

## xChapter 8.19 NOISE ABATEMENT

### Sections:

- 8.19.010** Scope and purpose.
- 8.19.020** Definitions.
- 8.19.030** Enforcement authority designated.
- 8.19.040** Enforcement authority—Powers and duties.
- 8.19.050** Disturbances prohibited generally.
- 8.19.060** Exemptions.
- 8.19.070** Specific prohibitions.
- 8.19.080** Exceptions—Emergencies.
- 8.19.090** Special variances.
- 8.19.100** Appeals.
- 8.19.110** Sound levels by receiving land use.
- 8.19.120** Permissible noise levels—Motor vehicles and motorcycles.
- 8.19.130** Recreational motorized vehicles operating off-public rights-of-way.
- 8.19.140** Abatement orders.
- 8.19.150** Immediate threats to health and welfare.
- 8.19.160** Other remedies.
- 8.19.170** Violation—Penalty.

### **8.19.010 Scope and purpose.**

This chapter shall apply to the control of sound originating within the limits of the city, in order to prevent excessive sound which may jeopardize the health, welfare or safety of its citizens or to degrade the quality of life. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-1).

### **8.19.020 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter.

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

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 dB(A) or dBA.

2. "Background noise" means the all encompassing noises associated with a given environment, excluding the source(s) of sound being measured.

3. "Commercial land-use category" means in a zone designated as commercial under Title 17 of the Davenport city code, as amended, any activity which exists on or is applied to land or structures on the land wherein goods, services or commodities are provided, exchanged or purchased and sold at wholesale or retail. The commercial land-use category shall include facilities for the repair or servicing of new and used automobiles, trucks, trailers, construction equipment, agriculture equipment and boats, and public or private utility facilities.

4. "Construction" means any site preparation assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

5. "Day-night average sound level ( $L_{dn}$ )" means the twenty-four hour energy average of the A-weighted sound pressure level, with the levels during the period ten p.m. to seven a.m. the following day, increased by ten dBA before averaging.

6. "Daytime hours" means the period from seven a.m. until ten p.m. on the same day local time.
7. "Decibel (dB)" means a unit for measuring the volume of a sound equal to twenty times the logarithm to the base ten of the ratio of the root mean square pressure to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).
8. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
9. "Discrete tone" means a noise measured on a one-third octave band analyzer which is at least ten decibels greater than each of the adjacent one-third octave bands.
10. "Emergency work" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
11. "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
12. "Equivalent A-weighted sound level ( $L_{eg}$ )" means the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound.
13. "Gross vehicle weight rating (GVWR)" means 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.
14. "Impulsive sound" means a noise, containing excursions usually of no more than one second, the A-weighted sound pressure level of which exceeds the background noise level by more than twenty dB(A), when measured by the fast meter characteristic of a sound level meter.
15. "Industrial land-use category" means in a zone designated as heavy industrial under Title 17 of the city code, as amended, any activity which exists on or is applied to land or structures on the land which pertains to: the mining or extraction of raw materials from the earth and the processing thereof, salvage yards, junk yards, steel mills, foundries, smelters, automobile, truck construction equipment or agricultural equipment assembly plants, sulphur plants, rubber reclamation plants, cement plants, sanitary landfills, railroad switching yards, metal fabrication plants and chemical processing plants, or in a zone designated as light industrial under Title 17 of the city code, as amended, any activity which exists on or is applied to land or structures on the land wherein the activities of manufacturing, fabrication, processing or assembly are utilized to produce a semi-finished or finished product. The light industrial land-use category includes the warehousing, storing and distributing of semi-finished or finished products.
16. " $L_{eg(t)}$ " means the equivalent A-weighted sound level measured for a period of one hour or less as described in the measurement procedures.
17. "Motorboat" means any vessel which operates on water and which is propelled by a motor, including, but not limited to, barges, amphibious craft, boats, water ski towing devices and hover-crafts.
18. "Motor carrier vehicle engaged in interstate commerce" means 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.
19. "Motorcycle" means an unenclosed motor vehicle having a saddle for the use of the operator and with two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.
20. "Motor vehicle" means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.
21. "Muffler or sound dissipative device" means a device for abating the sound of escaping gases of an internal combustion engine.

