

ARTICLE 7. - NOISE CONTROL<sup>[14]</sup>

## Footnotes:

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**Cross reference**— Loud and racous noise, § 13-59.

## Sec. 13-79. - Legislative findings.

- (a) The South Bend Common Council hereby finds that there is a need to reasonably regulate excessive noises because of the serious hazards which they can cause to public health, safety, welfare, and the quality of life.
- (b) The Council therefore declares that the following noise control regulations shall apply to noise sources in the City of South Bend, Indiana.

(Ord. No. 7087-82, § 1)

## Sec. 13-80. - Definitions.

## (a) Terms used in this article shall be defined as follows:

- (1) *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) or dBA.
- (2) *Calibration*. The sound level meter used for measuring under this section shall be calibrated acoustically prior to making any enforcement readings, after each enforcement action, and at least every two (2) hours during an enforcement session. The calibration shall be at a frequency of one thousand (1,000) hertz.
- (3) *C Commercial Districts*. C-1 and C-2 Commercial Districts as defined in the zoning chapter of this Code.
- (4) *Decibel (dB)*. A unit for measuring the volume of a 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).
- (5) *Frequency*. The number of periodic oscillations, vibrations or waves per unit time (usually one (1) per second).
- (6) *Hertz (hz)*. The unit used for measuring the frequency of a sound. The number of hertz is the number of cycles per second of a periodic sound pressure wave.
- (7) *Noise*. Any erratic, intermittent, and/or statistically random oscillations which result in disturbing, harmful, or unwanted sound.
- (8) *Octave band*. A portion of the entire sound frequency spectrum contained within two (2) frequencies, A and B, such that A equals 2B.
- (9) *Person*. Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.
- (10) *Plainly audible*. Any noise for which the information content is unambiguously communicated to the listener, including understandable spoken speech, comprehension of whether a voice is raised (agitated) or normal or comprehensible musical rhythms.
- (11) *Residential districts*. A, A-1, A-2, A-3, B, and B-1 residence districts as defined in the zoning chapter of this Code.
- (12) *Sound level meters*. Instruments used for measurement purposes under this section which shall be American National Standards Institute (ANSI) Type 2 general purpose instruments which shall meet or exceed all requirements of ANSI Standard S1.4-1971, Type 2. Each shall be RMS responding and shall be used with the A-weighting network connected and in the "slow" speed mode, with each having range of at least thirty (30) to one hundred thirty (130) dB re twenty (20) micropascals.

(13) *Sound pressure level.* An objective method to describe the loudness of a sound.

(b) All other definitions and terminology used in this article which are not specifically defined shall be in conformance with applicable publications of the American National Standards Institute (ANSI) (or its successor body).

(Ord. No. 7087-82, § 1)

Sec. 13-81. - Public nuisance noises prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud or unnecessary noise or any noise which annoys, disturbs, injures, or endangers the comfort, health, peace, safety or quality of life of others within the City of South Bend. The following acts are declared to be nuisance noises in violation of this article, but said enumeration shall not be deemed to be exclusive:

- (a) *Radios, television sets, musical instruments, tape or record players, amplifiers and similar devices:* Operating or permitting the use or operation of any such devices in such a manner as to cause sound levels which exceed the limits specified in section 13-82 of this Code.
- (b) *Yelling, shouting, hooting, whistling or singing:* Yelling, shouting, hooting, whistling or singing in such a manner as to be plainly audible across a boundary or in any public place so as to annoy or disturb the quiet, comfort or repose of persons.
- (c) *Animals and fowl:* The harboring or keeping of any animal or fowl which shall cause frequent or long continued noise which disturbs or annoys the quiet, comfort or repose of persons.
- (d) *Schools, churches, hospitals and nursing homes:* The creation of any excessive noise on any street, sidewalk, or public place adjacent to any school, institution of learning, church, hospital, or nursing home, while the same is in use which unreasonably interferes with the working of such institutions, or which disturbs or unduly annoys patients in such institutions provided conspicuous signs are displayed in or near such locations indicating that the same is a school, church, hospital, or nursing home.
- (e) *Hawking and peddling:* The shouting or crying of peddlers, hawkers, or vendors which disturbs or annoys the quiet, comfort or repose of persons.
- (f) *Loudspeakers, amplifiers for advertising:* The use, operation or permitting the playing, use, or operation of any radio receiving set, musical instruments, phonograph, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sounds which are cast upon a public place for the purpose of commercial advertising or attracting the attention of the public, except as otherwise provided.
- (g) *Participation in noisy parties or gatherings:* Participation in any party or gathering from which noise exceeds the limit specified in section 13-82 of this Code.

(Ord. No. 7087-82, § 1)

Sec. 13-82. - Stationary noises.

It shall be unlawful for any person to cause the sound pressure level to exceed the limits listed below at any point on the boundary of the property. "Boundary," for purposes of this article, shall mean a property line, common wall, floor or ceiling between offices or apartments, or similar division point.

- (1) If the property is located within a residential district:
  - (a) Between the hours of 10:00 p.m. and 7:00 a.m., the octave-band levels shall not exceed the following standards:

Octave-Band Center Frequency, hz	Maximum Band Level (dB re: 2 × 10 N/M)
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31.5	72
63	71
125	65
250	57
500	51
1,000	45
2,000	39
4,000	34
Above 4,000	32

This is equivalent to a broadband sound level of fifty-five (55) dBA.

- (b) Between the hours of 7:00 a.m. and 10:00 p.m., the octave-band levels shall not exceed the following standards:

Octave-Band Center Frequency, hz	Maximum Band Level (dB re: 2 × 10 N/M)
31.5	79
63	78
125	72
250	64
500	58
1,000	52
2,000	46
4,000	41
Above 4,000	39

This is equivalent to a broadband sound level of sixty-two (62) dBA.

(2) If the property is located within a commercial district: At any time of day or night, octave-band levels shall not exceed the following standards:

Octave-Band Center Frequency, hz	Maximum Band Level (dB re: 2 × 10 N/M)
31.5	79
63	78
125	73
250	67
500	61
1,000	55
2,000	50
4,000	46
Above 4,000	43

This is equivalent to a broadband sound level of sixty-four (64) dBA.

(3) If the property boundary lies between two (2) districts, the lower limit shall apply regardless of the district in which the person or machine creating the sound is located.

(Ord. No. 7087-82, § 1)

Sec. 13-83. - Exemptions and exceptions.

The use of mechanically powered lawn or garden tools, lawnmowers, snowblowers, air conditioning units, or construction tools or equipment are exempt from the provisions of this article, during the hours of 7:00 a.m. to 10:00 p.m.

(Ord. No. 7087-82, § 1)

Sec. 13-84. - Penalties.

- (a) Any person found in violation of any provision of this article shall be fined not less than fifty dollars (\$50.00) for the first offense; not less than one hundred dollars (\$100.00) for the second offense; and not less than two hundred fifty dollars (\$250.00) for the third or subsequent offense, with a citation being issued for each violation.
- (b) Each day that a violation is in effect shall constitute a separate offense for which a citation may be issued.
- (c) In addition to the citation procedure, a fine up to two thousand five hundred dollars (\$2,500.00) may be imposed upon conviction.
- (d)

The City Attorney's office shall be charged with abating all noises which exceed the standards herein set forth through abatement procedures.

(Ord. No. 7087-82, § 1)