

## Sec. 14-22. - Noises.

- (a) *Definitions.* All terminology used in this section not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. For the purposes of this section, the following definitions shall apply:
- (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) *Alarm:* Any fire, burglary, motor vehicle, or civil defense alarm, whistle or similar stationary emergency signaling device.
  - (3) *Construction:* Any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action, for or of public or private rights-of-way, structures, utilities, or similar property.
  - (4) *Decibel:* Means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micro-pascals (20 micro-newtons per square meter).
  - (5) *Emergency:* Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.
  - (6) *Emergency vehicle:* A motor vehicle utilized by the fire department or certified private vehicle belonging to a volunteer fireman, or firefighters' association, partnership or corporation, an ambulance or EMS unit, a motor vehicle belonging to a private security agency, or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency; providing said vehicles are in use as an emergency vehicle by one authorized to use said vehicle for that purpose.
  - (7) *Emergency work:* Any work for the purpose of treating, preventing or alleviating physical trauma or property damage threatened or caused by an emergency.
  - (8) *Maintenance equipment:* Implements used in the operation of a maintenance business, including but not limited to agricultural equipment, gas or electric mowers, edgers and blowers.
  - (9) *Motor vehicles:* A two (2) or more wheeled vehicle, or machine, propelled or drawn by mechanical power, gas or diesel, and used on the public roads and highways in the transportation of people or property and is required to be licensed.
  - (10) *Noise:* Any sound which annoys or disturbs humans or which causes or tends to cause any adverse psychological or physiological effect on humans.
  - (11) *Noise-sensitive area:* An area where a school, hospital, nursing home, court or public library is located.
  - (12) *Pure tone:* Means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of measurement, a pure tone shall exist if the one-third (1/3) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) HZ and above, by eight (8) dBA for center frequencies between one hundred sixty (160) HZ and four hundred (400) HZ and by fifteen (15) dBA for center frequencies less than or equal to one hundred twenty-five (125) HZ.
  - (13) *RMS sound pressure:* Means the square root of the timed averages square of the sound pressure.
  - (14) *Sound:* Means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
  - (15)

*Sound level:* Means the weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in [the] American National Standards Institute Specifications for Sound Level Meters, ANSI S1.4-1971, or in successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

- (16) *Sound level meter:* Means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument is of Type 2 or better, as specified in the American National Standards Institute Publication S1.4-1971, or its successor publications.
- (17) *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 the pressure of sound energy.
- (18) *Sound pressure level:* Means twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference of twenty (20) micropascals ( $20 \times 10^{-6}$  N/M<sup>2</sup>). The sound pressure level is denoted LP or SPL and is expressed in decibels.
- (19) *Electric generation machine:* Means a machine that converts mechanical energy into electrical energy.
- (b) *Prohibitions.* The following acts are considered excessive and unnecessary noise, unlawful and in violation of this section, punishable as provided by this section but shall not be deemed exclusive:
- (1) Any person making, continuing to make or causing to be made, excessive hazard to public health, welfare, safety or the quality of life within the limits of the city. In addition to any noise of such character, intensity or duration which disturbs the public peace and welfare.
  - (2) The sounding of any horn or signaling device on any vehicle on any street or public place in the city continuously or incessantly for a period in excess of sixty (60) seconds, except as a danger warning.
  - (3) The operation of any equipment used in construction work within three hundred (300) yards of any residential or noise-sensitive area between the hours of 6:00 p.m. and 8:00 a.m. on weekdays and at all times on weekends and holidays, except for emergency work.
  - (4)
    - a. The using or operating of any loudspeaker, loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 8:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, within or adjacent to residential or noise-sensitive areas such that the sound therefrom is plainly audible across the real property boundary of the source; provided, however, that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the city.
    - b. The use or operation in any place or on any premises in the city, any radio, television or other mechanical musical instrument or device of any kind whereby the sounds therefrom are cast directly upon public streets operated for advertising purposes or for the purpose of attracting the passing public or which are so placed and operated that sounds coming therefrom can be heard to the annoyance and inconvenience of travelers upon any street or public place or of persons in neighboring premises; provided, however, that between the hours from 11:30 a.m. to 1:00 p.m. and from 5:00 p.m. to 8:00 p.m., such radios or other mechanical musical instruments or devices may be maintained or operated in such a manner that the sounds therefrom may be heard not more than a distance of three hundred (300) feet therefrom.
  - (5) The creation of a loud or excessive noise in connection with the loading, unloading, opening, closing or other handling of boxes, crates, containers, refuse cans, doors, or other objects, or in connection with the use or operation of machinery or motors on commercial property between the hours of 6:00 p.m. and 8:00 a.m. weekdays, and at all times on weekends and holidays where commercial property abuts residential property.
  - (6)

The use of commercial maintenance equipment which creates a loud or excessive noise in connection with the operation of said equipment within a commercial area within one hundred (100) feet of any residential or noise-sensitive area between 6:00 p.m. and 8:00 a.m. weekdays and 6:00 p.m. to 10:00 a.m. weekends and holidays.

