

9-3-201: DECLARATION OF POLICY:

It is the policy of the City to prohibit unnecessary, excessive and annoying sounds which at certain levels and frequencies are detrimental to the health and welfare of the City's inhabitants and in the public interest must be systematically proscribed. [Formerly numbered Section 21-20; renumbered by Ord. No. 3058, eff. 2/21/87; 2383, 2338, 2336.]

9-3-202: DEFINITIONS:

Unless the context otherwise clearly indicates, the words and phrases used in this article are defined as follows:

AMBIENT NOISE: The all encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured.

A-WEIGHTED LEVEL OR "A": Used in conjunction with dB is the total sound level of all noise as measured with a sound level meter using the A-weighting network as defined in American National Standards Specification for sound level meters S1.4-1971. The unit is the dBA.

BAND PRESSURE LEVEL: "Band pressure level" of a sound for a specified frequency band is the sound pressure level for the sound contained within the restricted band.

CYCLE: The complete sequence of values of a periodic quantity which occurs during a period.

DAYTIME: The hours from seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

DECIBEL OR dB: A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

FREQUENCY: "Frequency" of a function periodic in time is the reciprocal of the primitive period. The unit is hertz and shall be specified.

HERTZ OR Hz: Cycles per second.

MICROBAR: A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

MOTOR VEHICLE: Includes, but shall not be limited to, minibikes and go-carts.

NIGHTTIME: The hours from ten o'clock (10:00) P.M. until seven o'clock (7:00) A.M. of the following day.

NOISE: Includes all sound.

PERIOD: "Period" of a periodic quantity is the smallest increment of time for which the function repeats itself.

PERIODIC QUANTITY: Oscillating quantity, the values of which recur for equal increments of time.

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human voice, music, or any other sound, but shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed, and as used in this chapter shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

SOUND ANALYZER: A device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

SOUND LEVEL METER: An instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.

SOUND PRESSURE LEVEL: "Sound pressure level" of a sound, in decibels, is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to the reference pressure, which for the purposes of this chapter shall be 0.0002 microbars.

SOUND TRUCK: Any vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

SPECTRUM: "Spectrum" of a function of time is a description of its resolution into components, each of a different frequency or frequency band. [Formerly Numbered Section 21-21; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-203: DECIBEL MEASUREMENT CRITERIA:

A. Any decibel measurement made pursuant to the provisions of this article shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in hertz, as follows: 31.5, 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 or as measured with a sound level meter using the A-weighting, and using the slow meter response.

B. Unless otherwise provided, measurements shall be taken with the microphone located at any point on the property line of the noise source, but no closer than five feet (5') from any wall or vertical obstruction and not less than five feet (5') above ground level whenever possible. In no case shall such measurements be taken at less than three feet (3'). When measurements are taken at less than five feet (5'), the distance shall be recorded and appropriate corrections to the reading may be applied.

C. A minimum of three (3) readings shall be taken at two (2) minute intervals. The sound level shall be the average of these readings.

D. Sound pressure levels shall be measured with a sound level meter and an octave band analyzer that conform to specifications published by the American National Standards Institute. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, S1.4-1971 American National Standards Institute, New York, New York, and American Standard Specification for octave, half octave and third octave band filter set for the analysis of noise and other sounds, S1.11-1966, American National Standards Institute, New York, New York, shall be used.) [Formerly Numbered Section 21-22; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-204: EMERGENCY WORK; EXEMPTION:

This article shall not apply to emergency work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger, or work by a private or public utility when restoring utility service. [Formerly Numbered Section 21-23; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-205: INJUNCTION; ADDITIONAL REMEDY:

The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this article, which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to summary abatement by a restraining order or injunction issued by a court of competent jurisdiction. This is not intended to preclude resort to any other legal remedy. [Formerly Numbered Section 21-24; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-206: CITY ATTORNEY AUTHORIZED TO TAKE LEGAL PROCEEDINGS:

The City Attorney, upon request of the Building Director, is authorized to institute necessary legal proceedings to enforce the provisions of this article. [Formerly Numbered Section 21-25; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

DIVISION 2. SPECIAL NOISE SOURCES

9-3-207: ANIMALS AND FOWL:

A. No person shall keep or maintain upon any premises owned, occupied or controlled by him any animal or fowl which, by any sound, cry or behavior, shall cause discomfort or annoyance to a reasonable person of normal sensitiveness in any residential area.

