

CHAPTER 52

NOISE CONTROL

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52.01 SCOPE OF REGULATIONS. The chapter applies to the control of all noise originating within the limits of the City, except in the following cases: (a) a State or Federal agency has adopted a different standard or rule than that prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable, or (b) the Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

52.02 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. "A-weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.
2. "Commercial" or "commercial district" means any property which is zoned for any commercial use as defined in the Zoning Ordinance, and on which there is no residential use.
3. "Decibels" means a unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to reference pressure, which is 20 micropascals (20 mincronewtons per square meter).
4. "Exhaust system" means the device or combination of devices that collects the exhaust from the engine or motor, delivers the exhaust to the atmosphere, and reduces the noise emissions. "Exhaust system" includes manifold or headers, exhaust pipe, muffler, and tail pipe.
5. "Gross vehicle weight rating" means the value specified by the manufacturer as the recommended maximum weighted load of a single motor vehicle. When trailers and tractors are separable, the gross combination weight rating is the value specified by the manufacturer as the recommended maximum loaded weight of the combined vehicle.
6. "Industrial" or "industrial district" means any property zoned for any industrial use as defined in the Zoning Ordinance, and on which there is no commercial use or residential use.
7. "Motor vehicle" means every vehicle which is self propelled.
8. "Noise disturbance" means any transmission of sound across a real property boundary from a source specifically limited by this chapter, which exceeds the

sound level limits set forth in Table 1 entitled “Maximum Permissible Sound Levels from Limited Sources by Receiving Land Use.”

9. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
10. “Receiving land use” means the use or occupancy of the property which receives the transmission of sound.
11. “Residential” or “residential district” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes. This definition does not include park custodial residences or school or college dormitories.
12. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces which cause compression and rarefaction of that medium. The description of sound may include any characteristic of sound, including duration, density, and frequency.
13. “Sound level” means the weighted sound pressure level contained by the use of the sound level meter and A-weighting network, such as a, b, or c as specified in American National Standards Institute Specification for Sound Level Meters, ANSI S1, 4-1971. If the frequency weighting employed is not indicated, the A-weighting shall apply.
14. “Sound level meter” means an instrument used to measure sound pressure.
15. “Sound pressure” means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.
16. “Sound pressure level” means twenty times the logarithm to the base 10 of the ratio of the root mean squared sound pressure to the reference pressure of 20 micropascals.
17. “Used” or “occupied,” where either word appears, shall be deemed to include the words “intended, designed, or arranged to be used or occupied.”

52.03 MAXIMUM PERMISSIBLE SOUND LEVELS.

Maximum Permissible Sound Levels From Limited Sources by Receiving Land Use		
Zoning Category of Receiving Land Use	Legal Time	Sound Level Limit (dBA)
Residence District	7:00 a.m. to 10:00 p.m.	50
Residence District	10:00 p.m. to 7:00 a.m.	50
Commercial District	At all times	65
Industrial District	At all times	75
		(20-83)

52.04 NOISE PROHIBITIONS AND LIMITED SOUND SOURCES. The following sound sources are limited by this chapter:

1. **Radios and Other Devices in Motor Vehicles.** No person shall perform, create, cause, or permit a radio, television set, musical instrument, or any other device to produce, reproduce, or amplify sound to create a noise in excess of 50 dBA at 25 feet from such device when operated on a motor vehicle.
2. **Muffler Cutouts.** No person shall use a muffler cutout, bypass, or similar device on a motor vehicle on a public highway.
3. **Vehicle Exhaust System.** Every motor vehicle shall be at all times equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. (The intent of this provision is that it is necessary to prevent both noise and smoke, and either one constitutes a violation.) Noise which is measured at a distance of at least 25 feet from the near side of the nearest lane being monitored at a height of at least 4 feet above the immediate surrounding surface as follows is excessive or unusual noise:

Motor Vehicle Designation	Speed of 35 MPH Or less	Speed Over 35 MPH
Motor vehicles or a combination of vehicles towed by a motor vehicle with a manufacturer's gross vehicle rating or gross combination weight rating of <u>10,000 pounds or more</u>	90 dBA or more	94 dBA or more
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	80 dBA or more	84 dBA or more

4. **Animals and Birds.** No person shall own, possess, or harbor any animal or bird which frequently or for continued duration emits sounds native to the species which are a noise disturbance. Excepted from the provisions of the subsection are guide dogs for the blind and deaf.
5. **Radios, Television, Phonographs, etc.** No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound at a sound level which creates a noise disturbance. Church or clock carillons, bells or chimes; parades or processions, provided the conditions of the permit are met; mobile radio or telephone signal devices; and sanctioned racing events, are all excepted from the provisions of this subsection.
6. **Lawn-mowing Equipment.** No person shall use or operate or permit the use or operation of a power lawn mower, power trimmer or other gasoline or electric powered device intended for mowing or trimming a lawn between the hours of 10:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter. No person shall use or operate or permit the use or operation of a gasoline powered lawn mower which does not have a muffler if such use or operation creates a noise disturbance as defined in this chapter.
7. **Chain Saws.** No person shall use or operate or permit the use or operation of a power chain saw between the hours of 10:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.
8. **Solid Waste Collection and/or Hauling Equipment.** No person shall use or operate or permit the use or operation of any solid waste collection and/or

hauling equipment between the hours of 10:00 p.m. and 6:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.

Governmental fire department equipment, and devices used by emergency vehicles or by governmental officials or organizations for authorized public purposes are exempt from the provisions of this chapter.

52.05 MEASUREMENT OF SOUND. Sound level measurement from limited sound sources, for purposes of this chapter, shall be measured using a sound level meter at the real property boundary of the receiving property, or at a point reasonably proximate to the real property boundary and shall be measured at a height of 4 feet above the immediate ground surface.

52.06 EXCLUDED SOUNDS. Any other provision of Section 52.04 or other section of this chapter to the contrary notwithstanding, the term “noise disturbance,” as used in this chapter, does not mean or include the following sounds:

1. Lawn and Garden Equipment. The sound emitted by motor-powered muffler-equipped lawn and garden equipment operated between the hours of 7:00 a.m. and 10:00 p.m.
2. Chain Saws. The sound emitted by motor-powered tree-trimming equipment operated between the hours of 7:00 a.m. and 10:00 p.m.
3. Snow Removal Equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment and City-owned or hired snow removal equipment.
4. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.
5. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purpose or for the essential testing of such device.
6. Church Bells. The sound emitted by church carillons, bells or chimes.
7. Radios. The sound emitted by a motor vehicle radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle’s occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than 300 feet.
8. Certain signaling Devices. The sound emitted by mobile radio or telephone signaling devices.
9. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.
10. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.

11. **Construction Noise.** The sound emitted by construction work (erection, demolition, excavation, drilling, etc.) between the hours of 7:00 a.m. and 10:00 p.m., which is being performed pursuant to a proper and current building permit.
12. **Mosquito Spraying Equipment.** The sound made by the City-owned or hired mosquito spraying equipment.
13. **School Activities.** The sounds made by students, employees and/or the general public while in attendance at any school sponsored event.
14. **Fireworks Displays.** The sound made during any fireworks display that has been issued a fireworks permit.
15. **Parades.** The sounds made by participants and observers of any parade that has been approved and issued a parade permit.
16. **City Operations.** The sound made or caused to be made by City owned or hired equipment or facilities for the conduct of City operations.

52.07 MUNICIPAL INFRACTION. Any violation of the Chapter shall be deemed a municipal infraction.

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