

Chapter 13 1/2, NOISE CONTROL EN(1)

Sec. 13 1/2-1. Definitions.

Wherever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section unless otherwise expressly provided, or unless a different meaning is reasonably and clearly apparent from the language or context:

- (a) Acoustical terminology used throughout this chapter is that most recently approved as American Standard Acoustical terminology by the American National Standards Institute (ANSI).
- (b) Ambient sound level means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise at the location and approximate time at which a comparison with the alleged offensive noise is made.
- (c) Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private right-of-way structures, utilities, or similar property.
- (d) dB(A) means the intensity of sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighting scale and the fast meter response, as specified by the American National Standards Institute (ANSI). For enforcement purposes, a tolerance of plus two decibels shall be applied to all measured sound levels to provide for variances in equipment calibration, measurement site characteristics and measurement techniques.
- (e) Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.
- (f) Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or which is otherwise necessary to restore a property to a safe condition following a fire, accident, or natural disaster, or which is required to protect persons or property from exposure to danger, or which is required to restore public health.
- (g) Motor vehicle means any device or contrivance, propelled or drawn by mechanical power and used in the transportation of passengers or property, or any combination thereof.
- (h) Noise means any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological effect on humans.
- (i) Person means any individual, association, partnership, or corporation.

- (j) Property line means the line along the ground surface, and its vertical extension, which separates the real property owned, leased, or occupied by one person from that which is owned, leased, or occupied by another person, and the imaginary line which represents the legal limits of property of any person who owns, leases, or occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy.
- (k) Public right-of-way means any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley, or other property which is owned or controlled by a government entity.
- (l) Residential property means any real property developed and used for human habitation and which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.
- (m) *Sound nuisance* means any sound which either exceeds the maximum permitted sound levels specified in § 13 1/2-2.4(a)(5) or, for the purpose of §§ 13 1/2-2.1 through 13 1/2-4, otherwise unreasonably disrupts, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the City.
- (n) *Amplification Device*. The words "loud amplification device" shall mean a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker, sound amplifier or similar device which is operated in such a manner that it creates unreasonable noise.
- (o) *Unreasonable noise*. The words "unreasonable noise" shall mean any noise plainly audible at a distance of 100 feet and in the case of an amplification device, the words "unreasonable noise" shall mean any noise plainly audible at a distance of 100 feet.

(Ord. No. 839, § I, 11-13-2001; Ord. No. 1012, § I, 3-11-2008)

Sec. 13 1/2-2. General prohibition.

- (a) No person shall make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound which either exceeds the maximum permitted sound levels specified in § 13 1/2-2.4(a)(5) or, for the purposes of §§ 13 1/2-2.1 through 13 1/2.4, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the City.
- (b) The acts enumerated in the following sections of this chapter, among others, are declared to be sound nuisances which unreasonably disturb, injure, or endanger the comfort, repose, health, peace, or safety of others within the limits of the City in violation of this chapter, but such enumeration shall not be deemed exclusive.

(Ord. No. 893, § I, 11-13-2001)

Sec. 13 1/2-2.1. Amplified sound.

No person shall play a radio, stereo system, TV, drum, or other instrument, or similar devices, either carried or from a stationary source or a vehicle, with such volume as to cause a sound nuisance.

(Ord. No. 893, § I, 11-13-2001)

Sec. 13 1/2-2.2. Motor vehicles, motorized equipment.

- (a) *Use of vehicles.* No person shall operate any automobile, motorcycle, or any other motor vehicle including motorized water craft and all-terrain vehicles, in such a manner as to cause a sound nuisance.
- (b) *Exhaust discharge.* No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom; provided, however, that the flying of controlled model airplanes, sailing of model boats, or racing of model automobiles, having internal combustion engines not to exceed 35/100 cubic inch piston displacement, when used in the pursuit of a recreation hobby and at such locations as are under the jurisdiction or control of the Parks and Recreation Commission of the City and only at such times as may be designated by the Parks Department is not deemed to be within the provisions of this subsection.
- (c) *Unreasonable safety devices.* No person shall use, maintain, install, or keep any device whose purpose it is to protect a vehicle from damage and/or theft through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of 200 feet from such device which does not automatically terminate any such noise within five minutes.
- (d) *Horns or signaling devices.* No person shall sound or blow any horn or signaling device on any automobile, truck, bus, motorcycle, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control; no person shall do so from any such vehicle in motion except as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; no person shall create by means of any such signaling device any unreasonably loud or harsh sound; no person shall sound such a device for any unnecessary and unreasonable time.
- (e) *Loud speakers or amplifiers on vehicles.* No person shall use mechanical loud-speakers or amplifiers on automobiles, trucks, buses, or other moving or standing vehicles for advertising or other purposes, except as allowed with a permit as outlined in § 13 1/2-4.