B. A violation of this section shall constitute an infraction. [Formerly Numbered Section 21-30; Renumbered by Ord. No. 3058, eff. 2/21/87; 2749, 2383.]

9-3-208: MACHINERY, EQUIPMENT, FANS AND AIR CONDITIONING:

A. Decibel Limit: No person shall operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in such a manner as to cause the ambient noise level to be exceeded by more than five (5) decibels. In the case of leaf blowers, as defined by Section 9-3-214 of this article, the ambient noise level may not be exceeded by more than twenty (20) decibels.

B. Ambient Noise Base Level: For the purposes of this section only, all ambient noise measurements shall commence at the following ambient noise base levels in the zones and during the times shown:

Base Levels	Time	Zone
45 dBA	Nighttime	Residential
55 dBA	Daytime	Residential
65 dBA	Anytime	Commercial
70 dBA	Anytime	All other zones

Accordingly, and by way of illustration, the ambient noise level in commercial zones shall be deemed to be sixty five (65) dBA notwithstanding a lower reading; provided, however, that when the ambient noise base level for the property on which the machinery, equipment, pump, fan, air conditioning apparatus or similar mechanical device is located is higher than the ambient noise base level for adjacent property, the ambient noise base level for the adjacent property shall apply. Properties separated by a street shall be deemed to be adjacent to one another.

C. Exception For Home Air Conditioners: Air conditioning appliances and equipment installed on or before June 1, 1972, in residences in residential zones may be operated until January 1, 1974, between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M. without complying with the decibel limits prescribed in this section. [Formerly Numbered Section 21-31; Renumbered by Ord. No. 3058, eff. 2/21/87; 3122, 2383, 2361.]

9-3-209: CONSTRUCTION IN RESIDENTIAL AREAS; EXCEPTION:

[Deleted by Ord. No. 3797, eff. 12/3/10; Formerly Numbered Section 21-32; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. 3588, eff. 11/3/01; 2383.]

9-3-210: VEHICLE REPAIRS IN RESIDENTIAL AREAS:

It is unlawful for any person in a residential zone of the City, or within a radius of five hundred feet (500') from any residential zone, to repair, rebuild or test any motor vehicle during the nighttime in such manner that a reasonable person of normal sensitiveness residing in the zone is caused discomfort or annoyance. [Formerly Numbered Section 21-33; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-211: VEHICLE OPERATION ON PRIVATE PROPERTY, ETC.:

No person shall operate any motor driven vehicle within the City in such manner that a reasonable person of normal sensitiveness residing in the area where the vehicle is being operated is caused discomfort or annoyance. This section shall apply only if the operation of the vehicle is not regulated by State law. [Formerly Numbered Section 21-34; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-212: SOUND SUPPRESSION ON GASOLINE AND GAS ENGINES:

No person having charge or control of any engine in which gas, gasoline, distillate or other

similar substance is used as a motive power, shall run or operate such engine without having the exhaust pipe thereof connected with an underground air chamber or having attached to such exhaust pipe a muffler or other device so constructed as to deaden the sound of the exhaust of such engine and effectually prevent such exhaust from making any loud noise or disturbing the peace and quiet of persons in its vicinity. This section shall apply to the engine of a motor vehicle only if its exhaust equipment is not regulated by State law. [Formerly Numbered Section 21-35; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-213: RADIOS, TELEVISION SETS AND SIMILAR DEVICES:

A. Disturbing Residents: No person shall use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

B. Prima Facie Violation: Any noise causing the ambient noise level to be exceeded by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of this section. Noise measurements shall be taken within any adjoining apartment if the radio receiving set, musical instrument, phonograph, television set or other machine or device is in an apartment house, condominium or other multiple dwelling. [Formerly Numbered Section 21-36; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-213.5: RADIOS, TELEVISION SETS AND SIMILAR DEVICES IN AND ADJACENT TO PARK FACILITIES:

A. Disturbing Residents: No person in a park (including public parking lots) or on a right of way adjacent to a park shall use or operate any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound or other sound amplification systems in such manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

B. Prima Facie Violation: Any person who operates or permits the operation of an outdoor sound amplification device which can be heard seventy five feet (75') or more away: 1) from the closest boundary of the park, when the source of the noise is within the boundaries of a park; or 2) from the actual source of the noise, when the source is of noise is located in the right of way adjacent to a park; shall be deemed to be prima facie evidence of a violation of this section.

