

Chapter 26 - NOISE^[1]

Footnotes:

--- (1) ---

Editor's note— Section 1 of Ord. No. 36,406, adopted April 30, 1991, amended Ch. 26 to read as set out in §§ 26-1—26-13. Former §§ 26-14, 26-15, 26-31—26-33 and 26-46—26-53 were repealed by § 2 of the ordinance. Prior to amendment, Ch. 26 pertained to similar subject matter and derived from Code 1958, §§ 29-6, 31-48, 31-69—31-72.

Charter reference— Authority of city to prevent unnecessary noise, § 2(16).

Cross reference— Advertising, Ch. 3; animals, Ch. 6; creation of loud, unreasonable, etc., noise by persons aboard boat, § 9-134; use of noise-making devices on vehicles used for sale of ice cream, § 18-166; license tax for sound trucks, § 24-118; motor vehicle code, Ch. 25; prohibited noise-making devices and further limitations on use of vehicle horns, § 25-47; requirements of motor vehicle code relative to vehicle exhaust, § 25-54 et seq.; use of sound-amplifying equipment on pedestrian malls, § 31-26; use of noise to attract attention to auctions, § 38-24.

Sec. 26-1. - Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) *A-weighted sound level*. 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).
- (b) *Ambient noise*. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise levels are established by taking a series of observations on the adversely affected property. It is the sound level that is exceeded ninety (90) percent of the time in this set of observations.
- (c) *Commercial area*. As defined in the zoning ordinance of the City of Norfolk, 1968 (hereinafter "zoning ordinance").
- (d) *Construction area*. Any site preparation, assembly, erection, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property.
- (e) *Decibel (dB)*. A unit for measuring the volume of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).
- (f) *Emergency*. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (g) *Impulsive sound*. Sound of short duration usually less than one second, with an abrupt onset and rapid decay.
- (h) *Industrial area*. As defined by the zoning ordinance.
- (i) *Muffler or sound-dissipating device*. A device for abating the sound of escaping gases of an international [internal] combustion engine.
- (j) *Noise*. Any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (k) *Noise control officer*. Any police officer or health officer of the city responsible for the enforcement of this chapter (hereinafter "officer").
- (l) *Noise sensitive zone*. Any area designated by the city for the purpose of ensuring exceptional quiet. Noise-sensitive activities include, but are not limited to, operations of schools, libraries open to the public, churches, hospitals and other health care facilities.
- (m) *Real property boundary*. 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 intrabuilding real property divisions.

- (n) *Residential area.* As defined in the zoning ordinance.
- (o) *Sound.* An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.
- (p) *Sound level.* 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 the American National Standards Institute specifications for sound level meters (ASA 47-1983, or a later revision thereof). If the frequency weighting employed is not indicated, the A weighting shall apply.
- (q) *Sound level meter.* An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and any applicable weighting network used to measure sound pressure levels.

(Ord. No. 36,406, § 1, 4-30-91; Ord. No. 41,696, § 1, 1-18-05; Ord. No. 43,426, § 1, 4-28-09)

Sec. 26-2. - Violations of chapter generally.

Unless otherwise specified, a violation of any provision of this chapter shall constitute a class 2 misdemeanor.

(Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-3. - Sound levels.

It shall be unlawful for any person:

- (a) To operate or permit to be operated any noise source which generates a sound pressure level exceeding the limits set forth in the table entitled "Maximum Sound Pressure Levels" [Table I] when measured outside the real property boundary of the noise source or at any point within any other property affected by the noise; or
- (b) When a noise source can be identified and its noise measured in more than one district classification, the limits of the most restrictive classification shall apply, except for the following:
 - (1) Sound created by the operation of mobile power equipment, such as power lawn mowers and chain saws, shall not be regulated, provided the operation of said equipment is limited to the hours of 7:00 a.m. to 9:00 p.m. and such equipment is operated with standard muffler or sound-dissipating devices. Operation of mobile power equipment on a golf course shall be exempt from the time limitations set forth in this subsection.
 - (2) Sound generated by the construction, repair, maintenance, demolition or alteration of buildings, streets, drives, sewers, utility lines or premises.
 - (3) Sound generated by the operation of any emergency governmental function.
 - (4) Sound generated during any emergency repairs or operations during any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
 - (5) Where the ambient noise level complained of exceeds the maximum sound pressure levels, the noise complained of shall be permitted to exceed the ambient level by ten (10) decibels.

(Ord. No. 36,406, § 1, 4-30-91; Ord. No. 41,696, § 2, 1-18-05; Ord. No. 43,426, § 1, 4-28-09; Ord. No. 44,134, § 1, 2-8-11)

Sec. 26-4. - Playing of radios, television sets, musical instruments, bullhorns and similar devices.

