

# Chapter 5

## NOISE CONTROL

### 4-5-1: SHORT TITLE AND SCOPE:

This chapter shall be known as the *NOISE CONTROL ORDINANCE*, and shall apply to the control of all sound and vibration originating within the limits of the city. (Ord. 3094, 8-4-1980)

### 4-5-2: DEFINITIONS:

All terminology used in this chapter, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body:

**A-WEIGHTED SOUND LEVEL:** The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

**COMMERCIAL AREA:** A commercial area as defined in Waterloo Zoning Ordinance 2479, as amended.

**DECIBEL (dB):** A unit for measuring the volume of a 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) micropascals (20 micronewtons per square meter).

**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.

**INDUSTRIAL AREA:** An industrial area as defined in Waterloo Zoning Ordinance 2479, as amended.

**MOTOR BOAT:** Any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, water ski towing devices and hovercraft.

**MOTOR CARRIER VEHICLE ENGAGED IN INTERSTATE COMMERCE:** Any vehicle for which regulations apply pursuant to section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574) as amended, pertaining to motor carriers engaged in interstate commerce.

**MOTOR VEHICLE:** Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, amphibious craft of land, dune buggies or racing vehicles, but not including motorcycles.

**MOTORCYCLES:** An unenclosed motor vehicle having a saddle for the use of the operator and two (2) or three (3) wheels in contact with the ground, including, but not limited to, motor scooters, minibikes and mopeds.

**MUFFLER OR SOUND DISSIPATIVE DEVICE:** A device for abating the sound of escaping gases of

an internal combustion engine.

**NOISE:** An oscillation in the pressure, particle displacement velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of noise may include any characteristic of such noise, including duration, intensity and frequency.

**NOISE DISTURBANCE:** Any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

**NOISE LEVEL:** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI SL. 4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply. Refer to Table I and Table II for maximum noise levels allowed within the city<sup>1</sup>.

**NOISE LEVEL METER:** An instrument which includes a microphone, amplifier, network and output device used to measure pressure levels.

**NOISE SENSITIVE ZONE:** Any area designated by the city council as an area requiring exceptional quiet.

**PERSON:** Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

**POWERED MODEL VEHICLE:** Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

**REAL PROPERTY BOUNDARY:** 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 intrabuilding real property divisions.

**RESIDENTIAL AREA:** A residential area as defined in Waterloo Zoning Ordinance 2479, as amended.

**VIBRATION:** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point. (Ord. 3094, 8-4-1980)

### 4-5-3: NOISE LEVEL TABLES:

TABLE I

Vehicle Class	45 mph Or Less	Over 45 mph
Interstate + 10,000 lb. GCWR	86 dBA	90 dBA
Other + 10,000 lb. GCWR	86 dBA	90 dBA

Motorcycle	80 dBA	84 dBA
All other vehicles	74 dBA	80 dBA

All measurements in this table are maximum noise levels acceptable, and any noise in excess of the dBAs in this table shall be considered a violation.

All measurements are made at a minimum measurement of twenty five feet (25') from the curb.

All measurements are to be taken at least one hundred feet (100') from any intersection.

TABLE II

<u>Zone</u>	Day (7:00 A.M._ 11:00 P.M.)	Night (11:00 P.M._ 7:00 A.M.)
Residential	80 dBA	55 dBA
Commercial	80 dBA	60 dBA
Industrial	82 dBA	75 dBA

All measurements in this table are maximum noise levels acceptable, and any noise in excess of the dBAs in this table shall be considered a violation.

All measurements are to be taken at the nearest lot line but not less than twenty five feet (25') from the noise source. (Ord. 3094, 8-4-1980)

#### **4-5-4: PROHIBITED ACTS:**

This chapter prohibits any noise in the city that is in excess of the noise levels in Tables I and II set out in section [4-5-3](#) of this chapter, and further prohibits the following acts, and the causing thereof, are declared to be in violation of this chapter:

- A. Operating, playing or permitting the operation or playing of any radio, television set, musical instrument or similar device which produces, reproduces or amplifies sound:
1. In such a manner as to create a noise level (see Table II) at any portion of real property boundary or within a noise sensitive zone; or
  2. In such a manner as to create a noise level (see Table II) at twenty five feet (25') from such device, when operated in or on a motor vehicle on a public right of way or public space, or in a boat on public waters; or
  3. In such a manner as to create a noise level (see Table II) to any person other than the operator of the device, when operated by any passenger on a common carrier.

- B. Using or operating any loudspeaker, public address system or similar device such that the sound therefrom creates a noise level (see Table II) across a residential real property boundary or within a noise sensitive zone.
- C. Offering for sale or selling anything by shouting or outcry in such a manner as to create a noise level (see Table II) within any residential or commercial area of the city, except by permit issued by the city according to criteria set forth in section [4-5-5](#) of this chapter.
- D. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects in such a manner as to create a noise level (see Table II) across a residential real property boundary or within a noise sensitive zone.
- E. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work weekdays between eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. or at any time on Sundays or holidays, such that the sound therefrom creates a noise level (see Table II) across a residential real property boundary or within a noise sensitive zone. This section shall not apply to the use of domestic power tools.
- F. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to create a noise level (see Table II) across a residential real property boundary or within a noise sensitive zone.
- G. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment in such a manner as to create a noise level (see Table II).
- H. Using explosives, firearms and similar devices without variance as set out in section [4-5-5](#) of this chapter.
- I. Operating or permitting the operation of powered model vehicles so as to create a noise level (see Table II) across a residential real property boundary, or in a public space or within a noise sensitive zone.
- J. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source, if on private property or twenty five feet (25') from the source, if on a public space or public right of way. For the purposes of this section "vibration perception threshold" means the minimum ground or structure-

borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

- K. Sounding or permitting the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes, from any place, for more than five (5) minutes in any hourly period in such a manner as to create a noise level (see Table II). Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.
- L. The intentional sounding or permitting the 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, in such a manner as to create a noise level (see Table II). Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before seven o'clock (7:00) A.M. and not after eleven o'clock (11:00) P.M. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed three (3) minutes.

Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur before nine o'clock (9:00) A.M. or after three o'clock (3:00) P.M. The three (3) minute time limit shall not apply to such complete system testings.

Sounding or permitting the sounding of any exterior burglar (or fire) alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within three (3) minutes of activation.

- M. Operating or permitting the operation of any motorboat in any lake, river, stream or other waterway in such a manner as to create a noise level (see Table II).
- N. Creating or causing the creation of any sound within any noise sensitive zone designated by the city council and posted as a noise sensitive zone. The city council may set different decibel limits than are indicated in Table II within a designated noise sensitive zone.
- O. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device in residential areas in such a manner as to create a noise level (see Table II) across a residential real property boundary. (Ord. 3094, 8-4-1980; amd. Ord. 4108, 7-10-1995)

#### **4-5-5: EXCEPTIONS AND VARIANCES:**

- A. The provisions of this chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of

emergency work.

- B. The city council shall have the authority, consistent with this section, to grant special variances:
1. Any person seeking a special variance pursuant to this section shall file an application with the city clerk. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the city clerk containing information to support his claim. If the city council finds that a sufficient controversy exists regarding such application, a public hearing may be held.
  2. In determining whether to grant or deny the application, the city council shall balance the hardship to the applicant, the community and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the city council may reasonably require. In granting or denying an application, the city council shall place on public file a copy of the decision and the reasons for denying or granting the special variance.
  3. Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the special variance was granted.
  4. Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances under this subsection B.
  5. The city council may issue guidelines defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.
  6. Within thirty (30) days following the effective date of this chapter, the owner of any commercial or industrial source of sound may apply to the city council for a variance in time to comply with this chapter. The city council shall have the authority, consistent with this section, to grant a variance, not to exceed ninety (90) days from the effective date of this chapter.
- C. Appeals of an adverse decision of the city council shall be made to the appropriate court of law. Review of the court shall be (de novo) limited to whether the decision is supported by substantial evidence as specified by the judge or magistrate.
- D. The provisions of this chapter shall not apply to:
1. The unamplified human voice;
  2. Interstate railway locomotives and cars;

3. All agricultural activities; and
4. Airports and aircraft. (Ord. 3094, 8-4-1980)

#### **4-5-6: MOTOR VEHICLE MAXIMUM SOUND LEVELS:**

- A. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right of way at any time in such a manner as to create a noise level (see Table I) emitted by the motor vehicle or motorcycle.
- B. No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound-dissipative device in good working order and in constant operation. No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound-dissipative device on a motor vehicle or motorcycle.
- C. The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right of way or public space in such a manner as to create a noise level (see Table II), except as a warning of dangers provided in the traffic code, is prohibited.
- D. No person shall:
  1. On or after two (2) years following the effective date of this chapter, operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse and which creates, during the compacting cycle, a noise level in excess of those set out in Table II.
  2. Operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse in such a manner as to create a noise level (see Table II) in a residential area or noise sensitive zone. For purposes of this subsection "night" shall be eleven o'clock (11:00) P.M. to six o'clock (6:00) A.M.
  3. Collect refuse with a refuse collection vehicle in such a manner as to create a noise level (see Table II) in a residential area or noise sensitive zone. For purposes of this subsection "night" shall be eleven o'clock (11:00) P.M. to six o'clock (6:00) A.M.
- E. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating in excess of ten thousand (10,000) pounds or any auxiliary equipment attached to such vehicle for a period longer than forty five (45) minutes in any hour while such vehicle is stationary on a public right of way or public space within one hundred fifty feet (150') of a residential area or designated noise sensitive zone (see Table II).

F. No person shall operate or cause to be operated any recreational motorized vehicle off a public right of way in such a manner that the noise level emitted therefrom exceeds the limits set forth in Table II at a distance of twenty five feet (25') or more from the path of the vehicle when operated on a public space or at or across the boundary of private property when operated on private property. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats. Variances for motor vehicle racing events may be obtained according to procedures and criteria as set forth in section [4-5-5](#) of this chapter. (Ord. 3094, 8-4-1980)

#### **4-5-7: VIOLATION:**

Any person violating any of the provisions of this chapter shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be fined as provided in subsection [1-3-2C](#) of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as an offense and shall be punishable as such hereunder. (Ord. 3094, 8-4-1980; amd. 2001 Code)

#### **4-5-8: ABATEMENT ORDERS:**

Except as provided above and in lieu of issuing a notice of violation or citation, the police officer or official responsible for enforcement of these provisions may issue an order requiring compliance with this chapter. This abatement order shall grant to the party a period of ten (10) days in which to bring the violation into compliance with this chapter. Upon bringing the violation into compliance, the official shall release the citation or notice of violation. (Ord. 3094, 8-4-1980)

#### **4-5-9: INJUNCTION:**

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is hereby declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 3094, 8-4-1980)