C. Exceptions: This prohibition shall not apply to a park permit or other City approval that expressly authorizes the use of outdoor sound amplification devices. [Added by Ord. No. 3642, eff. 7/24/04.]

9-3-214: RESTRICTIONS ON LEAF BLOWER OPERATION:

A. Definitions:

LEAF BLOWER: Any machine however powered used to blow leaves, dirt and other debris

off sidewalks, driveways, lawns and other surfaces.

PARCEL: An area of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the County Recorder. Contiguous parcels owned by the same individual or entity shall be considered one parcel for the purposes of this section.

B. Time Restrictions: No person shall operate a leaf blower within a residential zone or within two hundred feet (200') of a residential zone between the hours of six o'clock (6:00) P.M. to eight o'clock (8:00) A.M.

C. Duration of Use: No person shall operate any leaf blower within a residential zone or within two hundred feet (200') of a residential zone for more than fifteen (15) minutes per hour on parcels less than one-half (1/2) acre and no more than thirty (30) minutes per hour on parcels greater than one-half (1/2) acre.

D. Number of Leaf Blowers: No person shall operate more than one leaf blower per parcel within any residential zone or within two hundred feet (200') of a residential zone.

E. Debris Restriction: No person shall operate any leaf blower within the City in such a way as to blow leaves, dirt, and other debris on to adjoining properties and public rights of way and to allow the material to remain there for more than fifteen (15) minutes. [Added by Ord. No. 3122; Formerly Numbered Section 21-37; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

DIVISION 3. SOUND TRUCKS

9-3-215: PURPOSE OF REGULATION:

The Council recognizes that the use of sound amplifying equipment when operated for free speech purposes is protected by the constitutional rights of freedom of speech and assembly, but nevertheless feels obligated to reasonably regulate the use of such equipment in order to protect the correlative constitutional rights of those who wish privacy and freedom from the nuisance of loud and unnecessary noise. [Formerly Numbered Section 21-40; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-216: SOUND TRUCKS MUST BE REGISTERED:

No person shall use a sound truck on the street with its sound amplifying equipment in operation without having first filed a registration statement with the Community Development Department in writing. This registration shall be filed in triplicate and shall state the following:

- A. Name and home address of the registrant;
- B. Address and place of business of registrant;
- C. License number and motor number of the sound truck to be used by registrant;
- D. Name, address and telephone number of person who owns the sound truck;

- E. Name, address and telephone number of person having direct charge of the sound truck;
- F. Names and addresses of all persons who will use or operate the sound truck;
- G. The purpose for which the sound truck will be used;
- H. A general statement as to the section or sections of the City in which the sound truck will be used;
- I. The proposed hours of operation of the sound truck;
- J. The number of days of proposed operation of the sound truck;
- K. A general description of the sound truck amplifying equipment which is to be used;
- L. The maximum sound producing power of the sound amplifying equipment, expressed in decibels at a reference distance of thirty feet (30'); and
- M. Whether the sound amplifying equipment will be used for commercial or noncommercial purposes. [Formerly Numbered Section 21-41; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3828, eff. 8/24/12; 2383, 2338, 2336, 2194.]

9-3-217: DISAPPROVAL OF REGISTRATION:

The Community Development Department shall accept such registration unless the Community Development Director finds that the regulations for the use of sound trucks set forth in Section [9-3-221](#) of this article would be violated in whole or part. If the registration is disapproved, the reasons for disapproval shall be endorsed on the statement and it shall be returned to the applicant forthwith. [Formerly Numbered Section 21-42; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3828, eff. 8/24/12; 2383.]

9-3-218: AMENDING REGISTRATION:

All persons using sound trucks shall amend any registration statement filed pursuant to this article within forty eight (48) hours after any change in the information therein furnished. [Formerly Numbered Section 21-44; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383, 2338, 2336.]

9-3-219: COPY OF REGISTRATION TO CHIEF OF POLICE:

The Community Development Department shall furnish the Chief of Police with a copy of such registration statement and all amendments thereto. [Formerly Numbered Section 21-45; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3828, eff. 8/24/12; 2383, 2338, 2336, 2194.]