22. "Night-time hours" means the period from ten p.m. until seven a.m. the following morning local time.
23. "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
24. "Noise disturbance" means any sound which:
  - a. Endangers or injures the safety or health of humans or animals; or
  - b. Annoys or disturbs a reasonable person of normal sensitivities; or**
  - c. Endangers or injures personal or real property.
25. "Noise sensitive area" means any area designated pursuant to Subsection H of Section 8.19.040 of this chapter for the purpose of insuring exceptional quiet.
26. "Person" means 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.
27. "Powered model vehicle" means any self-propelled airborne, waterborne, or land borne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.
28. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.
29. "Public space" means any real property or structures which are owned or controlled by a governmental entity.
30. "Real property boundary" means an imaginary line which separates the real property owned by one person from that owned by another person.
31. "Residential land use category " means in a zone designated as residential under Title 17 of the city code, as amended, any activity which exists on or is applied to land or structures on the land wherein persons occupy single-family or multiple-family dwellings, or other structures containing units with facilities which are used or are intended to be used for living or sleeping and which may include facilities for cooking and eating. The residential land use category shall include schools, churches, hospitals, libraries, public or private parks and other similar land uses.
32. "RMS sound pressure" means the square root of the time averaged square of the sound pressure, denoted  $P_{rms}$ .
33. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of sound, including duration, intensity and frequency.
34. "Sound level" means 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 S1.4 - 1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
35. "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.
36. "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.
37. "Sound pressure level" means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure of sound to the reference pressure of twenty micropascals (twenty micronewtons per square meter). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels.
38. "Stationary noise source" means any equipment, aircraft or facility, fixed or movable, capable of emitting audible noise. This term is not construed to include motor vehicles or motorcycles.

39. "Vehicular way" means a paved or unpaved area used by motor vehicles including, but not limited to, roads, streets, highways, alleys and parking lots.

40. "Weekday" means any day Monday through Friday which is not a legal holiday. (Ord. 2002-31 § 31 (part): Ord. 80-1152 § 1 (part): prior code § 23.01-2).

#### **8.19.030 Enforcement authority designated.**

The city administrator, through the environmental officer or his designee and the police department, unless delegated to another authority by written directive, shall be the enforcement authority and shall have the power and duty of enforcing the provisions of this chapter. The environmental officer shall have the power to issue citations for violations of this chapter. (Ord. 2002-31 § 31 (part): Ord. 80-1152 § 1 (part): prior code § 23.01-3).

#### **8.19.040 Enforcement authority - Powers and duties.**

In order to implement and enforce this chapter, the enforcement authority may:

A. Studies. Conduct, or cause to be conducted, research, monitoring and other studies related to sound.

B. Education.

1. Conduct programs of public education regarding the causes, effects and general methods of abatement and control of noise; and the actions prohibited by this chapter and the procedures for reporting violations;

2. Encourage the participation of public interest groups in related public information efforts.

C. Coordination and Cooperation.

1. Coordinate the noise activities of all municipal departments;

2. Cooperate to the extent practicable with all appropriate state and federal agencies;

3. Cooperate or combine to the extent practicable with appropriate county and municipal agencies;

4. Enter into contracts, with the approval of the city council, for the provision of technical enforcement services.

D. Review of Actions of Other Departments. Request any other department or agency responsible for any proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that the action is not consistent with this chapter.

E. Review of Public and Private Projects. Review public and private projects, subject to mandatory review or approval by other departments, for compliance with this chapter, if such projects are likely to cause noise or vibration in violation of this chapter.

F. Inspections.

1. Upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or records at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing probable cause to believe that a violation of this chapter may exist. Such inspection may include administration of any necessary tests;

2. Stop any motor vehicle, motorcycle, or motorboat operating on a public right-of-way, public space, public waterway, or any private property which is reasonably suspected of violating any provision of this chapter, and issue a notice of violation or abatement order which requires the motor vehicle, motorcycle or motorboat to be inspected or tested as the enforcement authority may reasonably require.

G. Product Performance and Standard Recommendations. Develop and recommend for promulgation to the city council, provisions regulating the use and operation of any product, including the specifications of maximum allowable sound emission levels of such product.

H. Noise-Sensitive Area Recommendations. Prepare recommendations to be approved by the city council for the designation of noise-sensitive areas which contain noise-sensitive activities. Existing quiet areas shall be considered noise-sensitive areas until otherwise designated. Noise-sensitive activities include, but are not limited to, operations of schools, libraries open to the public, churches, hospitals and nursing homes.

I. Planning to Achieve Long-Term Noise Goals. Develop a generalized sound level map of the city, a long-term plan for achieving quiet in the city, and integrate this plan with the city plan and zoning commission's comprehensive city plan. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-4).

#### **8.19.050 Disturbances prohibited generally.**

It is unlawful for any person to unreasonably make, continue, or cause to be made or continued, any noise disturbance within the limits of the city. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-5).

