagueness and further narrows the meaning of the statute. *Hoffmann v. Estates*, 102 S. Ct. at 1193-94. This narrowness ensures that those of ordinary intelligence have "reasonable opportunity to know what is prohibited" and ensures that no discriminatory enforcement is likely to occur. *Colten v. Commonwealth of Kentucky*, 92 S. Ct. at 1957;*Al-Omari v. State*, 673 S.W.2d 892, 896 (Tex. App. -- Beaumont 1983, pet. ref'd).

It is clear that appellant had adequate notice that his conduct was proscribed. He had a clear choice between acting lawfully or unlawfully. He refused numerous requests to turn down his stereo, and there is testimony he challenged the apartment manager to turn it down for him. Indeed, the facts indicate that appellant knew the loudness of the speakers was in violation of the law because he turned down the volume when he saw the officer return for the second time. His conduct falls clearly within the core of conduct proscribed by the statute. He cannot now claim lack of fair warning that he was at criminal risk. *Kew v. Senter*, 416 F. Supp. 1101, 1105 (N.D. Texas 1976).

While § 42.01(a)(5) fails to define "unreasonable noise," words not defined are to be given their plain meaning. *Floyd v. State*, 575 S.W.2d 21, 23 (Tex. Crim. App. [Panel Op.] 1978); *Lear v. State*, 753 S.W.2d 737, 740 (Tex. App. -- Austin 1988, no pet.). Noise commonly means a loud, confused, or senseless outcry, or a sound noticeably loud, harsh, or discordant. *Webster's Third New International Dictionary*, 1533 (1967). Unreasonable is modified by intentionally or knowingly and is an objective, reasonable man standard.

Appellant argues the vagueness of the noise provision allows for impermissible levels of police discretion. The statute, however, does not allow for broad discriminatory or subjective enforcement of the statute; it does allow some degree of police judgment, but that degree is confined to the reasonableness of the noise and the demonstrated intent of the violator. *See Grayned*, 92 S. Ct. at 2302. Any statute, save those of strict liability, necessarily involves police discretion for enforcement. The present

> disorderly conduct statute likewise involves police discretion in maintaining the public peace while guaranteeing to every citizen fair notice of proscribed conduct. The appellant clearly understood the conduct was prohibited. He chose instead to deliberately violate the statute.

Id, at 40-42. The Court of Appeals for the Fourth District also upheld the statute based on the same reasoning*, Thompson v. State*, 2001 Tex. App. LEXIS 300, No. 04-00-00348-CR, 2001 WL 38111, at *2 (Tex. App.--San Antonio Jan. 17, 2001, pet. ref'd) (not designated for publication), *cert. denied*, 534 U.S. 1129, 151 L. Ed. 2d 970, 122 S. Ct. 1067 (2002)

In 2006, our Court of Criminal Appeals held in State of Texas v. Holcombe that an ordinance that had a "reasonableness" standard "clearly establishes an objective reasonable person standard. These words describe noise of the type or volume that a reasonable person would not tolerate." *State of Texas v. Holcomb*, 187 S.W.3d 496 (Tex.Crim.App.—2006). Holcomb complained that the city ordinance stating a person was prohibited from making "unreasonable noise" was unconstitutionally vague.

Gerald N. Scott et al v. Oncor Electric Delivery, Co. filed in 7th District Court in Smith County, Texas . Plaintiff complained of noise from a transmission substation. Attorneys for Oncor created the defense that the Plaintiffs were "overly sensitive." Jury verdict for the defendant in August 2013.

So how do we examine these cases? It is an objective test with subjective criteria. Consider not just the level of noise but the nature of the noise, time of day or night, intensity, duration etc. Music at the community pool is not necessarily unreasonable at 2:00 p.m. on Saturday but it likely is unreasonable at 2:00 a.m.

Municipal Ordinances

Some municipal ordinances mirror the state law, a few do not include a reasonableness standard, and many, particularly those aimed at commercial noise, are quite detailed outlining decibel levels and times of day. There are also specific ordinances that, on their face, do not appear to be noise ordinances but in actuality are. One example of such an ordinance is an ordinance prohibiting the use of "compression release brakes" in the city limits. Compression release brakes (sometimes known as a Jake or Jacobs brake – after one of, but not the only, manufacturer) is an engine braking mechanism installed on some diesel engines that when activated open the exhaust valves after the compression cycle, releasing the compressed gasses trapped in the cylinders, and thus slowing the vehicle. By the working description one might wonder why cities want to ban the use of compression brakes. The reason – and why this is a noise ordinance – is that the release of gasses from the engine cylinder in this manner releases a lot more gas at one time and also generally by passes the muffler system – creating a rather loud and distinctive sound. A lot of heavy truck traffic occurs during the early hours of the morning, so these sounds tend to disturb the sleep of residents near the highway.

