

Chapter 10. Offenses—Miscellaneous

Article I. In General

Sec. 10-6. Noise.

[Ord. No. 25932, 6-23-1986; Ord. No. 26322, 11-23-1987; Ord. No. 27482, 12-28-1992; Ord. No. 27485; 1-11-1993; Ord. No. 29882, 1-12-2004]

- (a) Statement of public policy. Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now therefore it is the policy of the city to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.
- (b) Purpose. This section provides standards for the control of noise within the city and prohibits or regulates those acts which most frequently create excessive noise. The general objectives of these standards are to secure the public health, comfort, convenience, and safety of, and to promote the welfare, prosperity, peace and quiet of, the citizens of the city.
- (c) Definitions. For the purposes of this section the following words and phrases shall have the meanings respectively ascribed to them by this section:
- (1) CONSTRUCTION — Any and all activity necessary or incidental to the erection, assembling, altering, installing, repair or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling and paving.
 - (2) DECIBEL — The unit by which sound volume is measured.
 - (3) dB — The abbreviation for decibel.
 - (4) dB(A) — The A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of Specifications for Sound Level Meters (S1.4 1971), American National Standards Institute (ANSI), properly calibrated, and operated on the "A" weighting network.
 - (5) DEMOLITION — Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
 - (6) EMERGENCY — An occurrence or set of circumstances requiring immediate action involving the restoration of public utilities or the restoration of property to a safe condition following a public calamity or the protection of persons or property from imminent exposure to danger.
 - (7) EMERGENCY WORK — Work which must be performed to alleviate an emergency.
 - (8) GROSS VEHICLE WEIGHT RATING (GVWR) — The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.
 - (9) MOTORCYCLE — Any motor vehicle having a seat or saddle for the use of the rider and designed to travel

on not more than three (3) wheels in contact with the ground, including any bicycle with a motor or driving wheel attached, except a tractor or a motor vehicle designed for carrying golf clubs and not more than four (4) persons, an industrial three-wheel truck, or a motor vehicle on which the operator and passengers ride within an enclosed cab.

- (10) MOTOR VEHICLES — Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, buses, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.
 - (11) NOISE POLLUTION — A condition caused by a noise source that increases noise levels ten (10) dB(A) or more above background noise level except that if the noise source produces a tonal sound an increase at five (5) dB(A) or more above background noise level shall be considered sufficient to cause noise pollution.
 - (12) PAVEMENT BREAKER — Any hydraulically or pneumatically powered impact device intended to cut or trench pavement, subbase macadam, gravel, concrete or hard ground.
 - (13) PERSON — Any individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties, including the city, its agencies and departments and any person, as herein defined, operating under a contractual arrangement or agreement with the city.
 - (14) PILE DRIVER — An impact device designed or used for the driving of piles, columns and other supports into soil or other material by means of impact, vibrations, pressure or other means.
 - (15) TONAL SOUND — Any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.
- (d) Exceptions. The provisions of this section shall not apply to:
- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or as otherwise specifically permitted by the provisions of this section.
 - (2) The emission of sound in the performance of emergency work.
 - (3) Noncommercial public speaking and public assembly activities conducted on any private property, public space, or public right-of-way, except those activities otherwise regulated by subsection (f).
 - (4) The unamplified human voice, except where otherwise prohibited by the provisions of this section.
 - (5) The emission of sound in the performance of military operations exclusive of travel by individuals to or from military duty.
 - (6) The emission of sound in the discharge of weapons or in fireworks displays, from 8:00 a.m. to 11:00 p.m., when licensed by the city.
 - (7) The emission of sound in the operation of snow removal, snow clearance or snowmaking equipment by the city, its agencies or departments and any person operating under a contractual arrangement or agreement with the city; the emission of sound for the purpose of private clearance or removal of snow.
 - (8) Parades, public gatherings, or sporting events for which proper permits have been issued.
 - (9) Emergency vehicles, including police, fire and civil defense, and ambulances.
 - (10) Locomotive trains.
- (e) General prohibitions of noise emissions. No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit, either willfully, negligently, or by failure to provide necessary equipment or facilities or to take necessary precautions, the establishment or continuation of a condition of noise pollution.
- (f) Specific prohibitions. The following acts are specifically prohibited by this section and the causing or allowing the occurrence of said act is hereby declared to be in violation of this section, provided, however, that the provisions of this section shall not apply to emergency work or repair work performed by and for governmental

entities or public utilities or by private entities where such work is necessary to restore public or private property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger, and provided further than the necessity of such work shall be determined by the inspector of buildings or by other authorized emergency or public utility personnel.