- (f) Motor vehicles, other than motorcycles, with a maximum gross weight of 10,000 pounds or less. No person shall cause or permit any motor vehicle, other than a motorcycle with a maximum gross weight of 10,000 pounds or less to operate on a public right-of-way or unaccepted street where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 150 feet or more from the motor vehicle.
- (g) Motorcycles. No person shall cause or permit any motorcycle to operate on a public right-of-way or unaccepted street where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motorcycle.
- (h) Motor vehicles with a maximum gross weight greater than 10,000 pounds. No person shall cause or permit any motor vehicle with a maximum gross weight greater than 10,000 pounds to operate on a public right-of-way or unaccepted street where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motor vehicle, except when compression brake systems are used in an emergency to stop the vehicle.
- (i) Subsections (f), (g), and (h) shall be enforced on streets where the speed limit is 40 miles per hour or less.

(Ord. No. 893, § I, 11-13-2001; Ord. No. 1012, § II, 3-11-2008)

Sec. 13 1/2-2.3. Animals.

No person shall keep any animal which makes frequent or continual sound in such a manner as to cause a sound nuisance.

(Ord. No. 893, § I, 11-13-2001)

Sec. 13 1/2-2.4. Sounds impacting residential life.

- (a) No person shall carry on the following activities in any residentially zoned area of the City or within 300 feet of any residentially occupied structure in any zone of the City:
 - (1) Operation of a refuse collector between the hours of 9:00 p.m. and 7:00 a.m.
 - (2) Operation of construction or maintenance machinery between the hours of 9:00 p.m. and 7:00 a.m.
 - (3) Operation of garage machinery between the hours of 9:00 p.m. and 7:00 a.m.
 - (4) Operation of lawn mowers, leaf blowers, hedge trimmers, or other such mechanized domestic tools out-of-doors between 9:00 p.m. and 7:00 a.m.

(5) Production of mechanical or electronic noise which registers in excess of 50 dB(A) between the hours of 11:00 p.m. and 7:00 a.m., or in excess of 70 dB(A) at all other hours at the nearest complainant's property line.

(b) This section does not apply to emergency operations designed to protect the public health and safety; nor does it apply to the operation of snow blowers.

(Ord. No. 893, § 1, 11-13-2001; Ord. No. 1012, § III, 3-11-2008)

Sec. 13 1/2-3. Determining and classifying noise.

For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this chapter, the following test measurement and requirements may be applied; provided, however, that a violation of § 13 1/2-2, and its subsections, may occur without the following measurements being made:

(a) This noise shall be measured on a general-purpose sound level meter complying with the provisions of the latest ANSI Standard for Type 2 meters operated on the "A" weighting scale.

(b) If the noise source is located on private property or public property, the noise shall be measured at the property line of the property on which the noise source is located.

(c) In the absence of an applicable noise measuring device any noise plainly audible in a residential zone at a distance of 100 feet or, in the case of loud amplification devices of similar equipment, noise plainly audible at a distance of 100 feet from its source by a person of normal hearing.

(Ord. No. 893, § I, 11-13-2001; Ord. No. 1012, § IV, 3-11-2008)

Sec. 13 1/2-4. Applications for permit.

Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship shall be made to the Building Inspector. Any permit granted by the Building Inspector hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time not to exceed six months. Additional six-month renewals of said permit may be granted by the Building Inspector. The Building Inspector may issue said permit or any renewal thereof if it is found:

(a) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or

(b) The activity, operation or noise source will be of temporary duration, and cannot be done in a

manner that would comply with this chapter; and

- (c) That no other reasonable alternative is available to the applicant; and
- (d) The Building Inspector may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(Ord. No. 893, § I, 11-13-2001)

Sec. 13 1/2-5. Emergency vehicles.

The provisions of this chapter do not apply to warning devices such as horns or sirens of emergency vehicles; or to emergency equipment and vehicles such as fire engines, ambulances, police vans, and rescue vans, when responding to emergency calls; or to snow plows when in operation.

(Ord. No. 893, § I, 11-13-2001)

Sec. 13 1/2-5.1. Licensed activities.

The provisions of this chapter do not apply to those activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the City, including but not limited to parades and fireworks displays.

(Ord. No. 893, § I, 11-13-2001)

Sec. 13 1/2-6. Violation.

Any person found to be in violation of any provision of this chapter shall be subject to criminal and noncriminal penalties as indicated in Chapter 4 1/2, §§ 4 1/2-1 and 4 1/2-2.

(Ord. No. 893, § I, 11-13-2001)

Sec. 13 1/2-7. Severability.

Should any section of this chapter be declared by the courts to be unconstitutional or invalid, it is the intention that such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. No. 893, § I, 11-13-2001)

Endnotes

1 (Popup)

Editor's Note: Ord. No. 893, § I, enacted 11-13-2001, repealed former Ch. 13 1/2, enacted by Ord. No. 199, § 1, 9-12-1973, as amended.