

CHAPTER 52

NOISE

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52.01 PURPOSE. The purpose of this chapter is to control excessive noise levels so as not to disturb neighbors and residents to an extreme degree.

52.02 DEFINITIONS. The following words and terms are defined for use in this chapter.

1. "A-weighted sound level" means the sound pressure levels in decibels as measured on a sound level meter using a A-weighting network. The level so read is designated dBA.
2. "Commercial" or "commercial district" means any property which is zoned for any commercial use as defined in the Zoning Ordinance.
3. "Construction equipment" means the implements used in an operation or activity, or everything except personnel needed to build, to repair, or to erect.
4. "Decibel" means a unit measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
5. "Exhaust system" means the device or combination of devices that collects the exhaust from the engine or motor, delivers the exhaust to the atmosphere and reduces the noise emissions. Exhaust system includes manifold or headers, exhaust pipes, muffler and tail pipe.
6. "Gross vehicle weight rating" means the value specified by the manufacturer as the recommended maximum weighted load of a single motor vehicle. When trailers and tractors are separable, the gross combination weight rating is the value specified by the manufacturer as the recommended maximum loaded weight of the combined vehicle.
7. "Industrial" or "industrial district" means any property zoned for any industrial use as defined in the Zoning Ordinance.

8. “Motor vehicle” means every vehicle which is self-propelled.
9. “Noise disturbance” means any transmission of sound across a real property boundary from a source listed in this chapter, but not restricted just to this chapter, which exceeds the sound level limits set forth in Table 1 entitled *Maximum Permissible Sound Levels from Limited Sources by Receiving Land Use*.
10. “Real property boundary” means 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 intra-building real property divisions..
11. “Receiving land use” means, for purposes of this chapter, the use or occupancy of the property which receives the transmission of sound.
12. “Residential” or “residential district” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.
13. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces which cause compression and rarefaction of that medium. The description of sound may include any characteristic of sound, including duration, density and frequency.
14. “Sound level” means the weighted sound pressure level contained by the use of the sound level meter and A-weighting network, such as a, b, or c as specified in *American National Standards Institute Specification for Sound Level Meters*, ANSI SI.4-1971. If the frequency weighting employed is not indicated, the A-weighting shall apply.
15. “Sound level meter” means an instrument used to measure sound pressure.
16. “Sound pressure” means the instantaneous difference between the actual pressure and the average of barometric pressure as a given point in space, as produced by sound energy.
17. “Sound pressure level” means twenty times the logarithm to the base 10 of the ratio of the root mean squared sound pressure to the reference pressure of 20 micropascals.
18. “Used” or “occupied” shall be deemed to include the words “intended, designed, or arranged to be used or occupied.”

52.03 MAXIMUM PERMISSIBLE SOUND LEVELS.

TABLE 1

MAXIMUM PERMISSIBLE SOUND LEVELS
FROM LIMITED SOURCES BY RECEIVING LAND USE

| Zoning Category Receiving Land Use | Legal Time | Sound Level Limit (dBA) |
|---------------------------------------|---------------------------|----------------------------|
| Residence District | 7:00 a.m. to 9:00 p.m. | 60 |
| | 9:00 p.m. to 7:00 a.m. | 50 |
| Commercial District | at all times | 65 |
| Industrial District | at all times | 75 |

52.04 NOISE PROHIBITIONS AND LIMITED SOUND SOURCES. The following sound sources are limited by this chapter.

1. Sound Level. No person shall perform, create, cause, or permit a radio, television set, musical instrument or any other device to produce, reproduce or amplify sound to create a noise in excess of 86 dBA at 25 feet from such device when operated on a motor vehicle.
2. Muffler Cutout. No person shall use a muffler cutout, bypass or similar device on a motor vehicle on a public highway.
3. Motor Vehicle Exhaust. Every motor vehicle shall be at all times equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. (The intent of this provision is that it is necessary to prevent both noise and smoke, and either one constitutes a violation.) Noise which is measured at a distance of at least 25 feet from the near side of the nearest lane being monitored at a height of at least four feet above the immediate surrounding surface as follows shall be excessive or unusual noise:

| Motor Vehicle Designation | Speed of 35 MPH or Less | Speed Over 35 MPH |
|---------------------------|-------------------------------|-------------------------|
| | | |

| | | |
|--|----------------|----------------|
| Motor vehicles or a combination of vehicles towed by a motor vehicle with a manufacturer's gross vehicle rating or gross combination weight rating of 10,00 pounds or more | 90 dBA or more | 94 dBA or more |
| Any other motor vehicle or any combination of vehicles towed by any motor vehicle | 80 dBA or more | 84 dBA or more |

4. Measurement of Sound. Sound level measurement from limited sound sources, for purposes of this chapter, shall be measured using a sound level meter at the real property boundary of the receiving property, or the right-of-way adjacent thereto and shall be measured at guidelines of three to six feet above the immediate ground surface.

5. Animals and Birds. No person shall own, possess or harbor any animal or bird which frequently or for continued duration emits sounds native to the species which are a noise disturbance. It is unlawful for an owner or a person who has in such person's possession any animal to allow or permit the animal to run at large.

6. Radios, Televisions, Phonographs, etc. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device, which produces or amplifies sound at a sound level which creates a noise disturbance. Church or clock carillons, bells or chimes and parades or processions (provided conditions of a permit are met) and mobile radio or telephone signal devices are excepted from the provisions of this subsection.

7. Lawn Mowing Equipment. No person shall use or operate or permit the use or operation of a power lawn mower, power trimmer or other gasoline or electric-powered device intended for mowing or trimming a lawn between the hours of 9:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter. No person shall use or operate or permit the use or operation of a gasoline-powered lawn mower which does not have a muffler if such use or operation creates a noise disturbance as defined in this chapter.

8. Chain Saws. No person shall use or operate or permit the use or operation of a power chain saw between the hours of 9:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.

9. Solid Waste Collection and/or Hauling Equipment. No person shall use, operate or permit the use or operation of any solid waste collection

and/or hauling equipment between the hours of 9:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.

10. Official Vehicles Exempt. Governmental, police, fire department equipment, public utility company equipment, railroad company equipment and emergency vehicles such as ambulances and helicopters are exempt from the provisions of this chapter.

11. Construction Equipment. No person shall use or operate or permit the use or operation of construction equipment between the hours of 9:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.

12. Farm Equipment. Persons operating farm equipment are exempt from the provisions of this chapter.

13. The existing rock quarry is exempt as a pre-existing business as long as they comply with State Regulations.

52.05 ENFORCEMENT. The provisions of this chapter which prohibit the making, continuing, or causing the making or continuance of a noise disturbance shall be enforced upon receipt of a complaint made or filed with City officials by a person disturbed by such noise disturbance. Certification by an official charged with enforcement of provisions of this chapter that such complaint was made shall be sufficient to establish this fact of complaint. However, peace officers may enforce this chapter without the necessity of such complaint. In the event a sound level meter is not available, the following will be used: When a complaint is received and the responding law enforcement officer feels the noise level is sufficient enough to cause distress to the person filing the complaint, a ticket can be issued.