

## ARTICLE IX. - REGULATIONS REGARDING CONTROL OF NOISE AND SOUND

## Sec. 17-251. - Short title and scope.

This article may be cited as the "Noise Control Ordinance of the City of Lee's Summit" and shall apply to the control of all noise and sound originating within the City limits of the City.

(Code 1988, § 17-251)

## Sec. 17-252. - Definitions.

For the purpose of this article, the following items have the meaning ascribed to them as hereinafter defined, unless where otherwise expressly stated or where the context clearly defines a different meaning. Words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular; the words "shall" or "must" are mandatory; and, the term "used for" includes the meaning "designated for" or "intended for." All terminology used in this article, not defined as follows, shall be in conformance with the American National Standards Institute (ANSI) document; American National Acoustical terminology ANSI S1.1 1960 (R1976) or the latest approved revision thereof.

*A-weighted sound level* shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dba.

*Commercial area* shall mean a commercial-zoned district in accordance with the Unified Development Ordinance (UDO).

*Construction* shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.

*Decibel (dB)* shall mean a unit for measuring the level of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the RMS pressure of the sound measured to the RMS reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter.)

*Demolition* shall mean any dismantling, intentional destruction or removal of structures, buildings, utilities, public or private right-of-way surfaces or similar property.

*Emergency* shall mean any occurrence or set of circumstances involving actual or imminent physical trauma, property damage which demands immediate action, and the immediate repair of necessary public utilities that are of general public interest.

*Emergency work* shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or repairing or restoring necessary public utilities.

*Equivalent A-weighted sound level (Leq)* shall mean the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. For the purposes of this article, a time period of not less than ten (10) minutes, and representative of the noise condition of interest, shall be used, unless otherwise specified.

*Gross vehicle weight rating (GVWR)* shall mean the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GVWR), which is the value specified by the manufacturer as the recommended

maximum loaded weight of the combination vehicle, shall be used.

*Impulsive sound* shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

*Industrial area* shall mean an industrial-zoned district in accordance with the Unified Development Ordinance (UDO).

*Motor carrier vehicle engaged in interstate commerce* shall mean any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

*Motor vehicle* shall mean every vehicle which operates on land, other than a motorcycle, which is self-propelled.

*Motorboat* shall mean any vessel which operates in or on water, propelled by machinery, whether or not such machinery is the principal source of propulsion. Such vessels would include, but are not limited to, boats, barges, amphibious craft, water ski towing devices and hovercraft.

*Motorcycle* shall mean every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground.

*Muffler or sound dissipative device* shall mean a device for abating the sound of escaping gases of an internal combustion engine, or for abating sound transmitted in a duct, chase, pipe or other opening.

*Noise* shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

*Noise Control Officer (NCO)* shall mean the designated representative of the Chief of Police of the City of Lee's Summit, where the responsibility for the City noise control program is established. (See Section 17-253)

*Noise disturbance* shall mean any sound which:

- A. Endangers or injures the safety or health of humans or animals; or
- B. Annoys or disturbs a reasonable person of normal sensitivities; or
- C. Endangers or injures persons or real property.

*Noise sensitive zone* shall mean any area designated pursuant to Section 17-253 of this article for the purpose of ensuring exceptional quiet.

*Person* shall mean any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

*Powered model vehicle* shall mean any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle which is not designed to carry persons including, but not limited to, any model airplane, boat, car or rocket.

*Private property* shall mean any place which at the time is not open to the public. It includes property which is owned publicly or privately.

*Property of another* shall mean any property in which the actor does not have a possessory interest.

*Public place* shall mean any place which at the time is open to the public. It includes property which is owned publicly or privately.

*Public right-of-way* shall mean any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity.

*Public space* shall mean any real property, buildings or structures thereon which are owned or controlled by a governmental entity.

*Pure tone* shall mean any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this article, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above and by eight (8) dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz and by fifteen (15) dB for center frequencies less than or equal to one hundred twenty-five (125) Hz.

*Real property boundary* shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

*Recreational aircraft* shall mean flying vehicles which have a primary purpose of sport flying, such as motorized hang gliders, ultralight aircraft and hot air balloons.

*Residential area* shall mean any residential-zoned district in accordance with the Unified Development Ordinance (UDO).

*RMS sound pressure* shall mean the square root of the time averaged square of the sound pressure, denoted Prms.

*Sound* shall mean an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, and is the objective cause of hearing. The description of sound may include any characteristic of such sound, including duration, level and frequency.

*Sound level* shall mean 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 S1.4 1971 (R 1976) or the latest approved revision thereof). If the frequency weighting is not indicated, the A-weighting shall apply. If the meter time response is not indicated, the "slow" response shall apply.

