

ARTICLE III. - NOISE CONTROL^[5]

Footnotes:

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Cross reference— Duties of Department of Planning and Community Development, § 2-201; oil, gas and mineral production, § 13-1500 et seq.

Sec. 10-301. - Declaration of policy.

Whereas, the making and creation of excessive, unnecessary or unusually loud noises within the limits of Norman, Oklahoma is a condition which has existed for some time and the extent and magnitude of such noises is increasing; and

Whereas, the making, creation or maintenance of such excessive, unnecessary or unusually loud noises which are prolonged, unusual or unreasonable in their time, place and use affect and are a detriment to public health, comfort, convenience, safety and welfare of the residents of Norman, Oklahoma; and

Therefore, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of public policy, and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the inhabitants of Norman, Oklahoma.

(Ord. No. 0-7778-9)

Sec. 10-302. - City of Norman contracts and purchases.

- (a) *Compliance of City contractors and subcontractors.* It is the policy of the City of Norman to comply with the noise emission standards, as set forth in this chapter, in its own operations and the operations of its contractors and subcontractors shall be notified of and required to comply with the provisions of this article.
- (b) *City purchases.* It is the policy of the City of Norman to purchase only equipment which complies to the standards established for the same by this article.

(Ord. No. 0-7778-9)

Sec. 10-303. - Definitions and standards.

Terminology used in this article may be found in section 10-311, and if not defined therein shall be in conformance with applicable American National Standards Institute Publication, including but not limited to SI. 1-1960, R 1971, or those from its successor publications or bodies.

(Ord. No. 0-7778-9)

Sec. 10-304. - Use district noise levels.

- (a) *Maximum permissible sound levels.* It shall be a violation of this article for any person to operate or permit to be operated any stationary source of sound which either:
 - (1) Creates a sound level greater than 15dB(A) above the ambient sound level (L₉₀) within any land use district during any measurement period; or
 - (2) Creates a ninetieth percentile sound level (L₉₀), a tenth percentile sound level (L₁₀) or a first percentile sound level (L₁) for any measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise:

	L ₉₀	L ₁₀	L ₁ ;

Use District	9pm—7am	7am—9pm	9pm—7am	7am—9pm	9pm—7am	7am—9pm
Residential	50dB(A)	55dB(A)	60dB(A)	65dB(A)	65dB(A)	70dB(A)
Commercial	55dB(A)	60dB(A)	65dB(A)	70dB(A)	70dB(A)	75dB(A)
Industrial	65dB(A)	70dB(A)	75dB(A)	80dB(A)	80dB(A)	85dB(A)

When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories. For the purpose of enforcing these provisions a measurement period shall not be less than five (5) minutes nor more than fifteen (15) minutes.

(b) *Correction for character of sound.*

- (1) For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in subsection (a) above shall be reduced by 5 dB(A).
- (2) Notwithstanding compliance with part (1) of this subsection, it shall be a violation of this ordinance for any person to operate or permit to be operated any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance.

(Ord. No. 0-7778-9; Ord. No. 0-8081-5; Ord. No. 0-8283-110)

Sec. 10-305. - Motor vehicle noise.

(a) No person shall drive or move or cause or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown below. The standard measurement height shall be five (5) feet (1.5 meters) and the measurement distance no less than twenty-five (25) feet (7.5m). The distance shall be measured from the near side of the nearest monitored traffic lane to the microphone.

	Sound Level, dB(A)
Motor vehicles with a manufacturers gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of ten thousand (10,000) pounds or more, or any combination of vehicles towed by such motor vehicle	88
Motorcycles	78
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	78

(b) This section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this title relating to motor vehicle mufflers for noise control.

(c)

No person shall operate or cause to be operated any motor vehicle unless the exhaust system of such vehicle is:

- (1) Free from defects which affect sound reduction;
- (2) Equipped with a muffler or other noise dissipative device; and
- (3) Not equipped with any cut-out, by-pass or similar device.

(Ord. No. 0-7778-9; Ord. No. 0-0304-56, § 1)

Sec. 10-306. - Sound level measurement.

Sound level measurements shall be made with a sound level meter Type II or better using the "A" weight scale, in accordance and conforming with the standards promulgated by the American National Standards Institute.

(Ord. No. 0-7778-9)

Sec. 10-307. - Noises prohibited.