- (1) Motorized vehicles and equipment. Operating or permitting the operation of the following devices or vehicles on the days and at the times specified below in any residential zone in the city or within 300 feet of a building or structure which is used, in whole or in part, for residential purposes in any zone in the city:
 - a. All electric motors or internal combustion engines used in yard and garden maintenance including, but not limited to, lawn mowers, riding tractors, leaf vacuums or leaf blowers, clippers, trimmers or other garden or farm tools and equipment and pavement sweepers on privately owned lots between the hours of 9:00 p.m. and 7:00 a.m. on weekdays; and on Sundays and holidays at any time before 9:00 a.m. and after 9:00 p.m.
 - b. All electric motors or internal combustion engines, or other construction devices, tools or equipment, used in construction, drilling, demolition maintenance or earth moving, including but not limited to bulldozers, backhoes, concrete mixers, dumptrucks, pneumatic tools, rollers, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills and chainsaws between the hours of 5:00 p.m. and 7:00 a.m. on weekdays; on Saturdays, before 8:00 a.m. and after 4:00 p.m.; and at any time on Sundays and holidays.
 - c. Snowmobiles between the hours of 7:00 p.m. and 8:00 a.m. on weekdays and between the hours of 7:00 p.m. and 9:00 a.m. on Sundays and holidays.
 - d. Commercial trash compactors or the collection of rubbish from dumpsters or other receptacles by commercial vehicles over 10,000 pounds between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and between the hours of 9:00 p.m. and 10:00 a.m. on Sundays and holidays.
 - e. Notwithstanding the provisions of subsections (f)(1) a., and b., above, an air compressor or a generator may be operated at a specific location between the hours of 8:00 a.m. and 5:00 p.m. on Sundays and holidays when special written permission has been granted, for that particular day, by the Chief of Police or his designee if the Chief of Police or his designee determines that:
 1. Such air compressor or generator is a necessary adjunct to a certain specific business activity, and
 2. The specific business activity for which permission is sought can feasibly only be performed on Sundays or holidays.
- (2) Radios, stereo equipment, etc. Operating, playing or permitting the operation or playing of any radio, stereo, televisions, phonograph, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound in a manner that makes it clearly audible across a residential real property boundary. Activities open to the public for which a proper permit has been issued shall be exempt from this provision.
- (3) Animals, birds, etc. The keeping of any animal or bird which frequently and for continued periods of time causes a condition of noise pollution in any residential zone in the city or within 300 feet of a building which is used, in whole or in part, for residential purposes in any zone in the city.
- (4) Hawkers, peddlers, etc. The offering for sale or selling of anything by shouting or outcry within a residential area of the city.
- (5) Loading, unloading, etc. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in a manner that causes a condition of noise pollution across a residential real property boundary.
- (6) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets at any place that causes a condition of noise pollution from 11:00 p.m. to 8:00 a.m.
- (7) Loudspeakers. Operating or causing to be operated a public address loudspeaker, whether mobile or

stationary, between the hours of 9:00 p.m. and 8:00 a.m., or at any other time without the written permission of the Chief of Police or his designee.

- (8) Horns, signaling devices, etc. The sounding of any horn or signaling device on any motor vehicle or motorcycle for an unreasonable period of time, except as a danger warning.
- (9) Motorized vehicles; additional prohibitions.
 - a. No person, when not in traffic, shall operate the engine providing motive power, or an auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more for a consecutive period longer than five minutes while such vehicle is standing and located within 150 feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads, nor to the operation of vehicles carrying products which must be kept refrigerated.
 - b. No person shall operate within the speed limits specified in subsection (g) either a motor vehicle, or a combination of vehicle of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration in such manner as to exceed the noise limit listed in subsection (g) for the category or motor vehicle; based on the legal speed limit, posted or not, of the road or way on which operated, such noise to be measured at a distance of no more than 50 feet from the center line of travel under test procedures established by subsection (g). In the event the distance of the measuring instrument from center line of travel is less than 50 feet, such listed noise limits shall be corrected to reflect the equivalent noise limits for the actual distance.
 - c. No person shall operate a motorized recreational vehicle including, but not limited to, motor boats, dirt bikes, dune buggies, go-carts, mopeds, motor bikes, snowmobiles or permit the operation of one or more such recreational vehicles, individually or in a group or in an organized racing event, on public or private property in such a manner as to create a condition of noise pollution across a residential real property boundary.
 For the purposes of subsection (f), "weekdays" shall be understood to mean that period of time extending from 7:00 a.m. on Monday until 9:00 p.m. on Saturday of each week, but excluding holidays.