From the cases analyzing State law it can be fairly said that a municipal ordinance that criminalizes excessive noise that does not include a "reasonableness" standard will not pass constitutional muster. Consider the following (taken from municipal ordinances around Texas):

(a) It shall be unlawful to operate any motor vehicle, radio, phonograph, sound amplifying system or perform any other act within the greenbelt area in such a way as to create noise which is so loud that it is disturbing and offensive to those persons occupying neighboring private premises. A showing that one has created a noise of sufficient intensity, as would be calculated to be disturbing and offensive to those within the general area or persons occupying neighboring private premises, shall be prima facie evidence that such noise was a disturbing and offensive noise within the meaning of this article.

(b) No person shall make or cause to be made any loud and raucous noise in the city which is offensive to the ordinary sensibilities of the inhabitants of the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort. The acts prohibited by this section are declared a sound nuisance.

(c) A person commits an offense if he intentionally or knowingly makes unreasonable noise in a public place or in or near a private residence that he has no right to occupy.

(d) *Noise nuisance* means any loud, irritating, vexing or disturbing sound which causes distress, annoyance, discomfort or injury to or which interferes with the comfort or repose of any person of reasonable nervous sensibilities in the vicinity of hearing thereof, or any sound which endangers or injures the safety or health of humans or animals, or any sound which interferes with the physical well being of humans or animals, or any sound which endangers or injures person or real property.

The first ordinance (a) does not contain any language as to reasonableness and it is likely, if challenged, would be found unconstitutionally broad. The second ordinance (b) is minimally better in as much as the "ordinary sensibilities" could, at least arguably, be equated to a reasonableness standard. The third ordinance (c) does refer to the "reasonableness" of the noise and should pass constitutional muster. By way of comparison, the fourth ordinance (d) refers to the "reasonableness" of the person effected by the noise, and should also pass constitutional muster. It is important to keep in mind that a "reasonableness" standard should be applied even if a local ordinance does not explicitly incorporate such a standard.

In the case, *State of Texas v. Holcombe*, 187 S.W. 496 (Tex. Crim. App. 2006), the question presented was whether or not the city ordinance that prohibited playing "music in such a manner as to...unreasonably disturb or interfere with the peace, comfort and repose of neighboring person of ordinary sensibilities" was unconstitutionally vague because it fails to put the citizenry on notice of what is prohibited, fails to contain objective standards, and gives the police unfettered discretion to determine what conduct amounts to a violation". The answer to the question is "no."

The court went on to state that the noise ordinance contained objective criteria for determining what conduct is prohibited because it clearly established an objective reasonable-person standard by referring to "neighboring persons of ordinary sensibilities" and "banning noise that "unreasonably disturbs or interferes with the peace, comfort and repose" of such persons. These words, the court held, describe noise of the type or volume that a reasonable person would not tolerate under the circumstances. And finally, "Because we are limited to the use of words, we cannot demand mathematical certainty from our language."

We can expect to see more cases like Holcombe because most cities want a vibrant, active downtown where an active life continues well beyond the five o'clock workday. At the same time, many cities (for a variety of reasons) are encouraging more mixed use development, and greater residential density in the central downtown areas. As residential density increases live music venues, nightclubs and other similar activity that have been in existence may begin to impinge on the "reasonable" sensibilities of those persons now living in the downtown area. To your chagrin this cultural clash may eventually play out in our municipal courts.

COMMERCIAL NOISE

For the purposes of this discussion commercial noise means sounds emitted from a business in the normal operation of that business. These noises could range from loud music emanating from a night club to the banging of a construction site to the twenty four hour seven day a week drone of a diesel engine at a gas compression stations. All of these sounds could be considered a nuisance and run afoul of a general prohibition against unreasonable noise.

Many cities, however, separately regulate commercial noise. In many cases commercial noise limitations vary with the time of day. Many cities, for example, do not allow construction activities between the hours of 10 p.m. and 6:00 a.m. Other cities will set maximum decibel limits (that may even change depending on the time of day) that are measured at the business property line, or the property line of the complainant.

Unlike nuisance noise, commercial noise limits are most often set out as part of the zoning code; therefore violations are cited as violations of the zoning ordinance (and, maybe specific use permits) and can carry a higher penalty. As a result much of the noise case law (what little exists) is brought about by commercial enterprises that may have more at risk than the assessment of a fine (*e.g.* loss of a specific use permit).

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The Laws of Noise

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Is Society Concerned About Noise?

- www.noisefreetexas.org

"Good Texans Keep Their Noise to Themselves."

- Civil lawsuits
- Municipal court complaints

WHY NOISE?

