

Sec. 17-101. - Noise.

- (a) General requirements. No operation or activity shall be carried on that causes or creates measurable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in Table A below as measured at any point on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located.
- (b) Method and units of measurement. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

Because sound waves having the same decibel (Db) level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound level meter used to take measurements required in this section. All measurements below are expressed in Db(A) to reflect the use of the A-weighted filter.

- (c) Table of maximum noise levels. Except as otherwise provided in this section, noise levels shall not exceed the limits set forth in the following Table A:

**TABLE A
MAXIMUM PERMITTED NOISE LEVELS**

Use	Time	Sound Level (A- Weighted) Decibels Db(A)
Residential (see uses included in RA, RP, RC, SP, MH districts)	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
Business/Office (see uses included in OS, B, ES, P districts)	7:00 a.m. to 7:00 p.m.	65
	7:00 p.m. to 7:00 a.m.	50
Industrial (see uses included in IRO, LI-1 districts), where all adjacent properties are used for industrial/business purposes	Anytime	70

Industrial, where any adjacent properties are used for residential purposes	Anytime	60
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(d) Background noise. Where existing background noise exceeds the maximum permitted levels specified in Table A, the noise caused or created by a specific operation or activity may exceed the levels specified in the table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally-accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.

(e) Intermittent or other unreasonable sounds. Intermittent sounds or sounds characterized by pure tones might be a source of complaints, even though the measured sound level does not exceed the permitted level in Table A. Such sounds shall be prohibited when found to be unreasonably loud or to unreasonably interfere with the peace and comfort of others. In making such determination, the following shall be considered:

- (1) The proximity of the sound to sleeping facilities;
- (2) The nature of the use from which the sound emanates and the area where it is received or perceived;
- (3) The time (day or night) the sound occurs; and
- (4) The duration of the sound.

(f) Special exception. An application for a special exception from the provisions of this section may be submitted to the zoning board of appeals, sitting as an administrative review board for purposes of this provision. The owner or operator of equipment on the property shall submit a statement regarding the effect of noise from the equipment on the overall noise level in the area. The statement shall also include a study of background noise levels, predicted levels of noise measured at the boundary line due to the proposed operation, and justification for the special exception. If it appears to the zoning board of appeals, in the course of its review of the applicant's application and statement, that the expertise of a sound engineer or other expert shall be necessary in order to review the application, the zoning board of appeals shall be authorized to obtain a reasonable escrow for consulting fees from the applicant and retain such expert for such purposes. Upon review of the request for a special exception, the zoning board of appeals may grant a special exception where such relief would be within the spirit and intent of this ordinance, would not adversely affect the public health, safety, and welfare, and would not be materially injurious to surrounding properties and improvements. The zoning board of appeals may impose conditions of operation in granting a special exception.

(g) Exemptions. Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally-accepted manner:

- (1) Construction activity (see section 18-164);
- (2) Performance of emergency work, including snow removal;
- (3) Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado and civil defense warning devices, and train horns;
- (4) Lawn care and yard maintenance that occurs between 8:00 a.m. and 9:00 p.m.;

- (5) Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events;
- (6) Bells or chimes of churches or other places of worship;
- (7) The unamplified human voice; and
- (8) Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.

(Ord. No. C-10-2004, § 1, 8-23-04)