(a) *General prohibitions:* In addition to the specific prohibitions outlined in subsection (b) and sections 10-304 and 10-312 below of this article, it shall be unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the limits of Norman.

(b) *Specific prohibitions:* The following acts are declared to be in violation of this article:

- (1) *Horns and signaling devices.* Sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle on any street or public place therein except as a danger warning signal as provided in the vehicle code of the State of Oklahoma, or the sounding of any such signaling device for an unnecessary and unreasonable period of time.
- (2) *Radios, television sets, musical instruments, and similar devices.*
 - a. Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (3) below, in such a manner as to violate section 10-304 or cause a noise disturbance.
 - b. The operating of any such device in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet (fifteen (15) meters) from such device when operated in or on a vehicle on a public right-of-way or public space, or in a boat on public waters.
- (3) *Public loudspeakers.* Using or operating a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate section 10-304 or cause a noise disturbance unless a permit as provided by section 10-309 is first obtained.
- (4) *Hawkers and peddlers.* Selling anything by outcry (vocal, electrical, or mechanical amplification) within any area of the City therein zoned primarily for residential uses in such a manner as to violate section 10-304 or cause a noise disturbance. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.
- (5) *Animals.* Owning, keeping, possessing, or harboring any animal which by frequent or habitual noisemaking, violates section 10-304 or causes a noise disturbance. The provisions of this section shall apply to all private and public facilities, including any animal pounds, which hold or treat animals.
- (6) *Loading operation.* Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects between the hours of 9 p.m. and 7 a.m. the following day in such a manner as to violate section 10-304 or cause a noise disturbance.

- (7) *Construction work.* Operating, or causing to be used or operated, any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto:
 - a. In residential or commercial land use districts between the hours of 9 p.m. and 7 a.m. the following day;
 - b. In any land use district where such operation exceeds the sound level limits for an industrial land use as set forth in section 10-304.
- (8) *Domestic power equipment.* Operating or permitting to be operated any power equipment used for home or building repair or grounds maintenance, including, but not limited to power saw, sander, lawn mower, or garden equipment, in residential or commercial zones:
 - a. Outdoors between the hours of 9 p.m. and 7 a.m. the following day;
 - b. Any such power equipment which emits a sound level in excess of seventy-four (74) dB (A) measured at a distance of fifty (50) feet (fifteen (15) meters).
- (9) *Commercial power equipment.* Operating or permitting to be operated, any power equipment, except construction equipment used for construction activities, including, but not limited to chain saws, pavement breakers, log chippers, powered hand tools:
 - a. In residential or commercial land use districts between the hours of 9 p.m. and 7 a.m. the following day;
 - b. In any land use district if such equipment emits a sound pressure level in excess of eighty-two (82) dB (A) measured at a distance of fifty (50) feet (fifteen (15) meters).
- (10) *Enclosed place of public entertainment.* Operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound with produces, at a point that is normally occupied by a customer, maximum sound levels of ninety (90) dB (A) or greater as read with the slow response on a sound level meter, unless a conspicuous and legible sign at least two hundred twenty-five (225) square inches in area is posted near each public entrance stating: "WARNING: SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in such a manner as to violate section 10-304 of this article.
- (11) *Fireworks or explosives.* The use of explosives or fireworks, or the firing of guns or other explosive devices so as to be audible across a property boundary or on a public space or right-of-way, without first obtaining a permit as provided by section 10-309. This provision shall not be construed to permit conduct prohibited by other statutes, ordinances or regulations governing such activity.
- (12) *Racing events.* Permitting any motor vehicle racing event at any place in such manner as to violate section 10-304 or cause a noise disturbance, without first obtaining a permit as provided by section 10-309.
- (13) *Powered model mechanical devices.* The flying of a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or operating of model rocket vehicles or other similar noise-producing devices, between the hours of 9 p.m. and 7 a.m. the following day or in such a manner as to violate section 10-304 or cause a noise disturbance.
- (14) *Dynamic engine braking devices.* (Commonly referred to as Jacobs Brake.) Operating any motor vehicle with a dynamic engine braking device engaged except for the aversion of imminent danger.
- (15) *Defect in vehicle.* Operating or permitting to be operated or used any truck, automobile, motorcycle, or other motor vehicle which, by virtue of disrepair or manner of operation, violates section 10-304 or causes a noise disturbance.
- (16) *Refuse compacting vehicles.* The operating or causing or permitting to be operated or used any refuse compacting vehicles which creates a sound pressure level in excess of seventy-four (74) dB (A) at fifty (50) feet (fifteen (15) meters) from the vehicle.
- (17)