*Sound level meter* shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

*Sound pressure* shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

*Sound pressure level* shall mean twenty (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals ( $20 \times 10^{-6}$  N/m<sup>2</sup>). The sound pressure level is denoted Lp or SPL and is expressed in decibels.

*Weekday* shall mean any day Monday through Friday which is not a legal holiday as defined by Federal, State or local law.

(Code 1988, § 17-252)

Sec. 17-253. - Powers/duties of Noise Control Officer (NCO).

The noise control program established by this article shall be administered by the Police Department. In order to implement and enforce this article, the Chief of Police will appoint a Noise Control Officer who shall have, in addition to any other authority vested, the power to:

- A. Upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or records at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this article may exist. Such inspection may include administration of any necessary tests.
- B. In consonance with Subparagraph A.1. preceding; Subsections 17-259.3. and 4.; other provisions of this article; and the City Prosecutor, investigate and pursue possible violations of this article.
- C. Prepare recommendations, to be approved by the Council, for the designation of noise-sensitive zones which contain noise-sensitive activities. Existing quiet zones shall be considered noise-sensitive zones until otherwise designated. Noise-sensitive activities include, but are not limited to, operations of schools, libraries open to the public, churches, hospitals and nursing homes.

(Code 1988, § 17-253)

Sec. 17-254. - Prohibited acts.

- A. No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. (Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this article.)
- B. The following acts, and the causing thereof, are declared to be in violation of this article:
  1. *Devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound:
    - a. Between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone (except for activities open to the public and for which a permit has been issued by the City).
    - b. In such a manner as to create a noise disturbance at fifty (50) feet (fifteen (15) meters) from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on water.
    - c. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.
    - d. This section shall not apply to spoken language covered under Subparagraph 2. following.
  2. *Loudspeaker public address system.* Using or operating loudspeakers/public address systems as follows:
    - a. For any noncommercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.
    - b. For any commercial purpose any loudspeaker, public address system, or similar device:
      - 1) Such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone; or
      - 2) Between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.

3. *Sales.* Offering for sale anything by shouting or outcry within any residential or commercial area of the City (except by permit issued by the City and/or except between the hours of 8:00 a.m. and 7:00 p.m.).
4. *Animals and birds.* Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential real property boundary or within a noise sensitive zone.
5. *Loading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.
6. *Tools or equipment.* Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work:
  - a. Between the hours of 10:00 p.m. and 7:00 a.m. the following day, seven (7) days a week, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone, except for emergency work of public service utilities or by special variance issued pursuant to Subsection 17-255.1.
  - b. At any other time such that the sound level at or across a real property boundary exceeds sixty-five (65) dba. This subsection shall not apply to construction hand tools (to include power tools) that are mobile in nature and are being used at a field construction site for temporary construction purposes.
  - c. This section shall not apply to the use of domestic power tools subject to Subsection 17-254-16. herein.
7. *Motor vehicle, motorcycle or motorboat.* Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.
8. *Airport and aircraft.* Airport and aircraft operations as provided following:
  - a. The Chief of Police shall consult with the City's Airport Manager to recommend reasonable changes in Airport operations to minimize any noise disturbance which the Airport Manager may have authority to control.
  - b. Nothing in this section shall be construed as to prohibit, restrict, penalize, enjoin, or in any manner regulate the movement of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations.
9. *Public entertainment.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, or amplifies sound in any place of public entertainment at a sound level greater than eighty-five (85) dba as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."
10. *Explosives, firearms or similar devices; except blasting.* The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way, without first obtaining a special variance issued pursuant to Subsection 17-255.1. Except, the regulation of any blasting within the City limits shall be governed by the provisions of the City's Design and Construction Manual, as amended, and shall only occur between the hours of 7:00 a.m. and 6:00 p.m. (Such permit need not be obtained for licensed game-hunting activities on property where such activities are authorized.)
11. *Powered model vehicles.* Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space or within a noise sensitive zone between the hours of 10:00 p.m. and 7:00 a.m. the following day. Maximum sound levels in a public space during the permitted period of operation shall conform to those set forth for residential

land use in Section 17-256.A. and shall be measured at a distance of twenty-five (25) feet from any point on the path of the vehicle. Maximum sound levels for residential property and noise sensitive zones, during the permitted period of operation, shall be governed by Subsection 17-256.A. and Subsection 17-254-15. herein respectively.