#### **8.19.060 Exemptions.**

The provisions of this chapter shall not apply to:

- A. The specific prohibitions in Section 8.19.070 during the hours a sound level limit is specified;
- B. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way;
- C. Rail, air transportation and public mass transportation vehicles;
- D. The emission of sound in the operation of snow removal equipment;
- E. City refuse collection vehicles. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-6).

#### **8.19.070 Specific prohibitions.**

It is unlawful for any person to perform, create, cause or permit the following acts, and the same are declared to be in violation of this chapter, unless special variance is issued pursuant to the provisions of Section 8.19.090 of this chapter.

A. Radios, television sets, musical instruments, and similar devices which produce, reproduce or amplify sound:

1. During night-time hours in such a manner as to create a noise disturbance across a real property boundary or within a noise-sensitive area and during daytime hours so as to violate the provisions of Section 8.19.110;

2. In such a manner as to create a noise disturbance at fifty feet (fifteen meters) 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;

3. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier;

4. This section shall not apply to noncommercial spoken language covered under subsection B.

B. Loudspeakers/Public Address Systems.

1. Using or operating for any purpose any loudspeaker, public address system, or similar device:

a. So that the sound therefrom creates a noise disturbance across a real property boundary or within a noise-sensitive area; or

b. During night-time hours on a public right-of-way or public space; or

c. During daytime hours so as to violate the provisions of Section 8.19.110.

2. This section shall not apply to any member of a federal, state or local law enforcement, public safety, or civil defense agency, in performance of official duty.

C. Animals and Birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential real property boundary, or within a noise-sensitive area.

D. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects, or the operation of compacting mechanisms, during night-time hours in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise-sensitive area or during daytime hours so as to violate the provisions of Section 8.19.110.

E. Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work:

1. During night-time hours on weekdays and Saturday or any time on Sunday or holidays: so that the sound therefrom creates a noise-disturbance across a residential real property boundary or within a noise-sensitive area, except for work of city public services department crews, work being performed under contract to the city, or public service utilities;

2. At any other time so that the sound level across a real property boundary exceeds the limit of eighty-five dBA;

3. This section shall not apply to the use of domestic tools subject to subsection M of this section.

F. Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise-sensitive zone.

G. Places of Public Entertainment. 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 at a sound level greater than ninety dBA as read by the slow response on a sound level meter at any point that is normally occupied by customer, unless a conspicuous and legible sign is located outside such place, near such public entrance, stating, "WARNING, SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."

H. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space or within a noise-sensitive zone during the night-time hours. Maximum sound levels in a public space during the permitted period of operation shall conform to those set forth for residential land use in Table 1 of Section 8.19.110 and shall be measured at a distance of fifteen meters (fifty feet) from any point on the path of the vehicle. Maximum sound levels for residential property and noise-sensitive zones, during the permitted period of operation, shall be governed by Sections 8.19.110 and 8.19.070 (L), respectively.

I. Stationary Nonemergency Signaling Devices.

1. Sounding or permitting the sounding of any signal from any stationary or mobile bell, chime, siren, whistle, horn or similar device, whether or not electronically amplified, intended primarily for nonemergency purposes, from any place, or more than one minute in any hourly period;

2. Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.

J. Emergency Signaling Devices.

1. The intentional sounding or permitting the sounding outdoors of any fire, burglar alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subdivisions 2 and 3 of this subsection;

2. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not during night-time hours. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty seconds;

3. 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 more than once in each calendar month. Such testing shall not occur during night-time hours. The time limit specified in the preceding subdivision shall not apply to such complete system testing;

4. Provisions of this subsection shall not apply to government owned and operated civil defense sirens under the jurisdiction of the civil defense director.

K. Motorboats. Operating or permitting the operation of any motorboat in any lake, river, stream, or other waterway in such a manner as to exceed a sound level of eighty dBA (fast meter response) at fifteen meters (fifty feet) or the nearest shoreline, whichever distance is greater.

L. Noise-Sensitive Areas.

1. Creating or causing the creating of any sound within any noise-sensitive area designated pursuant to subsection H of Section 8.19.040 so as to disrupt the activities normally conducted within the area, provided that conspicuous signs are displayed indicating the presence of the area; or

2. Creating or causing the creation of any sound within any noise sensitive area, designated pursuant to subsection H of Section 8.19.040 containing a hospital, nursing home, or similar activity, so as to interfere with the functions of such activity or disturb or annoy the patients in the activity, provided that conspicuous signs are displayed indicating the presence of the area.

