

## CHAPTER 5-5 NOISE REGULATIONS

### Section 5-5.01. Policy declared.

(a) It is declared to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. Noises detrimental to the health and welfare of the citizenry shall be systematically proscribed.

(b) It shall also be the policy of the City to prohibit noises that constitute a nuisance regardless of level during certain time periods. (Prior Code § 10-91A.1)

### Section 5-5.02. Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this section and its subsections are defined as follows:

(a) "Ambient base noise level" means the reasonable and representative ambient noise levels in various land use categories in the City and at various times as set forth in Section 5-5.05.

(b) "Ambient noise level" means the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources excluding the alleged offensive noise at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

(c) "Decibel" (dB) means 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. For the purpose of this chapter zero decibels (0 dB(A)) shall be twenty (20) micronewtons per square meter.

(d) "Emergency work" means any work performed for the purpose of preventing or alleviating the mental or physical trauma or property damage threatened or caused by an emergency. "Emergency," for the purpose of this definition, includes any occurrence or set of circumstances involving actual or imminent mental or physical trauma or property damage which demands immediate action, or work by private or public utilities when restoring utility service.

(e) "Motor vehicles" includes but is not limited to off-road vehicles, minibikes and go-carts.

(f) "Noise Control Officer" means the Director of the Community Development Department and any other person authorized by this Code to enforce provisions of Title 5, Chapter 5.

(g) "Noise level" means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micronewtons per square meter. The unit of measure is the dB(A). The equivalent noise level (Leq), a measure of the average noise experienced during a specified period of time, shall be considered the noise level, except when the L10 (the noise level exceeded ten percent (10%) of the time) is five (5) dB(A) over the Leq it is the noise level.

(h) "Person" means a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

(i) "Sound amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" does not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment" does not include warning devices on authorized emergency vehicles or horns or other warning devices on any authorized emergency vehicles or horns or other warning devices on any vehicle or locomotive used only for traffic safety purposes.

(j) "Sound level meter" means an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

(k) "Sound pressure level" of a sound in decibels means twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, twenty (20) micronewtons per square meter.

(l) "Sound truck" means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment. (Ord. 2004-01, eff. 2/20/04)

### Section 5-5.03. Complaint evaluation.

A complaint shall be evaluated in the following manner:

(a) An ambient reading shall be made at a time when the offending noise source is not present. A sample of no less than one (1) hour shall be taken.

(b) Noise reading shall be made concurrent with the offending noise. A sample of no less than one (1) hour shall be taken. The offending noise shall be considered the Leq or L10 as set forth in Section 5-5.02.

(c) These readings shall be made at precisely the same location, which shall be at the property line of the complaining party. (Prior Code § 10-91A.3)

**Section 5-5.04. Determination of violation.**

(a) A violation shall be determined to exist when the noise level exceeds the ambient noise level or the ambient base noise level, whichever is higher, as follows:

- (1) By any amount thirty (30) minutes for any given hour, measured cumulatively;
- (2) By five (5) dB(A), fifteen (15) minutes for any given hour;
- (3) By ten (10) dB(A), five (5) minutes for any given hour;
- (4) By twenty (20) dB(A) at any time.

(b) Where one (1) zone interfaces with another, the ambient noise base level prescribed for the most restrictive zones shall prevail.

**Section 5-5.05. Ambient base noise level.**

The ambient base noise level is established as follows:

**RANGE OF INTENSITIES  
AMBIENT BASE NOISE LEVEL**

ZONES	DURATION			
	Ambient Base		Fifteen Minutes	
	Day	Night	Day	Night
Residential	55	45	60	50
Commercial	65	60	70	65
Industrial	75	70	80	75

ZONES	DURATION			
	Five Minutes		One Minute	
	Day	Night	Day	Night
Residential	65	55	70	60
Commercial	75	70	80	75
Industrial	85	80	90	85

(Prior Code § 10-91A.5)

**Section 5-5.06. Unmeasurable nuisance noise.**

Noises or noise sources which because of the time when they are emitted or their quality, intensity, frequency or uniqueness, are not amenable to measurement as other noise sources described in this chapter, but which nevertheless are offensive or detrimental to the health, safety or welfare of other persons, or which substantially interfere with the reasonable quiet enjoyment of property by other persons, are found and determined to be nuisances. Emitting or causing the emission of such noises is a violation of this chapter. Such sources include but are not necessarily limited to:

