

ARTICLE II. - NOISE REGULATIONS^[2]

Footnotes:

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Cross reference— *Barking dog declared a nuisance, § 4-28.*

Sec. 9-16. - Intent and scope.

- (a) The city commission intends to prevent, prohibit and provide for the abatement of excessive, loud or disturbing noises which may injure the health, comfort, convenience, safety, welfare and the peace and quiet of its citizens or degrade the quality of life. It is the public policy of the city that every person is entitled to ambient sound levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive noise within the city affects and is a menace to public health, comfort, convenience, safety, welfare and prosperity of the people of the city.
- (b) This article shall pertain to all sound originating within the city.
- (Ord. No. 22-97-A, § 2, 5-13-97; Ord. No. 22-14-A, § 2, 12-9-14)

Sec. 9-17. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings set forth below, except where the context clearly indicates a different meaning.

Alarm means any fire, burglary, motor vehicle or civil defense alarm, whistle or similar stationary emergency signaling device.

Amplified sound means reproduction of sound from any radio, stereo, CD player, DVD player, microphone, drum, turn table, audio or visual equipment, musical instrument, sound equipment, sound amplification device, television set, speaker, bullhorn or any similar device.

Authorized emergency vehicle shall include the following:

- a. All vehicles of the state department of transportation designated as emergency vehicles by the department.
- b. All police and fire vehicles of any municipality, county or of the state.
- c. Emergency vehicles of the several departments of the city.
- d. Emergency vehicles of a public service corporation.
- e. All ambulances and rescue vehicles.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA."

Background sound level means the measured sound level which represents the summation of the sound from all of the sources affecting a location at a given time, exclusive of the source under investigation.

Construction means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action for or of public or private rights-of-way, structures, utilities or similar property.

C-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the C-weighted network. The level so read is designated "dBC."

"dBA" means the abbreviation designating the unit of sound level as measured by a sound level meter using the A-weighting, also known as "DBA."

"dBC" means the abbreviation designating the unit of sound level as measured by a sound level meter using the C-weighting, also known as "DBC."

Decibel means the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (twenty (20) micropascals); abbreviated "dB."

Demolition means any dismantling, intentional destruction, or removal of buildings or structures.

Device means a radio receiver, compact disk player, television, musical instrument, cassette player, phonograph sound amplifier, stereo, tape player, loudspeaker, electronic audio device, or other machine for the producing or reproducing of sound.

Emergency means any occurrence or set of circumstances involving actual or imminent physical injury or property damage which demands immediate attention.

Emergency work means any work performed for the purpose of preventing or alleviating the physical injury or property damage threatened or caused by an emergency.

Motor vehicle means any two (2) or more wheeled vehicle, or machine, propelled or drawn by mechanical power, gas or diesel, and used in the public roads and highways in the transportation of people or property and which is required to be licensed.

Multifamily dwelling means a building or portion of a building designed to be used exclusively for residential occupancy by two (2) or more families.

Noise disturbance means any sound that exceeds the maximum permissible sound levels set forth in Table 1, or otherwise violates the prohibitions in this article.

Person means any individual, association, club, society, firm, partnership, and bodies politic and corporate.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by the city.

Public space means any real property or structure, normally accessible to the public.

Real property line means an imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by one (1) person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

Receiving property means property at which sound originating from another property is detected.

Sound means energy which is transmitted by pressure waves in air or other materials and is the objective cause of the sensation of hearing. Commonly called noise, if unwanted.

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 American National Standards Institute specifications for sound level meters (ANSI). If the frequency weighting employed is not indicated, the A-weighting

shall apply.

Sound level meter means an instrument for the measurement of sound levels which complies with standards established by the American National Standards Institute (ANSI).

(Ord. No. 22-97-A, § 2, 5-13-97; Ord. No. 22-14-A, § 2, 12-9-14)

Sec. 9-18. - Prohibited acts.

- (a) *General prohibition.* No person shall by any method or device make, continue or cause to be made or continued any noise disturbance within the city.
- (b) *Unmuffled exhaust.* No person shall discharge or cause to be discharged the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device approved by the mechanism's manufacturer, which will effectively prevent loud and explosive sound.
- (c) *Multifamily dwellings.* No person shall operate or permit within a multifamily dwelling any source of sound in such a manner as to create a noise disturbance which is plainly audible from the center of an adjacent intrabuilding dwelling receiving the sounds. The doors and windows of the receiving dwelling unit shall be closed when determining whether the sound constitutes a violation of this article.
- (d) *Pagers, public address systems, and outdoor telephones.* No person shall operate or cause to be operated any outdoor loudspeaker, public address, paging, or telephone signaling device so as to create a noise disturbance which is plainly audible from a receiving property.
- (e) *Public right-of-way.* Sound from a motor vehicle or any other source shall not be plainly audible at a distance of twenty-five (25) feet or more.