(g) Maximum noise levels. Following are the maximum noise levels that are permitted for the specified noise sources:

(1) Vehicular sources.

Vehicle Class	Maximum Noise Level dB(A) Permitted	
	Stationary Run-up, Speed Limit 35 mph or less	Speed Limit 35 to 45 mph
All vehicles over 10,000 pounds GVWR	86	90
All motorcycles	82	82
Automobiles and light trucks	75	75

Measurements shall be made at a distance of 50 feet from the closest point of pass-by of a source or 50 feet from a stationary vehicle.

This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this Code relating to motor vehicle muffler or noise control.

The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI) or its successor body. The instrument 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 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. Traffic, aircraft, and other transportation noise sources and other background

noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent noise which exceeds the dB(A) levels in subsection (g).

(2) Construction, demolition and maintenance equipment.

		Maximum Noise Level dB(A) Permitted
a.	Construction Item: Backhoe, bulldozer, concrete mixer, dumptruck, loader paver, pneumatic tools, roller, scraper, cranes (but specifically excluding jackhammers, pavement breakers, pile drivers, rock and cranes)	90
	Air compressor, tractor (full size)	85
	Generator	80
		Maximum Noise Level dB(A) Permitted
	Electric drills, sanders, saws (including chainsaws) or other power tools of all types, whether hand held or otherwise	75
b.	Maintenance Item:	
	Chipper (running at full speed, but not chipping), leaf vacuum	90
	Solid waste compactor	85
	Home tractor, leaf blower	80
	Lawn mower or trimmer	75

Noise measurements shall be made at a distance of 50 feet from the source or from the property line.

(3) Maximum noise level exclusions. The following devices shall be exempt from the maximum noise limitations set forth in subsection (g)(2) provided that noise barriers or noise shields are used to protect nearby areas from a condition of noise pollution:

- a. Jackhammers.
- b. Pavement breakers.
- c. Pile drivers.
- d. Rock drills.

The time limitations contained in subsection (f)(1)b shall still apply and nothing in this section shall be construed as exempting such devices from the provisions of such section.

(4) Tonal sound corrections, exceptions. When a tonal sound, as defined in this section, is emitted by a noise source specified in subsection (g)(1) or (g)(2) herein, the limit on maximum noise levels shall be five dB(A) lower than the limit specified in subsections (g)(1) and (g)(2).

The provisions of this paragraph (4) shall not apply to activities covered by subsections (g)(1), motorized vehicles; (i), emergency signaling devices; and (j), stationary nonemergency signaling devices.

(5) Alternative measurement procedures. If it is not possible to make a good noise level measurement at the distance specified in subsections (g)(1) and (g)(2), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.

All noise-level measurements made pursuant to this subsection shall be made with a type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(h) Noise sources causing noise pollution. When an offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determination made in relation to, any location a passerby

might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determination made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.

All noise level measurements made pursuant to subsection (g) shall be made with a type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

- (i) Emergency signaling devices.
 - (1) No person shall operate or permit the intentional sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in paragraph (2) of this subsection.
 - (2) Testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed, but not before 8:00 a.m. or after 9:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed 60 seconds.
- (j) Stationary nonemergency signaling devices; exemption.
 - (1) No person shall operate or permit the sounding of any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than one minute in any hourly period. In no event shall any such sounding take place before 8:00 a.m. or after 9:00 p.m.
 - (2) Devices used in conjunction with places of religious worship shall be exempt from the operation of this section.
- (k) Enforcement. The police department shall be charged with the enforcement of the provisions of this section.
- (l) Penalties. Violations of any of the provisions of this section shall constitute a misdemeanor and any person, upon conviction of such violation, shall be fined in accordance with the following schedule:
 - (1) First offense—Not less than \$25, but not more than \$50.
 - (2) Second offense—Not less than \$50, but not more than \$100.
 - (3) Third offense and subsequent offenses—Not less than \$100, but not more than \$300.
Each day that such violation continues shall be considered to be a separate offense.
- (m) Conflict with other regulations. The provisions contained within this section shall not relieve any person from complying with other laws, statutes, codes, regulations or ordinances of the commonwealth or the city.
- (n) Severability. If any provision(s) of this section or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this section and applicability of such provisions to other persons or circumstances shall not be affected thereby.