- (a) Animals and fowl (e.g. barking dogs, crowing roosters);
- (b) Automobile or other mechanical work or repairs not conducted in a licensed automobile or mechanical repair shop or workshop;
- (c) The use of power-driven tools or appliances other than in a licensed shop which is licensed for such activities;
- (d) Amplified sound such as that from television, radio, stereo or other similar devices;
- (e) Noise of construction caused by hand tools, power tools or equipment, when the noise occurs at a time other than:

- (1) between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday; or
- (2) between the hours of 8:00 a.m. and 5:00 p.m., Saturday through Sunday; or
- (3) allowed by permit issued by the Noise Control Officer. (Ord. No. 2006-02, eff. 3/21/2006; Prior Code

§ 10-91A.6)

**Section 5-5.07. Warning notice.**

After review of a complaint received by the Noise Control Officer, the owner/operator of a noise source shall be given one (1) verbal or written notice and on the second verification of a complaint, shall be in violation of this chapter. (Prior Code § 10-91A.7)

**Section 5-5.08. Residential zones: Prohibited noises.**

The following noise sources are prohibited within residential zones:

- (a) Hawkers and peddlers;
- (b) Sound amplifying trucks. (Prior Code § 10-91A.8)

**Section 5-5.09. Residential zones: Construction-noise permits.**

Persons operating equipment or performing any outside construction or repair work on buildings, structures or projects within a residential zone, or within a radius of five hundred (500) feet therefrom, shall be required to obtain a permit from the Noise Control Officer only if they exceed the noise standards set forth in Sections 5-5.03 and 5-5.05. This permit would cover short-term or occasional, non-routine operations. (Prior Code § 10-91A.9)

**Section 5-5.10. Enforcement guidelines.**

The following shall be considered in the enforcement of the provisions of this chapter:

- (a) The noise in question must have a distinguishable noise source. The intent of these regulations is not to enforce against the ambient or composite noise in any given area.
- (b) Existing noise sources at the time of adoption of the ordinance from which this section derives will be considered as part of the ambient noise level, and hence not subject to the provisions of the regulations of this chapter, except as follows:
  - (1) The noise is the subject of complaint by neighbors; and
  - (2) The noise is distinguishable as to source.
- (c) In such cases the Noise Control Officer may take action by requiring an abatement program which would consider:
  - (1) A reasonable period for abatement;
  - (2) The costs of such abatement;
  - (3) The practicality of such abatement.
- (d) In no case shall such abatement program require compliance in less than six (6) months from the time of notice to the involved party.
- (e) Enforcement of the provisions of this chapter is in response to complaints made by the public. It shall not be the policy of the City to initiate action in the absence of a complaint. (Ord. 2004-01, eff. 2/20/04)

**Section 5-5.11. Exclusions.**

The provisions of this chapter shall not apply to:

- (a) Sound produced by motor vehicles as regulated by sound-limitation provisions of the State Vehicle Code when such vehicle is located or operated on any public street, right-of-way or highway;
- (b) Aircraft operated in conformity with federal law;
- (c) Activities of the federal, state or local government and its duly franchised utilities;
- (d) Trains operated in conformity with and regulated by any federal or state agency;
- (e) Activities necessary to continue to provide utility service to the general public, whether this service is installing additional facilities, restoring worn or damaged facilities and/or maintaining existing service;
- (f) Emergency work, as defined in Section 5-502;
- (g) The reasonable operation of normal household gardening equipment or hobby shop equipment or home maintenance/repair work during the hours of seven (7:00) a.m. until six (6:00) p.m. on Monday through Friday and of eight (8:00) a.m. until five (5:00) p.m. on Saturdays and Sundays. (Ord. No. 2006-02, eff. 3/21/2006; Prior Code § 10-91A.13)

**Section 5-5.12. Appeals.**

Any and all persons aggrieved by any action of the Noise Control Officer taken pursuant to the provisions of this chapter may file an appeal from the action or any part thereof; provided, that such appeal shall be in writing stating the reasons for the appeal and filed with the secretary of the Planning Commission within not more than ten (10) working days following the action taken. The decision of the Planning Commission shall be final unless a

written appeal to the City Council is filed with the City Clerk within ten (10) days of the Planning Commission action. (Prior Code § 10-91A.14)

**Section 5-5.13. Violation: Abatement.**

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this section is subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Prior Code § 10-91A.12)

**Section 5-5.14. Violation: Misdemeanor.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof is punishable in accordance with Chapter 1-6 of this Code. (Prior Code § 10-91A.11)