- (7) The keeping of any animal, bird or fowl which by causing frequent or continuing noise which disturbs the comfort or repose of any person in the vicinity.
- (8) The playing of any radio, television, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 8:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, or in any dwelling, hotel, or other type of residence.
- (9) The violation of any provision in section 14-22.

(c) *Maximum sound levels permitted.* The following shall be considered the maximum sound levels permitted in each designated land use district:

Sound Levels by Receiving Land Use

Land Use District	Time	Sound Level Limit dBA
Residential	At all times	55
Recreational	7 a.m.—10 p.m.	60
Recreational	10 p.m.—7 a.m.	55
Commercial or Business	8 a.m.—6 p.m. weekdays	65
Commercial or Business	6 p.m.—8 a.m. weekdays	55
Commercial or Business	At all times on weekends and holidays	55
Manufacturing, Industrial	At all times	70

(d) *Limited special permits.* Any person desiring relief for a limited period of time from any provision of this section shall apply for a special permit to cause or create noise levels which are in violation of this section. Applications for such special permits must be made in writing to the office of the city manager. Payment of a fee of twenty-five dollars (\$25.00) shall accompany the application. The city manager may grant a special permit upon a showing by the applicant that:

- (1) Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of the article; or
- (2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provision of this article; or
- (3)

No reasonable alternative is available to the applicant. Any permit granted pursuant to this section shall contain thereon all conditions upon which said permit has been granted, including, but not limited to, the effective date, time of day, location, sound level limit or equipment limitation; provided, however, that no special permit shall be issued for a period in excess of ninety (90) consecutive days. Any special permit granted hereunder may be renewed upon application to the city manager and upon a showing that the reasons for which the permit was granted still exist.

(e) *Exclusions/exemptions.* None of the terms or prohibitions of subsection (b) hereof, except as provided herein, shall be applied to or enforced against:

- (1) Any vehicle of the city and licensed public utility vehicle within the city while engaged in necessary public business;
- (2) Excavations or repairs of bridges, streets, highways or utilities, by or on behalf of the city, county or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day;
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character;
- (4) Noise generated for the purpose of alerting persons to the existence of an emergency or noise generated in the performance of emergency work.
- (5) Any landowner, property management company or renter during a state of declared emergency or during such times when electric power is not generally available within an area, for the noise generated by electric generation machines provided:
  - a. The electric generation machine is located on the property so as to minimize sound levels to surrounding land uses;
  - b. The electric generation machine does not generate sound levels louder than a similar electric generation machine that is well maintained; and
  - c. If required by a code or law enforcement official, the electric generation machine shall be bounded on three (3) sides by a temporary enclosure.

Notwithstanding the above, the city manager is empowered to establish prohibitions against the operation of an electric generation machine by land use, days, hours, type of electric generation machine or any combination of the preceding. Furthermore, a law or code enforcement official may require a landowner, property management company or renter to take such action to mitigate sound levels consistent with this section, such as, requiring the landowner or renter to relocate the electric generation machine.

- (6) Any landowner, company management company or renter for purposes of inspecting, testing and maintaining electric generation machines. The operation of electric generation machines for such purposes is limited to the time between 9:00 a.m. and 4:00 p.m. and for up to 30 minutes each month.
- (f) *Enforcement; hearing.* This section shall be enforced either by the appropriate law enforcement agency or code enforcement agency or both having jurisdiction within the limits of the city. A court of competent jurisdiction shall hear violations issued by a law enforcement agency and may also hear violations issued by a code enforcement officer, while the city's code enforcement board may only hear violations issued by a code enforcement officer.
- (g) *Penalties.* Any person violating any of the provisions of this section upon conviction thereof shall be fined in an amount not exceeding the following:
- (1) *First conviction*, not exceeding one hundred dollars (\$100.00).
  - (2) *Second conviction*, not exceeding two hundred fifty dollars (\$250.00).
  - (3) *Third and additional convictions*, not exceeding five hundred dollars (\$500.00).

Commercial businesses not paying Code violation fines within ten (10) business days of conviction shall have any occupational licenses suspended and shall be denied renewal of any occupational licenses until all Code violation fines are paid. In the case of undeveloped property, the city shall not accept or process any development order or permit application for the undeveloped property until all Code violation fines are paid.

(h) *Severability.* If any section, subsection, sentence, clause, phrase or combination thereof of this section is for any reason declared invalid by any court of competent jurisdiction, such adjudication shall in no manner affect the other portions of this section, which shall remain in full force and effect.

(Ord. No. 48, § 19, 5-28-62; Ord. No. 85-113, § 2, 2-11-85; Ord. No. 85-149, § 2, 6-10-85; Ord. No. 87-139, § 1, 10-13-87; Ord. No. 98O-8-139, § 1, 9-14-98; Ord. No. 01O-8-47, § 1, 9-10-01; Ord. No. 06O-03-122, §§ 1—5, 4-10-06; Ord. No. 09O-11-165, § 2, 12-14-09)