

CHAPTER 44

NOISE CONTROL

44.01 Purpose	44.05 Vehicle Noise Limits
44.02 Definitions	44.06 Permits
44.03 Measurement of Noise and Sound	44.07 Maximum Sound To Be Permitted
44.04 Test Measurement and Requirements for Determination and Classification of Sound	44.08 Exceptions
	44.09 Enforcement

44.01 PURPOSE. It is the purpose of this chapter to prevent excessive sound which is a serious hazard to the public health and welfare and to the quality of life in the City.

44.02 DEFINITIONS. All terminology used in this chapter and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) and its successor body.

1. “Decibel” means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.
2. “Emergency vehicle” means a motor vehicle used in response to a (public) calamity or to protect persons or property from imminent danger.
3. “Emergency work” means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent danger.
4. “Gross vehicle weight” means the value specified by the manufacturer as the loaded weight of a vehicle.
5. “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.
6. “Sound level meter” means an instrument, including a microphone, amplifier, output meter and weighting networks, that is sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publication SI 4-1971, or its successor publication.

7. “Weighted sound level (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 shall be designated dB(A) or dBA.

44.03 MEASUREMENT OF NOISE AND SOUND. The measurement of sound and noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be an A weighted, slow response sound level.

44.04 TEST MEASUREMENT AND REQUIREMENTS FOR DETERMINATION AND CLASSIFICATION OF SOUND.

1. No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the City heard and measured in the manner prescribed below; except when done under and in compliance with a permit issued pursuant to this chapter.
2. It shall be the duty of persons in a position of ownership, possession or control of premises to prevent such premises from being the site of activities producing sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
3. It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure to perform such duty shall constitute a violation of this section.
4. For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:
 - A. The sound shall be measured at the property line of the complainant lying between the sound source and the complainant.
 - B. Where no property line exists between the sound source and the complainant, the sound shall be measured at a distance of at least twenty-five (25) feet from the sound source.

C. The sound shall be measured on a sound level meter of standard design and quality operated on the “A” slow response weighting scale.

D. A sound measured or registered in excess of the maximum permitted levels according to the following table is declared to be excessive and unusually loud and is unlawful.

Character of Complainant Property	Maximum Number of Decibels Permitted
Residential	60 from 7:00 a.m. to 10:00 p.m. 50 from 10:00 p.m. to 7:00 a.m.
Commercial	65 from 7:00 a.m. to 10:00 p.m. 60 from 10:00 p.m. to 7:00 a.m.

44.05 VEHICLE NOISE LIMITS. It is unlawful for any person to operate or for the owner to cause or permit to be operated within the public right-of-way in the City any motor vehicle which emits a noise in excess of the dB(A) level established in this section.

1. The maximum allowable noise levels for motor vehicles are listed in the following table:

Type of Vehicle	Maximum Number of Decibels Permitted	Minimum Measurement Distance From Vehicle
Motor vehicles weighing 10,000 pounds or less, gross vehicle weight	84 dB(A)	25 feet
Motor vehicles weighing more than 10,000 pounds, gross vehicle weight	93 dB(A)	25 feet
Motorcycles	93 dB(A)	25 feet

2. This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter.

3. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle or operate any such vehicle or device in the City in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicles as originally manufactured. Muffler cutouts, by-passes or other devices which increase sound emitted are unlawful.

4. The sound shall be measured on a sound level meter of standard design and quality operated on the “A” slow response weighting scale.

44.06 PERMITS. Application for a permit for relief from the provisions of this chapter may be made to the City Administrator pursuant to the following procedures:

1. All permits must be applied for in writing during normal business hours stating what devices are to be employed, where they are to be employed, on what date, and at what times of day they are to be used, the nature of the sounds to be produced or amplified and the number of people in attendance, and the persons responsible for the activity.
2. Permits granted shall state with reasonable specificity the dates, locations, times, nature of the sound devices permitted, number of people in attendance and the persons responsible for the activity.
3. Permits shall not be arbitrarily or unreasonably withheld nor shall the free expression of ideas or lawful speech be restrained, but sound and noise-producing conduct having no communicative value and serving only to unreasonably disturb and disrupt the enjoyment of residences and normal pursuits shall be restrained.
4. The City Administrator may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

44.07 MAXIMUM SOUND TO BE PERMITTED. When a permit has been issued pursuant to this chapter, the sound levels in the following table shall be the maximum levels permitted. The appropriate duration for each level shall not be exceeded.

Sound Level Limit dB(A)*	Duration
80	24 hours
83	12 hours
86	6 hours
89	3 hours
92	1.5 hours
95	45 minutes
98	22 minutes
101	11 minutes
105	5 minutes

*The sound level shall be measured at a distance of fifty (50) feet from the sound source.

Sound emitted in excess of 105 dB(A) shall at all times be considered unlawful.

44.08 EXCEPTIONS. The requirements, prohibitions and terms of this chapter do not apply to the following:

1. Emergency work or to any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
2. The emission of sound for the purpose of alerting persons to the existence of an emergency.
3. Activities including, but not limited to, parades, fireworks displays and community events.
4. Athletic contests.
5. The following activities, between 6:00 a.m. and 9:30 p.m.: all construction work, garbage collection, use of domestic power tools, use of motor-powered, muffler-equipped lawn, garden and tree-trimming equipment, and vehicle repairs.
6. Church and school bells and sirens for governmental meetings.

44.09 ENFORCEMENT. Upon receipt of a complaint of excessive or unusually loud sound, or upon an officer's own volition, a law enforcement officer shall measure the sound as described herein. If the sound is excessive or unusually loud, as shown on the sound level meter, the officer shall request the person in the position of ownership, possession or control of the premises, or such person's agent, to immediately reduce the sound level to within lawful limits. The failure or refusal to reduce and maintain the sound level to within lawful limits shall be a simple misdemeanor.

[The next page is 223]