9-3-220: CERTIFIED COPY OF REGISTRATION MUST BE CARRIED IN SOUND TRUCK:

The Community Development Department shall return to each registrant hereunder one copy of said registration statement duly certified as a correct copy of said registration. Said certified copy of the registration shall be in the possession of any person operating the

sound truck at all times while the sound truck's sound amplifying equipment is in operation, and said copy shall be promptly displayed and shown to any police officer or Community Development Director of the City upon request. [Formerly Numbered Section 21-46; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3828, eff. 8/24/12; 2383, 2338, 2336, 2194.]

9-3-221: REGULATIONS FOR USE OF SOUND TRUCKS:

All persons using sound trucks with sound amplifying equipment in operation shall be subject to the following regulations:

- A. The only sound permitted is music or human speech or both;
- B. The human speech and music amplified shall not be obscene, profane, lewd, indecent, vulgar, or slanderous, nor shall such music or speech induce, request, or incite any persons to injure or damage persons or property, or to do any illegal act;
- C. Sound shall not be issued within three hundred feet (300') of any hospital, church, courthouse, or school;
- D. No sound emanating from sound amplifying equipment shall exceed fifteen (15) dBA above the ambient noise level as measured at the property line of the affected property;
- E. Sound amplifying equipment shall not be operated between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M. of the following day during weekdays and at no time on Sundays;
- F. No sound truck with its amplifying equipment in operation shall be operated when:
 - 1. The conditions of motor vehicle movement are such that in the opinion of the Chief of Police use of the equipment would constitute a detriment to traffic safety; or
 - 2. The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; and
- G. The volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility. [Formerly Numbered Section 21-47; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383, 2338, 2336.]

DIVISION 4. MISCELLANEOUS

9-3-222: OCTAVE BAND SOUND FREQUENCY LEVEL LIMITS:

A. For those marginal cases where an objectionable noise is clearly audible, but where the measured A-weighted noise level is not violated, sound measurements shall be taken utilizing an octave band sound analyzer and compared to the table on the next page:

Allowable A-Weighted Sound Levels

40
45
50
55
60
65
70
75

Octave Band Frequency Sound Level Limits (In Decibels) For Each Frequency (In Hz)

31.5	63	125	250	500	1000	2000	4000	8000
61	54	47	42	37	34	31	28	25
64	58	51	46	42	39	36	33	30
57	61	55	51	47	44	41	38	35
70	65	60	55	52	49	46	43	40
73	68	64	60	56	54	51	48	45
76	72	68	64	61	59	56	53	50
79	76	72	69	66	64	61	58	55
82	79	76	73	71	69	66	63	60

Where the A-weighted sound level is between any of the figures shown, octave band frequency sound level limits for such A-weighted sound level shall be determined by proportionally adjusting the figures shown to the nearest whole figure.

B. Any measured sound pressure level in any octave band exceeding the noise limits prescribed above, as adjusted using the following table, is prohibited:

Condition	Adjustment To Be Added To Values Given (Decibels)
Steady audible tone such as hum, whine, or screech	Minus 5
Continuous impulsive noise such as hammering or riveting	Minus 5
Noise occurring more than 5 but less than 15 minutes per hour	Plus 5
Noise occurring more than 1 but less than 5 minutes per hour	Plus 10
Noise occurring less than 1 minute per hour	Plus 20

[Formerly Numbered Section 21-50; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-223: NOISE SOURCES NOT SPECIFICALLY COVERED:

Notwithstanding any other provision of this article and in addition thereto, it shall be unlawful for any person to wilfully make or continue any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which shall be considered in determining whether a violation of this section exists shall include, but not be limited to, the following:

- A. The sound pressure level of the noise;
- B. The octave band sound pressure level of the noise;
- C. Whether the nature of the noise is usual or unusual;
- D. Whether the origin of the noise is natural or unnatural;
- E. The sound pressure level and octave band sound pressure level of the background noise, if any;
- F. The proximity of the noise to residential sleeping facilities;
- G. The nature and zoning of the area within which the noise emanates;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. The time of the day or night when the noise occurs;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent or constant; and
- L. Whether the noise is produced by a commercial or noncommercial activity.

[Formerly Numbered Section 21-51; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

9-3-224: SCHOOLS, HOSPITALS AND CHURCHES:

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any hospital or to any school, institution of learning or church while the same is in use, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital. [Formerly Numbered Section 21-52; Renumbered by Ord. No. 3058, eff. 2/21/87; 2383.]

ARTICLE 3. REMOVAL OF GRAFFITI OR OTHER INSCRIBED MATERIAL