12. *Stationary nonemergency signal devices.*
  - a. Sounding or permitting the sounding of a signal from any stationary bell, chime, siren, whistle or similar device, intended primarily for nonemergency or non-warning purposes, from any place between the hours of 10:00 p.m. and 7:00 a.m. the following day and for more than three (3) minutes in any hourly period between the hours of 7:00 a.m. and 10:00 p.m.
  - b. Sound sources covered by this provision and not exempted under Subparagraph 12.a. preceding shall be exempted by the Chief of Police using criteria set forth in Section 17-255.
13. *Emergency signaling devices.* The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil emergency alarm, siren, whistle or similar stationary emergency signaling device, except for emergency or warning purposes or for testing, as provided in Subparagraph 13.b. following:
  - a. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or after 10:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed ten (10) minutes.
  - b. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur except as required for training, for testing after repairs or for proper functioning. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in Subparagraph 13.a. above shall not apply to such complete system testing.
14. *Water traffic.* Operating or permitting the operation of any motorboat in any lake, river, stream or other waterway in such a manner as to exceed a sound level of eighty-eight (88) dba at twenty-five (25) feet from the motorboat or the nearest shoreline, whichever distance is less.
15. *Noise sensitive zone.* The creation or causing of the creation of any sound within any noise sensitive zone designated pursuant to Subsection 17-253C.:
  - a. so as to disrupt the activities normally conducted within the zone, provided that conspicuous signs are displayed indicating the presence of the zone; or
  - b. containing a hospital, nursing home, or similar activity, so as to interfere with the functions of such activity or disturb or annoy the patients in the activity, provided that conspicuous signs are displayed indicating the presence of the zone.
16. *Power tools or devices.* Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
17. *Interference with enforcement.* Tampering acts or the causing thereof as follows:
  - a. The removal or rendering inoperative by any person, other than for purposes of maintenance, repair or replacement, of any noise control device or element of design or noise label of any product.
  - b. The intentional removing or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the NCO.
  - c. The use of a product which has had a noise control device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.

(Code 1988, § 17-254)

**Cross reference—** Time for pickups, § 25-119.

## Sec. 17-255. - Variances.

- A. The provisions of this article shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work. Variances may be requested as follows:
1. Special variances.
    - a. The Chief of Police shall have the authority, consistent with this section, to grant special variances requested pursuant to Subsections 17-254.6. (Construction) and 17-254.10. (Explosives, firearms and similar devices; except blasting).
    - b. Any person seeking a special variance pursuant to this section shall file an application with the Chief of Police. Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate the variance and subject the person holding the variance to those provisions of this article regulating the source of sound or activity for which the special variance was granted.
    - c. Application for extension of time limits specified in special variances or for modification of other substantial conditions, shall be treated in the same manner as applications for initial special variances under Subsection 17-255.1.b. herein.
    - d. The Chief of Police may issue guidelines defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.
  2. Variances for time to comply.
    - a. Within sixty (60) days following the effective date of this article, the owner of any commercial or industrial source of sound may apply to the Chief of Police for a variance in time to comply with Section 17-256. The Chief of Police shall have the authority, consistent with this section, to grant a variance in time, not to exceed one hundred eighty (180) days from the effective date of this article.
    - b. Any person seeking a variance to the time required to comply with the Noise Control Ordinance of Lee's Summit shall file an application with the Chief of Police. The application shall contain information to demonstrate that compliance with this article prior to the date requested in the application would constitute an unreasonable hardship or be extremely difficult to accomplish within the allotted time.
    - c. Any person applying for a variance to the time required to comply with the Noise Control Ordinance of Lee's Summit and persons contesting variances may be required to submit any information that the Chief of Police may reasonably require. In granting or denying an application, the Chief of Police shall place on public file a copy of the decision and the rationale for denying or granting of the variance.
    - d. Variances for time to comply shall be granted to the applicant who addresses all necessary conditions, including a schedule for achieving compliance. The variance for time to comply shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding the variance to those provisions of this article for which the variance was granted.
    - e. Application for extension of time limits specified in variances for time to comply or for modification of other substantial conditions shall be treated in the same manner as applications for initial variances under Subsection 2.b. herein, except that the Chief of Police must determine that the need for an extension or modification clearly outweighs any adverse impacts of granting the extension or modification.
    - f. The Chief of Police may issue guidelines defining the procedures to be followed in applying for a variance for time to comply and the criteria to be considered in deciding whether to grant a variance.

3. Appeals of decisions pursuant to Section 17-255.

- B. Appeals of a decision of the Chief of Police pursuant to Section 17-255 shall be made to the Public Safety Advisory Board. The Public Safety Advisory Board, in review of an appeal of the decision of the Chief of Police as provided for in this article, will be guided by criteria as developed under Subsections 1.d. and 2.f. preceding and their interpretation of this article. Should the appellant desire, the decision of the Public Safety Advisory Board may be further appealed to the Council, whose decision shall be final.

(Code 1988, § 17-255)

Sec. 17-256. - Sound levels by receiving land use.

