



NOISE ORDINANCE NO. 2021-1

AN ORDINANCE OF THE FALLING WATERS HOMEOWNERS' ASSOCIATION

GENERAL PROHIBITIONS:

No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions listed in the following sections.

SPECIFIC RESTRICTION.

The following acts are declared to be unlawful:

- A. Radios, television sets, musical instruments, tape or record players, amplifiers, and similar devices: operating or permitting the use or operation of any such device between the hours of **11:00 p.m. and 9:00 a.m.** in such a manner as to be plainly audible across property boundaries or through partitions common to two or more persons within a building.
- B. Domestic power tools: operating or permitting the use or operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, snowblower or similar device used outdoors between the hours of **10:00 p.m. and 7:30 a.m.** in such a manner that will disturb or annoy any reasonable person nearby. Snowblowers shall be allowed after 5:00 a.m. to clear newly fallen snow.
- C. Construction: operating or permitting the operation of any tool or equipment used in construction, drilling or demolition between the hours of **7:00 p.m. and 7:00 a.m.** in such a manner that will disturb or annoy any reasonable person nearby. Between the period of May 1 and September 30, the time allowed to engage in construction shall be extended to include 30 minutes after sunset as such is determined by the U.S. Department of Commerce-National Oceanic & Atmospheric Administration.
- D. Horns and signaling devices: operating a horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.

QUANTITATIVE LIMITS.

(A) Stationary Source

- (1) It shall be unlawful for any person to cause the sound pressure level to exceed the limits listed below at any point on the boundary of the property where the person is located:
 - (a) 55dBA between the hours of **11:00 p.m. and 9:00 a.m.**
- (2) In addition to the above, no person shall make or cause to be made any earth- shaking vibrations perceptible without the aid of instruments beyond the property boundary of the vibration source.



EXEMPTIONS AND PERMITS

(A) The provisions of this chapter shall not apply to:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound on the performance of work to prevent or alleviate physical or property damage threatened or caused by a public calamity or other emergency.

(B) The HOA Board shall have the authority to issue permits to allow for certain activities that might otherwise be prohibited. Permits may be issued for:

(1) Celebrations, concerts, parades, or other special events (public or private)

(2) Persons who demonstrate that bringing the source of sound or activity for which the permit is sought into compliance with the provisions of this chapter would constitute an unreasonable hardship on the applicant, the community, or other persons and that the adverse impact on the health, safety and welfare of persons affected by the permit has been outweighed by such hardship. Permits may contain any conditions (including a time limit) that are necessary to limit the adverse impact of the activity.

This Ordinance is adopted by the Board of Directors for the FWHOA on the 13th of October, 2021

ATTEST:
