

## Chapter 11.02 - NOISE CONTROL

### Sections:

#### 11.02.010 - Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ANSI" means the American National Standards Institute.

"A-weighted sound level" means the sound pressure level of a sound measured through an A-weighting filter network. The level read is designated dBA. or dBA.

"Commercial zone" means zones AB, LB, LBS, GB, CB or SC, as established in Chapter 15.01.

"Decibel (dB)" means the unit used for comparing the sound pressure level of a sound to the sound pressure level of a reference sound having a sound pressure of twenty (20) micropascals.

"Frequency" means the number of periodic oscillations, vibrations, or waves per unit time (usually one second).

"Hertz (Hz)" means the unit for measuring the frequency of a sound. The number of hertz is the number of cycles per second of a periodic sound pressure wave.

"Industrial zone" means zones I and IR as established in Chapter 15.01.

"Light motor vehicle" means any motorized vehicle with gross vehicular weight less than eight thousand (8,000) pounds, including automobiles, vans, motorcycles, motor-driven cycles, motor scooters, dune buggies, snow-mobiles, all-terrain vehicles, go-karts, minibikes, trail bikes, and light trucks.

"Modified exhaust system" means any exhaust system in which the original noise abatement devices have been removed, altered or replaced to produce more noise.

"Noise" means any unwanted sound.

"Octave band" means a portion of the entire sound frequency spectrum contained between two frequencies A and B such that  $A = 2B$ .

"Plainly audible" means any noise for which the information content is unambiguously communicated to the listener, including understandable spoken speech, comprehension of whether a voice is raised (agitated) or normal or comprehensible musical rhythms.

"Residential zones" means zones RI, RIA, RIB, R2, R3 and R4 as established in Chapter 15.01.

"Sound level meter" means an instrument designed to measure sound pressure levels.

"Sound pressure level" means twenty (20) times the logarithm (Base 10) of the ratio of the measured sound pressure to a reference pressure of twenty (20) micropascals. The sound pressure level is expressed in decibels (dB).

(Ord. 82-4, 3-1-82)

#### 11.02.020 - General prohibitions.

No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes their enjoyment of property or affects their property's value.

(Ord. 82-4, 3-1-82) Penalty, see § 11.02.990

11.02.030 - Specific restrictions.

The following acts are declared to be unlawful:

- A. Radios, Television Sets, Musical Instruments, Tape or Record Players, Amplifiers and Similar Devices. Operating or permitting the use or operation of any such device between the hours of ten p.m. and seven a.m. in such a manner as to be plainly audible across property boundaries or through partitions common to two or more persons within a building;
- B. Domestic Power Tools. Operating or permitting the use or operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, or similar device used outdoors between the hours of eight p.m. and seven a.m. in such a manner that will disturb or annoy any reasonable person nearby;
- C. Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition between one hour after sunset and one hour before sunrise in such a manner that will disturb or annoy any reasonable person nearby;
- D. Horns and Signalling Devices. Operating a horn or other audible signalling device on any motor vehicle except in an emergency or when required by law;
- E. Participation in Noisy Parties or Gatherings. Participating in any party or gathering between the hours of ten p.m. and seven a.m. giving rise to noise that is plainly audible across property boundaries or between partitions common to two or more persons within a building;
- F. Animals. Harboring or keeping any animal which by causing frequent or long continued noise shall disturb or annoy any reasonable person nearby excepting those in Columbian Park and the animal shelter.

(Ord. 82-4, 3-1-82) Penalty, see § 11.02.990

11.02.040 - Motor vehicle—Quantitative limits.

The following limits are to be used in enforcement:

- A. It is unlawful for any person to cause the sound pressure level of the noise emitted during the operation of a light motor vehicle to exceed eighty (80) dBA in speed zones of thirty-five (35) mph or less within the corporate limits of the city. The sound pressure level measurement shall be made from the edge of the lane of travel of the violator.
- B. It is unlawful for any person to operate a light motor vehicle which causes excessive noise as a result of a defective or modified exhaust system or as a result of a rapid acceleration, deceleration, engine revving or tire squealing.

(Ord. 82-4, 3-1-82) Penalty, see § 11.02.990

11.02.050 - Stationary source—Quantitative limits.

- A. It is unlawful for any person to cause the sound pressure level to exceed the limits listed below at any point on the boundary of the property where the person is located.
  - 1. If the person is located within a residential zone, fifty-five (55) dBA between the hours of ten p.m. and seven a.m.
  - 2. If the person is located within a commercial zone, sixty-four (64) dBA at all times.

3. If the person is located within an industrial zone, sixty-six (66) dBA at all times.

B. If the property boundary lies between two zones, the lower limit shall apply regardless of the zone in which the person creating the noise is located.

C. In addition to the above, no person within a residential or a commercial zone shall make or cause to be made any earth-shaking vibrations perceptible without the aid of instruments beyond the property boundary of the vibration source. No person within an industrial zone shall make or cause to be made any earth-shaking vibrations beyond the zone boundary of the zone in which the vibration source is located.

D. The octave-band breakdown of the dBA used in this section shall be:

1. For a residential zone: (55 dBA)

Octave-band	center	frequency	(hz)
31.5			
63			
125			
250			
500			
1000			
2000			
4000			
8000			

Maximum	Boundary	spl	(dB)
72			
71			
65			
57			
51			
45			
39			
34			
32			

2. For a commercial zone: (64 dBA)

Octave-band	center	frequency	(hz)
31.5			
63			
125			
250			
500			
1000			
2000			
4000			
8000			

Maximum	Boundary	spl	(dB)
79			
78			
73			
67			
61			
55			
50			

46  
43

3. For an Industrial Zone.
  - a. Refer to Industrial Restrictions: Noise in Title 15.
  - b. For established industries, when it has been shown that all possible has been done to bring present equipment up to standard, that equipment shall be exempt until renewal.

