

## ARTICLE IV. NOISE

### Sec. 11-110 . Declaration of necessity.

It is found and declared that:

- (a) The making and creation of excessive, unnecessary or unusually loud noises within the city limits is a condition which has existed for some time and the amount and intensity of such noises is increasing.
- (b) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and effect are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city.
- (c) The necessity in the public interest for the provisions and prohibitions contained and enacted in this article is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and repose of the city and its inhabitants.

(Code 1978, § 13-33; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

### Sec. 11-111. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ambient noise* means the all-encompassing noise associated with a given environment, being usually a composite of sound from many sources near and far.

*A-weighted level (dBA)* means the total broadband sound level of the noise spectrum as measured using the A-weighted network of a sound level meter. **The unit of measurement is the dBA. Sound level meter settings shall be for slow response, except for motor vehicle measurements which shall be fast response.**

*Commercial zone* means any geographic area designated for commercial or professional activities by the city's comprehensive plan.

*Continuous noise* means a noise which remains essentially constant in level during the period of observation.

*Decibel (dB)* means a division of a logarithmic scale used to express the ratio of two like quantities proportional to power or energy. The ratio is expressed in decibels by multiplying its common logarithm by ten.

*Emergency* means a situation wherein immediate work is necessary to restore property to a safe condition following a public calamity or immediate work is required to protect persons or property from an imminent exposure to danger.

*Gross combination weight rating (GCWR)* means the value specified by the manufacturer as the loaded weight of a combination vehicle.

*Gross vehicle weight rating (GVWR)* means the value specified by the manufacturer as the loaded weight of a single vehicle.

*Impulsive noise* means a noise which is characterized by brief excursions of sound pressure which significantly exceed the ambient noise level.

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*Industrial zone* means any geographic area designated for industrial or manufacturing activities by the city's comprehensive plan.

*Intermittent noise* means a noise whose sound pressure level exceeds the ambient noise level at either regular or irregular intervals.

*Motorcycle* means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

*Motor-drive cycle* means every motorcycle and every motor scooter with a motor which produces not to exceed five-brake horsepower, including every bicycle with a motor attached.

*Motor vehicle* means any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

*Noise* means one or a group of loud, harsh, nonharmonious sounds or vibrations that are unpleasant and irritating to the ear.

**Noise level** means the sound pressure level as measured in dBA unless otherwise specified. A measurement of noise must be at least five dB above the ambient noise level.

*Octave band* means all of the components in a sound spectrum whose frequencies are between two sine-wave components separated by an octave.

*Residential zone* means any geographic area designated for single-family or multifamily dwellings by the city's comprehensive plan.

*Sound level meter* means an instrument to measure the sound pressure level of relatively continuous and broadband noises. The sound level meter used to determine compliance with this article shall meet or exceed the requirements for type 2 sound level meter in accordance with ANSI Standard S1-4.

*Sound pressure level* means the squared ratio, expressed in decibels, of the sound pressure under consideration to the standard reference pressure of  $0.0002 \text{ dyne/cm}^2$ . The ratio is squared because pressure squared, and not pressure, is proportional to energy.

*Vehicle* means any device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1978, § 13-33.1; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

#### **Sec. 11-112 . Exceeding prohibited limits.**

It shall be unlawful, except as expressly permitted in this article, to make, cause or allow the making of any noise or sound within the boundaries of the city which exceeds the limits set forth in this article.

(Code 1978, § 13-33.2; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

#### **Sec. 11-113 . Exceptions.**

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Notwithstanding the noise prohibitions set out in this article, the following shall be permitted:

(a) *Warning devices.* The operation of warning or emergency signal devices such as sirens, horns, and bells when utilized for their intended purpose.

(b) *Emergency repair.* Noises resulting from equipment or operations incidental to the emergency repair of facilities or restoration of services such as public utilities or other emergency activities in the public interest.

(c) *Railway, shipping, and aircraft.* Ordinary noise created by the operation of railways, shipping lanes and aircraft.

(d) *Permitted holiday observances.* Noises consistent with cultural, historical or traditional observances, holidays and ceremonies, provided that a permit for such event has been obtained from the city; if required by the city Code.

(Code 1978, § 13-33.3; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

#### **Sec. 11-114 . Waivers.**

(a) Applications for waivers for relief from the maximum allowable noise level limits designated in this article shall be made in writing. Such applications for waivers shall be made to the city manager or his/her duly authorized representative. Any waiver granted by the city manager under this section must be in writing and shall contain all conditions upon which such permit shall be effective. The city manager or his/her duly authorized representatives may grant the waiver as applied for under the following conditions:

(1) The city manager may prescribe any reasonable conditions or requirements they deem necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to the use of mufflers, screens or other sound attenuating devices.

(2) Waivers from maximum allowable noise level limits may only be granted for noises created within an industrial or commercial zone by operations which were in existence on January 31, 2000.

(3) Waivers may be issued for no longer than 180 days, renewable by further application to the city manager.

(b) Any party feeling aggrieved by the denial of its application for waiver under this section by the city manager may appeal such denial to the city commission, such appeal to be filed within 30 days from the date of denial.

(Code 1978, § 13-33.4; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

#### **Sec. 11-115 . Construction.**

(a) No person shall operate or permit to be operated any power-driven construction equipment without a muffler or other noise reduction device at least as effective as that recommended by the manufacturer or provided as original equipment.