M. Domestic Tools.

1. Operating or permitting the operation of any saw, hammer, drill, sander, grinder, lawn or garden tool, lawnmower, or similar devices used outdoors in residential areas during night-time hours so as to cause a noise disturbance across a residential real property boundary;

2. Snowblowers and other machinery used for snow removal are exempt from the requirements set forth above, while actually being used for snow removal.

N. Tampering. Tampering, removing, or rendering inaccurate or inoperative any sound monitoring instrument or device positioned by or for the enforcement authority. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-7).

**8.19.080 Exceptions - Emergencies.**

The provisions of this chapter shall not apply to:

A. The emission of sound for the purpose of alerting persons to the existence of any emergency; or

B. The emission of sound in the performance of emergency work. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-8).

**8.19.090 Special variances.**

A. The public safety committee of the city council shall hear and determine all applications for variances from this chapter.

B. Any person seeking a special variance pursuant to this section shall file an application with the public safety committee at least thirty days prior to the event. This thirty-day requirement may be waived by the public safety committee at their discretion. 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. The application shall also contain the time period for which the variance is sought and the noise limit (dBA) the applicant is petitioning the public safety committee to allow. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the public safety committee containing any information to support his claim.

C. In determining whether to grant or deny the application, the public safety committee 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 public safety committee may reasonably require. In granting or denying an application, the public safety committee shall place on public file a copy of the decision and the reasons for granting or denying the special variance.

D. Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity and any new noise limit (dBA) that will be enforced. 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 to those provisions of this chapter regulating the source of sound or activity for which the special variance was granted.

E. In addition to other requirements, the public safety committee, as part of the conditions of a special variance, may:

1. Require the owner or operator of any commercial or industrial activity to establish and maintain records and make such reports as the committee may reasonably prescribe;
2. Require the owner or operator of any commercial or industrial activity to measure the sound level of any source in accordance with the methods and procedures and at such locations and times as the committee may reasonably prescribe. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-9).

#### **8.19.100 Appeals.**

Any determination by the public safety committee pursuant to the above special variances provision may be appealed within ten days to the city council by filing a notice of appeal with the city clerk. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-10).

#### **8.19.110 Sound levels by receiving land use.**

A. Maximum Permissible Sound Levels by Receiving Land Use. It is unlawful for any person to operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table 1, unless otherwise provided in this chapter, when measured at or within the property boundary of the receiving land use, from such source of sound.

B. Correction for Character of Sound. For any source of sound which emits a pure tone or impulsive sound the  $L_{eq(1)}$  sound level limits set forth in Table 1 shall be reduced by five dBA for any pure tone or impulsive sound. Special instrumentation and measurement techniques are required if a pure tone or impulsive sound is less than five dB above the background noise level.

**Table 1 Sound Levels by Receiving Land Use**



Sound Emitting Land Use Category	Sound Receiving Land Use Category	Sound Level	
		Time of Day	Limit dBA <sup>1</sup> eq (1)
Residential	Residential	Daytime	55
		Nighttime	45
Business/Commercial	Residential	Daytime	60
		Nighttime	50
Industrial	Residential	Daytime	65
		Nighttime	55
Residential	Business/Commercial	Anytime	60
Business/Commercial	Business/Commercial	Anytime	65
Industrial	Business/Commercial	Anytime	65
Industrial	Industrial	Anytime	75

C. Exemptions. The provisions of this section shall not apply to:

1. Any specific prohibition as defined in Section 8.19.070, except as noted in Section 8.19.070;
2. Interstate railway locomotives and cars. (Ord. 2002-31 § 31 (part): Ord. 80-1152 § 1 (part): prior code § 23.01-11).

**8.19.120 Permissible noise levels - Motor vehicles and motorcycles.**

It is unlawful for any person to operate or cause to be operated a motor vehicle or motorcycle within the city limits at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table 2, for the speed limit zone, or otherwise creates a noise disturbance, regardless of the actual speed of the motor vehicle or motorcycle or in any other manner prohibited by this section, except as provided in Section 8.19.130.

**A. Adequate Mufflers or Sound Dissipative Devices.**

1. No person shall operate or cause to be operated within the city limits any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order, in constant operation, and that will sufficiently reduce sound to any acceptable level so as not to create a nuisance to any person.

2. 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.