- **Why Do We Need to Talk About Noise?**
- **Under What Authority are Noise Violations in Municipal Court?**

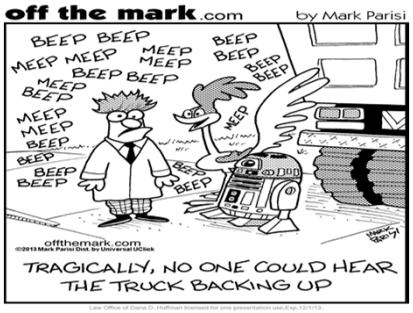
WHY NOISE?

- Because noise violations are Class C violations

UNDER WHAT AUTHORITY ARE NOISE VIOLATIONS IN MUNICIPAL COURT

- State Law
  - Penal Code 42.01(a)(5)
  - Transportation Code Section 574.604
- City Ordinances

More Than a Nuisance



More than a Nuisance

- "Calling noise a nuisance is like calling smog an inconvenience. Noise must be considered a hazard to the health of people everywhere." William H. Stewart – former US Surgeon General

Objectives

-Tools for "reasonableness"

Penal Code 42.01

- DISORDERLY CONDUCT 42.01
- (a) A person commits an offense if he intentionally or knowingly:
- 5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;

Penal Code 42.01

- 42.01(c) For purposes of this section:
- (1) an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence; and
- (2) a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

Transportation Code 547.604

- Section 547.604. MUFFLER REQUIRED
- (a) A motor vehicle shall be equipped with a muffler in good working condition that continually operates to prevent excessive or unusual noise.

Ordinances

- **Glenn Heights**
- **No person shall allow, make or cause to be made any unreasonably loud or disturbing noise which is offensive to the sensibilities of a reasonable, prudent adult person, renders the enjoyment of life or property uncomfortable, interferes with public peace and comfort or causes a noise disturbance as defined.**

Ordinances

- **Princeton**
- **The purpose of this article is to make it unlawful for any person or entity to make, cause to be made or allow any loud or unreasonably loud and disturbing noise of such character, intensity and duration as to be detrimental or offensive to the ordinary sensibilities of the inhabitants of the city, and/or which renders the enjoyment of life, health or property uncomfortable or interferes with public peace and comfort.**

Ordinances

- **Balch Springs**
- **A person commits an offense if he intentionally or knowingly makes loud and unreasonable noise in a public place or so near a private residence or another person so as to harass, annoy or harm a person of ordinary sensibilities or so as to disturb the comfort and repose of persons of ordinary sensibilities.**

Ordinances

- **RED OAK**
- **It shall be unlawful for any person, firm or corporation to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise or any noise which interferes with the normal enjoyment of life or property or disturbs, endangers or interferes with the public peace and comfort within the limits of the city.**

Reasonable/Ordinary

The State of Texas v. Holcombe, 187 S.W.3d. 496 (Tex. Crim. App. 2006)

QUESTION: Is a city ordinance that prohibits playing music "in such a manner as to…unreasonably disturb or interfere with the peace, comfort and repose of neighboring persons of ordinary sensibilities" unconstitutionally vague?

ANSWER:

- "Unreasonable is an objective, reasonable-man standard."
- The ordinance clearly establishes an objective reasonable-person standard by referring to "neighboring persons of ordinary sensibilities" and "banning noise that unreasonably disturbs."

Objective Reasonableness

- *Smith v. State of Texas* 369 S.W.3d 865, Tex. Crim. App. 2012 – "By referring to 'steps a reasonable person would take' the statute clearly establishes an objective reasonable-person standard."
- *Martinez v. State of Texas* 323 S.W.3d 493 Tex. Crim. App. 2010 – "A judge must be afforded some discretionary authority to take into account the specific facts involved in a particular case and tailor the "reasonable requirements…"

REASONABLE?

REASONBLENESS

Gerald N. Scott et al v. Oncor Electric Delivery, Co.

Smith County

Jury Verdict, August 23, 2013 that the plaintiff take nothing.

Plaintiff was "overly sensitive."

WHAT TO CONSIDER

1) Volume
2) Time of Day
3) Type of Noise
4) Consistency/Duration

Which Municipality?

CITY "A" – It shall be unlawful for any person to make, cause to be made or allow any unreasonably loud, disturbing noise in the city which is offensive to the ordinary sensibilities of inhabitants of the city, which noise renders the enjoyment of life or property uncomfortable or interferes with the public peace and comfort.

CITY "B" – It shall be unlawful for any person to make or cause any unreasonably loud, disturbing noise which causes , or may cause material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity of such noise.

BUMPER STICKERS

"Keep your BASS Outta My FACE"

"NO EXCUSE for AUDIO ABUSE"

Don't Be an AUDIO TERRORIST!"

Summary

- Noise violations are Class C Misdemeanors
- Noise violations originate in State Law and City Ordinances
- Reasonableness/Ordinary is an objective standard


NOISE ABATEMENT SOCIETY DEMO
DON'T HONK IF YOU SUPPORT US
RGJ

The End