

CHAPTER 555
Noise Control

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CROSS REFERENCES

Disturbing the peace - see GEN. OFF. 509.03

555.01 DEFINITIONS.

The following words and terms shall, throughout this chapter, have the meaning given as hereinafter set forth and defined. All terminology used by this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- (a) "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 designed dB(a) or dBA.
- (b) "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or on public or private rights of way, structures, utilities or similar property.
- (c) "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 pressure of the sound measured to the reference pressure, which is twenty micropascals, twenty micronewtons per square meter.
- (d) "Demolition" means any dismantling, intentional destruction or removal of structure, utilities, public or private right-of-way surfaces or similar property.

- (e) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.
- (f) "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.
- (g) "Gross vehicle weight rating" 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.
- (h) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.
- (i) "Industrial area" means those areas specified in Chapter 1191 of the Zoning Code.
- (j) "Motor vehicle" means every vehicle specified in Section 301.20 of the Traffic Code.
- (k) "Motorcycle" means every motor vehicle specified in Section 301.19 of the Traffic Code.
- (l) "Muffler" or "sound dissipative device" means a device for abating the sound of escaping bases of an internal combustion engine.
- (m) "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (n) "Noise disturbance" means any sound which endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.
- (o) "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.
- (p) "Place of public entertainment" means any commercial facility open to the general public for purposes of entertainment.
- (q) "Powered model vehicle" means any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designated to carry persons including but not limited to, any model airplane, boat, car or rocket.
- (r) "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.
- (s) "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.
- (t) "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.

- (u) "Residential area" means those areas specified in the Zoning Code.
- (v) "Retail area" means those areas specified in the Zoning Code.
- (w) "RMS sound pressure" means the square root of the time averaged square of the sound pressure, denoted Prms.
- (x) "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (y) "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 the 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.
- (z) "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.
- (aa) "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.
- (bb) "Sound pressure level" means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty micropascals (20×10^{-6} N/m²). The sound pressure level is denoted Lp or SPL and is expressed in decibels.
- (cc) "Weekday" means any day Monday through Saturday.
(Ord. 77-126. Passed 5-2-78.)

555.02 NOISE DISTURBANCES PROHIBITED.

- (a) No person shall unreasonably make, continue or cause to be made or continued, or permit, any noise disturbance.
- (b) Noncommercial public speaking and public assembly activities conducted on any public space or public right of way with a permit from the Safety Director shall be exempt from the operation of this section.
(Ord. 77-126. Passed 5-2-78.)

555.03 SPECIFIC PROHIBITIONS.

The following acts, and the causing or permitting thereof, are declared to be in violation of this chapter:

- (a) 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.

- (b) 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-five dBA as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT".
- (c) 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.
- (d) Adequate Mufflers or Sound Dissipative Devices.
- (1) Operating or causing 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.
 - (2) Removing or rendering inoperative, or causing 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.
 - (3) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motorboat, except through a muffler or other device in good working order and in constant operation.
- (e) Motor Vehicles.
- (1) Operating or permitting the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 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, between the hours of 9:00 p.m. and 7:30 a.m. the following day.
 - (2) Racing the motor of any vehicle unnecessarily or operating any motor vehicle, except in an emergency in such manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the pavement or other surface, commonly called "peeling".
 - (3) Operating, or permitting the operation of any tow motor, payloader, backhoe or other similar motorized vehicle used for loading, unloading, and/or transporting goods on any premises, within 175 feet of any residential lot line, on any day between the hours of 9:00 p.m. and 7:30 a.m.
- (f) Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9:00 p.m. and 7:30 a.m. the following day as any such activity within 250 feet of a residential building is deemed to cause a noise disturbance across a residential real property boundary.

- (g) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work:
- (1) Between the hours of 9:00 p.m. and 7:30 a.m. the following day on weekdays or 8:00 p.m. and 10:00 a.m. on Sundays, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance.
 - (2) This section shall not apply to the use of domestic power tools subject to subsection (k) hereof.
- (h) Emergency Signaling Devices.
- (1) 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, as provided in subsections (h)(2) and (3) hereof.
 - (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 before 8:00 a.m. or after 9:00 p.m. or the closing time of a commercial establishment, whichever shall occur later. 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 before 8:00 a.m. or after 9:00 p.m. In no case shall such test time exceed ten minutes.
 - (4) 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 two minutes of activation, or within a reasonable time after notification of activation.
 - (5) 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, except as a warning of danger.
- (i) Radios, Television Sets, Musical Instruments and Similar Devices. 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:
- (1) Between the hours of 12:00 midnight and 8:00 a.m. the following day in such a manner as to create a noise disturbance across a residential real property boundary.
 - (2) In such a manner as to create a noise disturbance at fifty feet from such device, when operated in or on a motor vehicle on a public right of way or public space.
- (j) Loudspeakers/Public Address Systems.
- (1) Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 9:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary. Mobile sound vehicles amplifying noncommercial spoken language between 9:00 p.m. and 8:00 a.m. the following day shall be exempt from this section with a permit from the Safety Director.
 - (2) Using or operating for any commercial purpose any loudspeaker, public address system or similar device such that the sound therefrom between the hours of 9:00 p.m. and 8:00 a.m. the following day creates a noise disturbance on a public right of way or public space.

- (k) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower or other similar device used outdoors, other than powered snow removal equipment in residential areas between the hours of 9:00 p.m. and 8:00 a.m. the following day on weekdays and before 10:00 a.m. or after 6:00 p.m. on Sundays so as to cause a noise disturbance across a residential real property boundary; and on public park, recreational facilities, including golf courses, and school property, between the hours 9:00 p.m. and 7:00 a.m. the following day, except that for school property, the hours will be between 9:00 p.m. and 8:00 a.m. the following day for the months of June, July and August (summer break).
- (1) Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 9:00 p.m. and 8:00 a.m. the following day.
 - (2) During the permitted period of operation, maximum sound levels in a residential area shall not exceed sixty dBA measured at a distance of fifty feet from any point on the path of the vehicle.
(Ord. 2015-42. Passed 8-4-15.)

