

Chapter 15.90
NOISE STANDARDS AND REGULATION

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15.90.010. Intent and purpose.

A. In order to control unnecessary, excessive and annoying sounds emanating from incorporated areas of the city, it shall be the policy of the city to prohibit such sounds generated from all sources as specified in this chapter except that noise regulated by any penal statute or ordinance and those activities that have been preempted by state or federal law.

B. Specified noise levels have been determined to be detrimental to the public health, welfare and safety and contrary to public interest; therefore, creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance and shall be punishable as such.

(Ord. 2982, 2001)

15.90.020. Definitions.

A. Whenever used in this chapter, the following words, phrases and terms shall have the meaning as indicated below:

AMBIENT NOISE LEVEL means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

CUMULATIVE PERIOD means an additive period of time composed of individual time segments that may be continuous or interrupted.

DECIBEL (dB) means a unit that denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of 2 amounts of power is 10 times the logarithm to the base 10 of this ratio.

EMERGENCY MACHINERY, VEHICLE OR WORK means any machinery, vehicle or work used, employed or performed in an effort to protect, provide or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

FIXED NOISE SOURCE means a stationary device that creates sounds while fixed or motionless, including but not limited to industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners and refrigeration equipment.

GRADING means any excavating or filling of earth material or any combination thereof conducted to prepare a site for construction or other improvements thereon.

IMPACT NOISE means the noise produced by the collision of one mass in motion with a second mass that may be either in motion or at rest.

MOBILE NOISE SOURCE shall mean any noise source that is not stationary, including but not limited to motorized vehicles, trains, and aircraft.

NOISE LEVEL means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of 20 micro-newtons per square meter. The unit of measurement shall be designated as dB(A).

PERSON means a person, firm, association, co-partnership, joint venture, corporation of any entity, public or private in nature.

RESIDENTIAL PROPERTY means a parcel of real property that is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

SIMPLE TONE NOISE means a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

SOUND PRESSURE LEVEL of a sound, in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

B. A **NOISE ZONE** is defined as an area where a specific set of standards has been established for allowable interior and exterior noise levels.

1. A **RESIDENTIAL NOISE ZONE** includes all properties with a residential zone classification, whether incorporated or unincorporated.

2. A **COMMERCIAL NOISE ZONE** includes all properties with a commercial or public land use zone classification, whether incorporated or unincorporated.

3. An **INDUSTRIAL NOISE ZONE** includes all properties with an industrial zone classification, whether incorporated or unincorporated.

(Ord. 2982, 2001)

15.90.030. Noise standards.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all property within the Residential Noise Zone:

Allowable Interior

Noise Level	Time Period
Not to exceed 55 dB(A)	7:00 a.m. - 10:00 p.m.
Not to exceed 45 dB(A)	10:00 p.m. - 7:00 a.m.

Allowable Exterior

Noise Level	Time Period
Not to exceed 55 dB(A)	7:00 a.m. - 10:00 p.m.
Not to exceed 50 dB(A)	10:00 p.m. - 7:00 a.m.

B. Noise standards for a sensitive use:

1. A "sensitive use" for the purpose of this chapter means any private or public school, hospital, residential care facility for the elderly, and religious institution.

2. It shall be unlawful for any person at any location within the incorporated area of the city to create any noise that causes the noise level at any sensitive use, while the same is in operation to exceed the noise limits as specified for the Residential Noise Zone, notwithstanding the sensitive use may be located outside of the Residential Noise Zone.

C. It shall be unlawful for any person at any location within the incorporated area of the city to create any noise which can be classified as being continuous, reoccurring, predictable, or whose operation of noise-generating capabilities can be stopped or started at a specified time, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on the property, either incorporated or unincorporated, to exceed:

1. The noise standard for a cumulative period of more than 30 minutes in any hour;
2. The noise standard plus 5 dB(A) for a cumulative period of more than 15 minutes but less than 30 minutes in any hour;
3. The noise standard plus 10 dB(A) for a cumulative period of more than 5 minutes but less than 15 minutes in any hour;
4. The noise standard plus 15 dB(A) for a cumulative period of more than one minute but less than five minutes in any hour;
5. The noise standard plus 20 dB(A) for a cumulative period of less than one minute in an hour.

D. In the event the ambient noise level exceeds any of the five noise limit categories listed in Subsection C, the cumulative period applicable to the category shall be increased to reflect the ambient noise level. (Ord. 2982, 2001)

15.90.040. Activities exempt from standards.

- A. The following activities shall be exempt from the noise level standards specified by this chapter:
1. School bands, school athletic and school entertainment events.
 2. Outdoor gatherings, public dances, shows and sporting and entertainment events provided the events are conducted pursuant to a permit and/or license issued by the city.
 3. Activities conducted on public parks, public playgrounds and public or private school grounds.
 4. Any mechanical device, apparatus or equipment used, related to or connected with the use of machinery, vehicles, or work due to an emergency.
 5. All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions.
 6. Mobile noise sources associated with agricultural pest control through pesticide application.
 7. Noise from vehicular traffic on public streets.
- B. For the drilling of water wells, the Director of Development Services may approve or conditionally approve an exception or limited exemption from the noise level standards of this chapter.
(Ord. 2982, 2001)

15.90.050. Activities with special provisions.

- A. The following activities shall be exempt from the noise level standards specified by this chapter provided they take place between the hours of 7 a.m. and 8 p.m. on any day except Sunday or a City-recognized holiday.
1. Noise sources associated with construction, repair, remodeling, or grading of any real property;
 2. Mobile noise sources associated with agricultural operations;
 3. Noise sources associated with the maintenance of real property, including normal maintenance and repair by city and utility crews.
- B. Installation of air conditioning, refrigeration and pool equipment shall be certified to be within the provisions of this chapter for night and day operation noise levels.
(Ord. 2982, 2001; Ord. 3026, 2003)

15.90.060. Noise level measurement.

- A. The location selected for measuring exterior noise levels shall be at any point on the affected property. The affected property shall be the address from which the complaint was received.
- B. The location selected for measuring interior noise levels shall be made within the affected property at a point at least four feet from the wall, ceiling or floor nearest the noise source.
- C. Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level meter that meets the American National Standard Institute's Standard S1.4 - 1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
(Ord. 2982, 2001)

15.90.070. Enforcement.

- A. The Director of Development Services and his duly authorized representatives are directed to enforce the provisions of this chapter.
- B. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter.
(Ord. 2982, 2001)

15.90.080. Appeal.

- A. The owner or operator of a noise source who has been cited in violation of the provisions of this chapter may appeal the citation to the City Council. Within 15 days following receipt of a notice of appeal, the City Clerk shall forward to the City Council the recommendation of the Director of Development Services, the notice of appeal, and all evidence concerning the appeal received by the Director. In addition, any person may file with the City Council written arguments supporting or attacking the citation. The City Clerk shall mail to the applicant and the complainant a notice of the date set for hearing of the appeal. The notice shall be mailed at least ten days prior to the hearing date.
- B. Within 60 days following its receipt of the notice of the appeal, the City Council shall affirm, modify or

reverse the citation. The decision shall be based upon the evaluation by the City Council of the matter. As part of its decision, the City Council may direct the Director of Development Services to conduct further proceedings on the appeal. Failure of the City Council to affirm, modify or reverse the citation within the 60-day period shall constitute an affirmation of the citation.

(Ord. 2982, 2001)