- A. No person shall operate or cause to be operated on private property any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use category, as follows, when measured at or within the property boundary of the receiving land use:

*Sound Levels by Receiving Land Use*

Receiving land use category	Time	Sound level limit, dba
Residential uses, as defined by the UDO	7:00 a.m. — 10:00 p.m.	55
(Residential, public space, open space or agricultural or institutional)	10:00 p.m. — 7:00 a.m.	50
Commercial uses, as defined by the UDO	At all times	65
Industrial uses, as defined by the UDO	At all times	70

- B. For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in Subsection A. preceding shall be reduced by five (5) dba.
- C. The provisions of this section shall not apply to the unamplified human voice, interstate railway locomotives and railway cars, and any agricultural activity.

(Code 1988, § 17-256)

Sec. 17-257. - Motor vehicle maximum sound levels.

- A. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound emitted by the motor vehicle or motorcycle exceeds the level, as follows:

*Motor Vehicle and Motorcycle Sound Limits*

(Measured at 25 feet or 7.5 meters)

*Sound level in dba*

Vehicle Class	Speed Limit 35 MPH or less	Speed Limit over 35 MPH	Stationary run-up
All motor vehicles of GVWR or GCWR of 10,000 lbs. or more	92	96	94
Any motorcycle	90	94	90
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	84	88	84

- B. Mufflers and sound dissipative devices.
1. No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
  2. No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.
- C. No person shall sound a horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as otherwise authorized by law.
- D. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than thirty (30) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred fifty (150) feet (forty-six (46) meters) of a residential area or designated noise sensitive zone, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

- E. No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in the following table at a distance of twenty-five (25) feet (seven and one-half (7.5) meters) or more from the path of the vehicle when operated on a public space or at or across the boundary of private property when operated on private property. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers, dune buggies and recreational aircraft, but not including motorboats:

Recreational Motorized Vehicle Sound Limits  
(Measured at 25 feet or 7.5 meters)

Vehicle Type	Sound level dba
Motorcycle	94
Any other motor vehicle	88

(Code 1988, § 17-257)

Sec. 17-258. - Immediate threats to health and welfare.

- A. The Chief of Police shall order an immediate halt to any sound which exposes any person, except those excluded pursuant to Subsection B. herein, to continuous sound levels or to impulsive sound levels in excess of those shown in the tables of Subsection E. herein. Within ten (10) days following issuance of such an order, the City Attorney shall apply to the appropriate court for an injunction to replace the order.
- B. No order pursuant to Section 17-258 shall be issued if the only persons exposed to sound levels in excess of those listed in Section E. herein following are exposed as a result of:
1. Trespass;
  2. Invitation upon private property by the person causing or permitting the sound; or
  3. Employment by the person or a contractor of the person causing or permitting the sound. (Employee exposure at the work place is exempted because employee sound exposure levels are regulated under the Occupational Safety and Health Act).
- C. Any person subject to immediate order to halt issued by the Chief of Police shall comply with such order until:
1. The sound is brought into compliance with the order, as determined by the Chief of Police; and
  2. A judicial order supersedes the order of the Chief of Police.
- D. Any person who violates an order issued pursuant to this section shall, for each day of violation, be punished in accordance with Subsection 1-13.A. of the Code of Ordinances for the City of Lee's Summit.
- E. The tables following list the sound level limits that could pose an immediate threat to public health and welfare, as measured at any point that is normally occupied by a person:

*Continuous Sound Levels That Pose an Immediate Threat*

Sound Levels Limit Leq.	Duration
90	<u>24</u> hrs.
93	12 hrs.

96	6 hrs.
99	3 hrs.
102	1.5 hrs.
105	45 mins.
108	<u>22</u> mins.

*Impulsive Sound Levels Which Pose an Immediate Threat*

Sound Level Limit (dba) (As measured using "impulse" meter time response)	Number of repetitions per 24-hour period
145	1
135	10
125	100

(Code 1988, § 17-258)

Sec. 17-259. - Compliance required; violation, penalty.

- A. It is unlawful for any person, corporation, association, partnership or individual to fail to comply with any lawful orders issued pursuant to the provisions of this article.
- B. Persons violating any of the provisions of this article shall be punished in accordance with Subsection 1-13.A. of the Code of Ordinances for the City of Lee's Summit. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
  1. *Manner of enforcement.* Violations of this article shall be prosecuted in the same manner as other violations of the City Code.
  2. *Injunction.* As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and 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 abatement summarily by a restraining order or injunction issued by a court of law of competent jurisdiction.
  3. *Other remedies.* No provision of this article shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this article from other law.
  4. *Liability.* No officer, agent, Councilmember or employee of the City shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this article.
  - 5.

*Separability.* If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Code 1988, § 17-259)

Sec. 17-260. - Municipal operations.

Any activities or operations required by the performance of the public services provided by the City are exempt from the provisions of this article.

(Code 1988, § 17-260)

Secs. 17-261—17-300. - Reserved.