555.04 MAXIMUM PERMISSIBLE SOUND LEVELS BY RECEIVING LAND USE.

No person shall operate, cause to be operated or permit 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 when measured at or within the property boundary of the receiving land use.

TABLE 1. SOUND LEVELS BY RECEIVING LAND USE

| <u>Receiving Land Use Category</u> | <u>Time</u> | <u>Sound level limit dBA</u> |
|--|------------------------|------------------------------|
| Residential; two-family; multi-family; high-rise | 8:00 a.m. to 9:00 p.m. | 60 |
| Residential, public space, open space or institutional | 8:00 p.m. to 9:00 a.m. | 50 |
| General retail business or local retail business | At all times | 65 |
| Industrial | At all times | 70 |

(Ord. 77-126. Passed 5-2-78.)

555.05 EXEMPTIONS.

The provisions of Sections 555.03 and 555.04 shall not apply to organized school related programs, activities or events, or to Municipal authorized parades, or to Municipal sanctioned concerts in public parks.

The provisions of Section 555.04 shall not apply to:

- (a) Activities covered by Section 555.03(g), (h) and (k);
- (b) Refuse collection vehicles; and
- (c) Railway locomotives and cars. (Ord. 77-126. Passed 5-2-78.)

555.06 IMMEDIATE THREATS TO HEALTH AND WELFARE.

No person shall operate, cause to be operated or permit on public or private property any source of continuous and/or impulsive sound in such a manner as to create a sound level which exceeds the limits set forth in Table 2 or Table 3 when measured at a distance of fifty feet or fifteen meters from such source.

TABLE 2. CONTINUOUS SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE MEASURED AT FIFTY FEET OR FIFTEEN METERS *

| <u>Sound level limit (dBA)</u> | <u>Duration</u> |
|--------------------------------|-----------------|
| 90 | 24 hours |
| 93 | 12 hours |
| 96 | 6 hours |
| 99 | 3 hours |
| 102 | 1.5 hours |
| 105 | 45 minutes |
| 108 | 22 minutes |

* Use equal energy time intensity trade-off if level varies; find energy equivalent over twenty-four hours.

TABLE 3. IMPULSIVE SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE MEASURED AT FIFTY FEET OR FIFTEEN METERS.

| <u>Sound level limit (dB)</u> | <u>Number of repetitions per twenty-four hour period</u> |
|-------------------------------|--|
| 145 | 1 |
| 135 | 10 |
| 125 | 100 |

(Ord. 77-126. Passed 5-2-78.)

555.07 INSPECTIONS BY SAFETY DIRECTOR AND/OR LAW ENFORCEMENT OFFICERS.

The Safety Director and/or law enforcement officers shall, in addition to any other authority vested in them, have the power, upon presentation of proper credentials, to enter and inspect any private property or place, and inspect any report of 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 or probable cause to believe that a violation of this chapter may exist. Such inspection may include administration of any necessary tests.

(Ord. 77-126. Passed 5-2-78.)

555.08 STOPPING AND TESTING OF MOTOR VEHICLES BY LAW ENFORCEMENT OFFICERS.

The law enforcement officer shall, in addition to any other authority vested in him, have the power to stop and test any motor vehicle or motorcycle operated on a public right of way or public space, reasonably suspected of violating any provision of this chapter, and issue a notice of violation or abatement order. (Ord. 77-126. Passed 5-2-78.)

555.09 EMERGENCY EXCEPTION.

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.

(Ord. 77-126. Passed 5-2-78.)

555.10 SPECIAL VARIANCES.

(a) The Safety Director shall have the authority, consistent with this section, to grant special variances.

(b) Any person seeking a special variance pursuant to this section shall file an application with the Safety Director. 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. Notice of an application for a special variance shall be given by the Safety Director to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the Safety Director containing any information to support his claim.

(c) In determining whether to grant or deny the application, the Safety Director shall balance the hardship to the applicant, the community, and other persons 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 Safety Director may reasonably require. In granting or denying an application, the Safety Director shall place on public file a copy of the decision and the reasons for denying or granting 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. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions 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.

(e) 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.

(f) The Safety Director may issue guidelines approved by resolution of Council 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.

(g) The decision of the Safety Director may be appealed by the person denied the special variance or by any person claiming to be adversely affected by allowance of the special variance. Such appeal shall be made to the Board of Building Appeals and review by the Board shall be de novo.
(Ord. 77-126. Passed 5-2-78.)

555.11 ABATEMENT ORDERS.

In lieu of issuing a notice of violation as provided for in Section 555.12 the Safety Director or law enforcement officer may issue an order requiring the immediate abatement of any source of sound alleged to be in violation of this chapter. (Ord. 77-126. Passed 5-2-78.)

555.12 NOTICE OF VIOLATION.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to Section 555.12 violation of any provision of this chapter shall be cause for a notice of violation to be issued by the Safety Director or law enforcement officer.
(Ord. 77-126. Passed 5-2-78.)

555.13 OTHER REMEDIES.

No provision of this chapter shall be construed to impair any common law or statutory cause of action or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.
(Ord. 77-126. Passed 5-2-78.)

555.99 PENALTY.

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(b) Whoever willfully or knowingly violates any provision of this chapter, or violates Section 555.06 is guilty of a misdemeanor of the fourth degree.

(c) Each day of violation of any provision of this chapter shall constitute a separate offense. (Ord. 77-126. Passed 5-2-78.)