Garbage collection. The collection of garbage, waste or refuse between the hours of 9 p.m. and 7 a.m. the following day:

- a. In any area zoned residential, or within three hundred (300) feet of an area zoned residential;
 - b. In any land use district so as to cause a noise disturbance.
- (18) *Standing motor vehicles.* The operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to violate section 10-304 or cause a noise disturbance for a consecutive period longer than fifteen (15) minutes during which such vehicle is stationary in a residential zone.
- (19) *Quiet zones.* Creating noise in excess of the residential standard as defined in section 10-304 within the vicinity of any school, hospital, nursing home, institution of learning, court, or other designated area, while the same is in use, provided conspicuous signs are displayed in the streets indicating that the same is a quiet zone.
- (20) *Bells and chimes.* Sounding, operating or permitting to sound or operate an electronically amplified signal from any bell, chime or clock, including but not limited to bells, chimes or clocks in schools, houses of religious worship or governmental buildings, which fails to meet the sound level standards set forth in section 10-304 for more than five (5) minutes in any hour.
- (21) *Fixed sirens, whistles and horns.* The sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work, or for any other purpose except as a sound signal of imminent danger or the testing of such equipment, in such a manner as to violate section 10-304 or cause a noise disturbance.
- (22) *Vehicle, recreational vehicle, or motorboat repairs and testing.* Repairing, rebuilding, modifying, or testing any vehicle, recreational vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a quiet zone.
- (23) *Groups of gatherings of people.* Talking, laughing, yelling, singing, or otherwise making noise by two (2) or more people between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to violate section 10-304 or cause a noise disturbance.
- (24) *Emergency-type alarms.* The sounding, operating or permitting to sound or operate an electronically amplified signal from an alarm which fails to meet the sound level standards set forth in section 10-304 for more than fifteen (15) minutes in any hour; or the testing of such emergency alarm which fails to meet the sound level standards set forth in section 10-304 for more than five (5) minutes in any twenty-four-hour period. Testing of any emergency type alarm shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m.

(Ord. No. 0-7778-9; Ord. No. 0-7879-52; Ord. No. 0-9900-31)

Sec. 10-308. - Exemptions.

- (a) The provisions of this article shall not apply to (a) the emission of sound for the purpose of alerting persons to the existence of an emergency, or (b) the emission of sound in the performance of emergency work, or (c) the authorized testing of public safety equipment. This shall include but not be limited to: safety signals and alarm devices, storm warning sirens or horns and the authorized testing of such equipment, emergency vehicle sirens or horns used when responding to an emergency, and emergency pressure relief valves.
- (b) An organized school sponsored sporting event.
- (c) Public utilities under the authority of the Oklahoma Corporation Commission.
- (d) Interstate railway locomotives and trains en route, and aircraft under authorization by the Federal Aviation Administration.
- (e) Noise created or to be created as a result of a Noise Permit under Section 10-309, such that a permit shall be issued beforehand by the City Manager and/or his/her designee, and such event shall be conducted in accordance with the provisions of such permit.

(Ord. No. 0-7778-9; Ord. No. 0-0203-19)

Sec. 10-309. - Permit.

- (a) Applications for a permit for relief from the noise restrictions in these ordinances may be made to the City Manager of Norman. Any permit granted by the City Manager or his authorized representative shall contain all conditions upon which said permit has been granted, including but not limited to the effective dates, time of day, location, sound pressure level, or equipment limitation. The relief requested may be granted upon good and sufficient showing:
- (1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this article; or
 - (2) That the activity, operation, or noise source will be of temporary duration and cannot be done in a manner that would comply with this ordinance; and
 - (3) That no reasonable alternative is available to the applicant.
- (b) The City Manager may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.
- (c) A permit granted may be granted only for a maximum time period of up to four consecutive days. No more than 7 permits based on the premises or location, with the exception of public parks, may be issued in one year.

Requests for additional permits may be authorized by appeal to the City Council.

(Ord. No. 0-7778-9; Ord. No. 0-0203-19)

Sec. 10-310. - Reserved.