(Ord. No. 22-97-A, § 2, 5-13-97; Ord. No. 22-14-A, § 2, 12-9-14)

Sec. 9-19. - Exemptions.

The following uses and activities shall be exempt from the provisions of this article.

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns, and bells and other sounds created by authorized emergency vehicles.
- (3) Activities on or in city-owned and school athletic facilities, and on or in publicly owned property and facilities, when such activities have been authorized by the owners of such properties or facilities or their agents, except where such publicly owned properties are under private operation pursuant to a lease or concession agreement.
- (4) Fire alarms and burglar alarms, including any testing of such alarms.
- (5) Locomotives and other railroad equipment, and aircraft.
- (6) Routine maintenance performed by public service utilities or their contractors.
- (7) Performance of emergency work by public employees, or by contractors performing emergency work for a public entity.
- (8) Lawful construction activity conducted on private property between the hours of 8:00 a.m. and 7:00 p.m.
- (9) Lawn mowing, and operation of gasoline and electric-powered lawn, garden, and household maintenance tools and machinery between the hours of 8:00 a.m. and 7:00 p.m.
- (10) Special events or outdoor sales events permitted pursuant to the provisions of section 16-278 of the City Code as long as the event is in compliance with the conditions of the issued permit.
- (11) Construction activity conducted by or on behalf of the city in a nonresidential zoning district.
- (12) Public assemblies in parks and other public forums for the purpose of making a speech or conveying a message as long as a permit is not required pursuant to section 16-278 of the City Code.

(Ord. No. 22-97-A, § 2, 5-13-97; Ord. No. 22-12-A, § 2, 1-10-12; Ord. No. 402-13-G, § 5, 11-12-13; Ord. No. 22-14-A, § 2, 12-9-14)

Sec. 9-20. - Measurement procedures.

In determining whether a violation of this article has occurred, the complained of noise shall be measured according to the following standards:

- (1) The primary means of measurement shall be by a sound level meter or the ordinary, auditory senses of a reasonable person with normal sensitivities.
- (2) Outdoor sound level measurements shall be taken on, or as near as possible to, the real property line of the property upon which the sound source is located.
- (3) Indoor sound level measurements shall apply when the sound source is on or within the same parcel of land as the complainant or when the real property line between the sound source and the complainant is a common wall, floor, or ceiling. Indoor sound level measurements shall be taken within the premises of the complainant.
- (4) When a sound level meter is used, no fewer than three (3) measurements of the sound source under investigation shall be taken. Each of the measurements shall be no less than thirty (30) seconds in duration, and all measurements shall be taken within any one-hour period. If the sound source under investigation is of a total duration of less than ninety (90) seconds, a single measurement shall be sufficient.

(Ord. No. 22-97-A, § 2, 5-13-97; Ord. No. 22-14-A, § 2, 12-9-14)

Sec. 9-21. - Responsible party.

- (a) No person shall own, engage in or manage, or be in charge of any business premise, however temporarily, that creates a noise disturbance.
- (b) No musical performer, disc jockey or other person making a public presentation shall produce amplified sound upon any business premise, however temporarily, that creates a noise disturbance.

(Ord. No. 22-97-A, § 2, 5-13-97; Ord. No. 22-14-A, § 2, 12-9-14)

Sec. 9-22. - Maximum permissible sound levels.

Notwithstanding any other provision in this article, it shall be unlawful, except as expressly permitted herein, to cause, allow, or permit the making of any sound which exceeds the limits set forth in this section. However, a sound shall not be considered in violation of the sound level limits set forth in Table 1 if the measured sound level exceeds the background sound level by less than five (5) decibels.

TABLE 1
MAXIMUM PERMISSIBLE SOUND LEVELS

RECEIVING PROPERTY USE	TIMES	SOUND LEVEL
Residential, including multifamily	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	60 dBA 55 dBA
Commercial	Any time	65 dBA
Industrial	Any time	70 dBA
Western Sunrise Entertainment District*	6:00 p.m. to 4:00 a.m. 4:00 a.m. to 6:00 p.m.	85 dBA or 87 dBC 65 dBA or 75 dBC

*As established in section 16-82 of the City Code.

(Ord. No. 153-08-A, § 5, 1-22-08; Ord. No. 22-14-A, § 2, 12-9-14)

Sec. 9-23. - Penalties.

Any person who violates any provision of this article shall, upon conviction, be punished as provided in section 1-15 of the City Code.

(Ord. No. 22-14-A, § 2, 12-9-14)

Secs. 9-24—9-30. - Reserved.