(b) No construction activities shall be permitted between the hours of 6:00 p.m. and 7:00 a.m., Monday through Saturday, and all day Sunday, that produce noise exceeding 55 dBA, measured at the nearest property line of an adjacent residential area. Construction equipment that must be operated near a residentially zoned area on a 24-hour per day basis (i.e., pumps, well tips, generators, etc.) shall be shielded by an acoustical enclosure during the hours of 6:00 p.m. to 7:00 a.m., unless the unshielded noise level is less than 55 dBA,

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measured at the closest adjacent residentially zoned property line.

(Code 1978, § 13-33.5; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

**Sec. 11-116 . Industrial or commercial.**

(a) No noise shall be created or permitted to be created in an industrial or commercial zone which exceeds those levels given in table 1, in this section, as measured on the adjacent property line.

**Table 1**  
**Maximum Noise Levels Permitted in Industrial and Commercial Zone**

<b>Zone from which noise emanates</b>	<b>Adjoining commercial zone (no time limit)</b>	<b>Adjoining residential zone (7:00 am - 6:00 pm Monday through Saturday)</b>
<b>Industrial</b>	<b>72 dBA</b>	<b>66 dBA</b>
<b>Commercial</b>	<b>66 dBA</b>	<b>60 dBA</b>

The maximum permitted noise level emanating from a commercially or industrially zoned district, measured at the nearest adjacent residentially zoned property line for the hours between 6:00 p.m. and 7:00 a.m., Monday through Saturday and during all hours of Sunday, shall be 55 dBA.

(b) In cases of impulsive noises, the noise levels listed in subsection (a) of this section shall be increased by ten dBA (as measured on a sound level meter) during the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday, but shall not exceed the levels of table 1 during the period from 6:00 p.m. to 7:00 a.m., Monday through Saturday and all day Sunday.

(c) Exceptions to maximum noise levels.

(1) An exception to the noise levels listed in table 1 may be permitted by the granting of a waiver, under circumstances in which the activity creating the noise is of such importance to the public welfare, health or safety that the activity cannot be shut down, even though its noise levels exceed those given in table 1. Responsibility for the granting of such waivers shall lie with the city manager or his/her duly authorized representative.

(2) A further exception to the noise levels listed in table 1 shall be permitted in instances where an industry or commercial business had in prior years established its place of business in an area away from a residential zone, and subsequently, through the encroachment of residential development or rezoning, now finds itself adjoining a residential zone. In instances of this latter nature, the noise ordinance pertaining to industrial-commercial boundaries shall govern, and the business shall not be required to meet those noise levels pertaining to residential boundaries.

(Code 1978, § 13-33.6; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

**Sec. 11-117 . Created within residential zones.**

(a) Except for those noises otherwise specifically provided for within this article, it shall be unlawful to create or to permit to be created any noise within a residential zone that exceeds 72 dBA during the hours between 7:00 a.m. to 6:00 p.m., or 55 dBA during the hours between 6:00 p.m. and 7:00 a.m., daily, measured at the nearest adjacent property line.

(b) It shall be unlawful to operate or permit to be operated any air conditioning, heating or ventilating unit at any time that produces a noise exceeding 60 dBA, measured at the nearest adjacent property line.

(c) In the case of multifamily dwelling units, it shall be unlawful to create or permit to be created any noise that exceeds 55 dBA during the hours between 7:00 a.m. to 9:00 p.m., or 40 dBA during the hours between 9:00 p.m. and 7:00 a.m., daily, measured from a neighbor's dwelling.

(Code 1978, § 13-33.7; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

#### **Sec. 11-118 . Emanating from boats or barges on water areas adjoining residential zones.**

(a) No craft shall be operated or be permitted to be operated on water areas adjoining residential zones which produces noise that exceeds 55 dBA, measured at the nearest adjacent residential property line, during the hours of 9:00 p.m. to 7:00 a.m., daily, except as provided in subsection (b) of this section.

(b) In the case of construction barges or dredges, a permit from the city manager must be obtained in order to operate during the hours of 9:00 p.m. to 7:00 a.m. This permit will only be granted when the barge or dredge operator has satisfied the city manager that he/she has done all that is reasonably possible to minimize the noise impact on the adjacent residential community.

(Code 1978, § 13-33.8; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

#### **Sec. 11-119 . Within outdoor public recreation areas and parks.**

It shall be unlawful to operate or permit to be operated any mechanical or electrical device within an outdoor public recreation area or park that produces a noise exceeding 72 dBA during the hours between 7:00 a.m. to 9:00 p.m., or 55 dBA during the hours between 9:00 p.m. to 7:00 a.m., daily, measured at the nearest adjacent residentially zoned property line, except for planned community events, including but not limited to concerts, speeches, sporting events, fireworks displays, etc. When a planned community event will create noise in excess of the limits specified in this section, a permit must be obtained prior to the event.

(Code 1978, § 13-33.9; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

#### **Sec. 11-120 . Octave band sound level limits.**

In addition to the standards listed in this article, for any source or sound which can be detected on any parcel of property adjacent to the source or sound, the maximum allowable sound level limit for the individual octave bands whose centers are 31.5, 63, 125, 250, and 500 Hertz shall not exceed 65 dB.

(Code 1978, § 13-33.10; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

#### **Sec. 11-121 . Penalty for violation of article .**

Violations of this article are punishable as provided in section 1-15.

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(Code 1978, § 13-33.11; Ord. No. 76-817, § 2, 3-2-1976; Ord. No. 87-18, § 1, 6-16-1987; Ord. No. 2000-38, § 1, 4-18-2000)

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