Editor's note— Ord. No. 0-0203-19, adopted Dec. 17, 2002, deleted § 10-310 which pertained to enforcement responsibility and derived from Ord. No. 0-7778-9.

Sec. 10-311. - Terminology.

For the purposes of this article, certain words and phrases used herein are defined as follows:

- (a) *A-weighted sound level*: The sound level as measured with a sound level meter using the A-weighting network. The standard notation is dB (A) or dBA.
- (b) *Ambient sound pressure level*: The sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeded ninety (90) percent of the time based on a measurement period of not less than ten (10) minutes nor more than thirty (30) minutes.
- (c) *Continuous sound*: Any sound which exists, essentially without interruption, for a period of ten (10) minutes or more.
- (d) *Cyclically varying noise*: Any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.
- (e) *Decibel*: Logarithmic and dimensionless unit of measure used in describing the amplitude of sound. Decibel is denoted as dB.
- (f) *Device*: Any mechanism which is intended to produce, or which actually produces, noise when operated or handled.
- (g) *Dynamic braking device* (Commonly referred to as Jacobs Brake): A device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- (h) *Emergency work*: Work made necessary to restore property or a public utility to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

- (i) *Emergency vehicle*: A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- (j) *Impulsive noise*: A noise containing excursions, usually less than one second, of sound levels of twenty (20) dB(A) or more over the ambient sound level using the fast meter characteristic.
- (k) *Motor vehicle*: Any vehicle which is self-propelled by mechanical power, including but not limited to passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, mo-peds, and racing vehicles.
- (l) *Muffler*: An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.
- (m) *Noise disturbance*: Any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.
- (n) *Noise*: Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- (o) *Percentile sound pressure level*: Tenth percentile noise level—The A-weighted sound pressure level that is exceeded ten (10) percent of the time in any measurement period (such as the level that is exceeded for 1 minute in a 10-minute period) It is denoted L₁₀.
Ninetieth percentile noise level—The A-weighted sound pressure level that is exceeded ninety (90) per cent of the time in any measurement period (such as the level that is exceeded for nine (9) minutes in a 10 minute period). It is denoted L₉₀.
- (p) *Person*: Any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.
- (q) *Plainly audible noise*: Any noise for which the information content of that noise is unambiguously transferred to the listener, such as but not limited to understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- (r) *Property boundary*: An imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one person from that owner by another person or such imaginary line which separates individual living units in a multiple-family dwelling.
- (s) *Public right-of-way*: Any street, avenue, boulevard, highway, or alley or similar place which is owned or controlled by a public governmental entity.
- (t) *Pure tone*: Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, 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, 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.
- (u) *Repetitive impulsive noise*: Any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than ten (10) dB (A)
- (v) *Sound*: Sound is mechanical energy transmitted by a cyclic series of compressions and rarefactions of molecules of the material or materials through which it passes.
- (w) *Sound level meter*: An instrument, including a microphone, amplifier, RMS detector and integrator or time averager, output meter and/or visual display and weighting networks, used to measure sound levels. The sound level meter shall conform as a minimum to the requirements of ANSI S 1.4 - 1971 Type 2 or its

successor publication; and be set to an A-weighted response. An acoustical calibrator accurate to within plus or minus one decibel shall be used to verify the before and after calibration of the sound level meter on each day noise measurements are taken.

- (x) *Sound pressure*: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound.
- (y) *Sound pressure level*: 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. The sound pressure level is denoted L or SPL.
- (z) *Stationary noise source*: Any device, fixed or movable including motor vehicles, which is located or used on property other than a public right-of-way.
- (aa) *Steady noise*: A sound pressure level which remains essentially constant during the period of observation, i.e., does not vary more than six (6) dB (A) when measured with the "slow" meter characteristic of a sound level meter.
- (bb) *Use district*: Those districts established by the Norman Zoning Ordinances.

(Ord. No. 0-7778-9; Ord. No. 0-7778-61)

Sec. 10-312. - Penalties.

Any person violating any provision of this article may be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment not to exceed sixty (60) days, or by both such fine and imprisonment. Each time such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 0-7778-9; Ord. No. 0-8081-5; Ord. No. 0-9596-45; Ord. No. 0-9900-11; Ord. No. 0-0506-10)

Sec. 10-313. - Additional remedies.

Violations of sections 10-304 through 10-309 of this article are deemed and declared to be a nuisance, and such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 0-7778-9)