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, bullhorn, megaphone, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create noise disturbance across a real property line boundary or within a noise

sensitive zone set forth in table I, "Maximum Sound Pressure Levels," shall constitute a violation of this section, unless allowed pursuant to an exception established by ordinance.

(Ord. No. 36,406, § 1, 4-30-91; Ord. No. 43,426, § 1, 4-28-09; Ord. No. 43,541, § 4, 8-18-09)

Sec. 26-5. - Loading and unloading.

Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters 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 noise across a residential real property boundary or within a noise sensitive zone, at a level exceeding the sound level limits as set forth in table I, "Maximum Sound Pressure Levels", is prohibited. Notwithstanding the foregoing, the collection of waste containers is permitted from 5:00 a.m. to 6:00 a.m. at 312 West Bute Street, 317 Monticello Avenue, 310 Monticello Avenue, 310 Granby Street, and the corner of Charlotte and Monticello Avenue.

(Ord. No. 36,406, § 1, 4-30-91; Ord. No. 43,426, § 1, 4-28-09; Ord. No. 44,583, § 1, 2-16-12)

Sec. 26-6. - Vehicle or motorboat repairs and testing.

Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause noise across a residential real property boundary or within a noise sensitive zone at a level exceeding the sound level limits as set forth in table I, "Maximum Sound Pressure Levels", is prohibited.

(Ord. No. 36,406, § 1, 4-30-91; Ord. No. 43,426, § 1, 4-28-09)

Cross reference— Muffling devices for motorboats, § 9-120.

Sec. 26-7. - Airport, aircraft, military flight and railway operations.

Nothing in this chapter shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft or trains which are, in all respects, conducted in accordance with or pursuant to applicable federal laws and regulations.

(Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-8. - Places of public entertainment.

- (a) When an exception established by ordinance or other lawful grant of the city is allowed, 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 in any place of public entertainment at a sound level greater than one hundred ten (110) db(A), as read by the slow response on a sound level meter, at any site normally occupied by a customer, shall be prohibited.
- (b) Notwithstanding any other ordinance or provision of law, all parties other than those who have been allowed by ordinance or other lawful grant of the city to produce, reproduce or amplify sound in a place of public entertainment, must abide by the decibel levels set out in section 26-10, table I, Maximum Sound Pressure Levels, for property categorized as "park and recreational" use.

(Ord. No. 36,406, § 1, 4-30-91; Ord. No. 43,546, § 1, 8-18-09)

Sec. 26-9. - Air conditioning, refrigeration, heating, pumping, filtering equipment.

It shall be unlawful for any person, within the city, to operate any air conditioning, refrigeration or heating equipment for any residence or other structure or to operate any plumbing, filtering or heating equipment for any pool or reservoir in such a manner as to create any noise which would cause the noise level on the premises of any other occupied property or, if a condominium, apartment house, duplex or attached business, within any adjoining unit, to exceed the ambient noise level by more than ten (10) decibels.

(Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-10. - Maximum sound pressure levels.

TABLE I:

MAXIMUM SOUND PRESSURE LEVELS

Receiving Land Use Category	Sound Level Limit db(A)	
	7:00 a.m. - 10:00 p.m.	10:00 p.m. - 7:00 a.m.
Noise sensitive zone	55	50
Residential	57	52
Park and recreational	67	62
Business (commercial	67	62
Industrial	77	77

(Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-11. - Immediate threats to health and welfare.

- (a) A noise control officer shall order an immediate halt to any sound which exposes any person to sound levels in excess of those shown below as Table II, "Impulsive Sound Levels."
- (b) Any violation of this section shall be deemed a Class 1 misdemeanor.

TABLE II:

IMPULSIVE SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE (MEASURED AT 50 FEET OR 15 METERS)

Sound Level Limit (dB)	Number of Repetitions per 24 Hour-Period
<u>140</u>	1
<u>135</u>	10
<u>125</u>	100

(Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-12. - Violations; additional remedies; injunctions.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance 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 competent jurisdiction.

(Ord. No. 36,406, § 1, 4-30-91; Ord. No. 43,426, § 1, 4-28-09)

Sec. 26-13. - Noise sensitive zones.

There are hereby created and established "noise sensitive zones" in the city. These zones shall constitute all territory embraced within the distance of three hundred (300) feet of every hospital or other institution for the treatment of sick persons, or like places. Upon application and approval by the director of human services, the traffic engineers shall place or cause to be placed within such zones, on posts or in other conspicuous places within such territories, signs or placards in large red letters displaying the words: "Notice - Quiet Zone." It shall be unlawful for any person to make or cause to be made or permit to be made by any person, animal, vehicle or other object under his/her control any unnecessary noise by fast driving or riding, ringing of bells, blowing of horns or whistles, open or defective mufflers or other devices or instruments or in any other way within such "quiet zone," thereby disturbing or tending to disturb peace, comfort or quietude.

(Ord. No. 36,406, § 1, 4-30-91)