(Ord. 82-4, 3-1-82) Penalty, see § 11.02.990

11.02.060 - Exemptions and permits.

- A. The provisions of this chapter shall not apply to the emission of sound for the purpose of:
  1. Alerting persons to the existence of an emergency;
  2. Work to prevent or alleviate physical or property damage threatened or caused by a public calamity or other emergency;
  3. Work necessary to render, continue or restore utility services;
  4. Testing stationary signaling devices and mobile emergency equipment;
  5. Information and safety by required stationary devices, safety valves, church bells and chimes; and
  6. Snow removal.
- B. The Board of Works or, in accordance with guidelines established by this Board, its designee, shall have the authority to issue permits for:
  1. Holidays, celebrations, concerts, parades or other special events (public or personal);
  2. Persons who demonstrate that bringing the source of sound or activity for which the permit is sought into compliance with the provisions of this section would constitute an unreasonable hardship on the applicant, the community or other persons and that the adverse impact on the health, safety and welfare of persons affected by the permit has been outweighed by hardship. Permits may contain any conditions (including a time limit) that are necessary to limit the adverse impact of the activity.
- C. Noncompliance with any condition of the permit shall terminate it and subject the person holding it to the provisions of this chapter. The Board of Works may issue guidelines defining the procedures to be followed in applying for a permit and the specific criteria to be considered in deciding whether to issue a permit.

(Ord. 82-4, 3-1-82)

11.02.070 - Loud and unnecessary noises.

It is declared unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud and unnecessary noise in the city.

(71 Code, § 18-1) Penalty, see § 11.02.990

Statutory reference:

Authority to regulate sound pollution, see IC

11.02.080 - Vehicle warning signals.

It is unlawful for any person to sound any horn, klaxon, siren or other warning signal on any automobile, truck, motorcycle or other vehicle on any public place in the city, except as a necessary warning of danger to persons and property.

('71 Code, § 18-2) Penalty, see § 11.02.990

11.02.090 - Use of radios and phonographs.

The loud and unnecessary use of a radio, phonograph, megaphone, loud-speaker, automatic piano, or any other instrument for the reproduction, amplification or transmission of sound, in such manner or in such volume as to unnecessarily distract or disturb the attention, comfort, or repose of persons in the vicinity thereof is prohibited and declared to be unlawful.

('71 Code, § 18-3) Penalty, see 11.02.990

11.02.100 - Towing cans behind vehicles.

It is unlawful for any person to tow behind any vehicle on the public streets, boulevards or parkways tin cans, pans, buckets, boxes or other articles, or any collection of articles or instruments in such manner as to create or to continue to create any loud noise or clattering sound as the vehicle is being propelled or driven over or along the streets, boulevards or parkways.

('71 Code, § 18-4) Penalty, see § 11.02.990

11.02.110 - Screaming and whistling.

It is unlawful for any person to make any noise on the public streets, or in such close proximity thereto as to be distinctly and loudly audible on the streets, by any loud and unnecessary talking, calling, shouting, screaming, shrieking, whistling, or by use of any bell, gong, exhaust explosion, or other noise-making device, whereby the attention, comfort or repose of persons in vicinity thereof is, or is likely to be, disturbed thereby.

('71 Code, § 18-5) Penalty, see § 11.02.990

11.02.120 - Permit for use of loudspeakers—Public address systems.

It is not unlawful for any person to whom a permit therefor has been granted to use and operate on the public streets and public places of the city any loudspeaker or any public address system or other device for the reproduction, amplification or transmission of sound, on the occasion of any public celebration, commemoration, entertainment, or for the advertising and publicity thereof, or for making public announcements, or for any other public purpose.

('71 Code, § 18-6)

11.02.130 - Application.

Permits referred to in Section 11.02.120 shall be granted only on application in writing addressed to the Chief of Police, stating therein the time, place and purpose of the intended use of the loudspeakers, public address system or other device.

('71 Code, § 18-7)

11.02.140 - Issuance.

If the Chief of Police shall believe that the use as is referred to in the application filed under Section 11.02.130 will promote the public interest, and will not result in blocking traffic or hindering the Fire or Police Department in the performance of duty, the Chief shall grant the permit without cost to the applicant therefor.

('71 Code, § 18-8)

11.02.150 - Term—Transferability.

Permits granted under Section 11.02.140 shall be valid for one occasion or event only and the permit shall not be continuous nor shall it be transferable.

('71 Code, § 18-9)

11.02.990 - Penalty.

- A. Any person found in violation of the motor vehicle noise limits set forth in Section 11.02.040 shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00).
- B. For a second offense of subsection A of this section within a twelve (12) month period, the minimum fine shall be one hundred dollars (\$100.00) and thereafter not less than one hundred fifty dollars (\$150.00).
- C. Any person found in violation of any other provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) for the first offense, not less than seventy-five dollars (\$75.00) for the second offense, and not less than one hundred fifty dollars (\$150.00) for the third or subsequent offenses.
- D. Each day that a violation is in effect shall constitute a separate offense.
- E. During any trial concerning the provisions of this section the court may admit evidence of the sound pressure level as tested by a sound level meter which meets or exceeds ANSI specifications for type II equipment.

(Ord. 82-4, 3-1-82)