**Table 2 Motor Vehicle and Motorcycle Sound Limits Measured at Fifteen Meters (Fifty Feet)**

**(Maximum sound level, fast meter response)**

**Sound Level in dBA**

Vehicle Class	Speed Limit 35 MPH or Less	Speed Limit Zone Over 35 MPH
All motor vehicles of GVWR or GCWR of 10,000 lbs. or more	86	90
Any motorcycle	82	86
Any other motor vehicle or any combination of vehicles towed by any other motor vehicle	76	80

B. Motor Vehicle Horns and Signaling Devices. The following acts and the causing thereof are declared to be in violation of this chapter:

1. The sounding of any horn, bell, or other auditory device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger;

2. The sounding of any horn or other auditory signaling device which produces a sound level in excess of eighty-five dBA at fifteen meters (fifty feet), except as a warning of danger.

C. Standing Motor Vehicles. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within forty-six meters (one hundred fifty feet) of a residential area or designated noise-sensitive zone, during nighttime hours. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-12).

### 8.19.130 Recreational motorized vehicles operating off-public rights-of-way.

A. Except as permitted in subsection B or C of this section, 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 sound level emitted therefrom exceeds the limits set forth in Table 3 at a distance of fifteen meters (fifty feet) 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, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

B. It is illegal for any person to sponsor or conduct any recreational, sporting or other type of motorized racing event without registering said event with the city environmental officer.

C. Other special variances may be obtained from the public safety committee, according to procedures outlined in Section 8.19.090.

D. All recreational motorized vehicles must have mufflers as provided in subsection A of Section 8.19.120.

**Table 3 Recreational Motorized Vehicle Sound Limits Measured at Fifteen Meters (Fifty Feet)**

Vehicle Type	dB(A)	dB(A) L <sub>eq(1)</sub>
Snowmobile	86	66
Any other motorized recreation vehicle	86	66

(Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-13).

#### 8.19.140 Abatement orders.

The enforcement authority may issue an order requiring abatement of any source of sound proven to be in violation of this chapter within a reasonable time period and according to guidelines which the enforcement authority may prescribe. If the abatement order is not complied with, or if no abatement order is issued, the alleged violator shall be charged and punished pursuant to Section 8.19.150. (Ord. 2002-31 § 31 (part); Ord. 80-1152 § 1 (part); prior code § 23.01-14).

#### 8.19.150 Immediate threats to health and welfare.

A. The environmental officer shall order an immediate halt to any sound which exposes any person across a real property boundary to continuous sound levels in excess of those shown in Table 4. Within twenty-four hours following issuance of such order, the environmental officer may apply to the appropriate court for an injunction to replace the order.

B. No order pursuant to subsection A shall be issued if the only persons exposed to sound levels in excess of those listed in Table 4 are exposed as a result of:

1. Trespass; or
2. Invitation upon private property by the person causing or permitting the sound.

C. Any person subject to an order issued pursuant to subsection A shall comply with such order until:

1. The sound is brought into compliance with the order, as determined by the environmental officer;
- or
2. The public safety committee or a judicial order has superseded the environmental officer's order.

**Table 4 Continuous Sound Levels Which Pose An Immediate Threat to Health and Welfare Measured at the Receiver's Ear Across a Real Property Boundary (Slow Meter Response)**

Sound Level Limit (dBA)	Duration	
	Hours	Minutes
90	8	0
91	7	0
92	6	0
93	5	20
94	4	40
95	4	0
96	3	30
97	3	0
98	2	40
99	2	20
100	2	0

101	1	45
102	1	30
103	1	20
104	1	10
105	1	0
106	0	54
107	0	48
108	0	42
109	0	36
110	0	30
111	0	27
112	0	24
113	0	21
114	0	18
115	0	15

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(Ord. 2002-31 § 31 (part): Ord. 80-1152 § 1 (part): prior code § 23.01-16).

**8.19.160 Other remedies.**

No provision of this chapter shall be construed to impair any common law or statutory cause or action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law. (Ord. 2002-31 § 31 (part): Ord. 80-1152 § 1 (part): prior code § 23.01-17).

**8.19.170 Violation - Penalty.**

Any person, firm, or corporation violating any of the provisions of this chapter or any person, firm, or corporation who violates or fails to comply with any order made pursuant thereto is guilty of a simple misdemeanor and upon conviction shall be imprisoned for a term not exceeding thirty days or fined in an amount not less than twenty-five dollars nor more than one hundred dollars, and each day said violation is permitted to continue, shall constitute a separate and distinct offense and violation. (Ord. 2002-31 § 31 (part): Ord. 80-1152 § 1 (part): prior code § 23.01-15).

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**Prior ordinance history:** Ord. 77-831.