

ARTICLE III. - NOISE^[3]

Footnotes:

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Editor's note—Ord. No. 4496, § 1, adopted April 26, 2011, repealed the former article III, §§ 42-51—42-54, and § 2 of Ord. No. 4496 enacted a new article III as set out herein. The former article III pertained to similar subject matter and derived from the Code of 1973, §§ 22-11(a) and 22-11(b); Ord. No. 3110, adopted June 26, 2001; Ord. No. 3224, adopted July 23, 2002; Ord. No. 3245, adopted September 10, 2002; Ord. No. 3286, adopted January 28, 2003; Ord. No. 3729, adopted July 26, 2005; and Ord. No. 4022, adopted January 31, 2007.

Cross reference— Offenses and miscellaneous provisions, ch. 74.

Sec. 42-51. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Ambient sound level means the total sound pressure in the area of interest including the source of interest.

A-weighting means the electronic filtering in sound level meters that model human frequency sensitivity.

dBA means the A-weighted unit of sound pressure level.

Decibel (dB) means the unit for measurement for sound pressure level at a specified location.

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

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

Noise disturbance means:

- (1) The creating of any unreasonably loud and disturbing sound of such character, intensity, or duration as to be detrimental to the life or health of an individual, or which annoys or disturbs a reasonable person of normal sensitivities.
- (2) Owning, keeping, possessing, or harboring any animal or animals that continuously, repeatedly, or persistently, without provocation by the complainant, creates a sound which unreasonably disturbs or interferes with the peace, comfort or repose of persons of ordinary sensibilities.
- (3) The creating of any unreasonably loud and disturbing sound by a sound amplification device of such character, intensity, or duration as to be detrimental to the life or health of an individual, or which annoys or disturbs a reasonable person of normal sensitivities.

Sound means a temporal and spatial oscillation in pressure, or other physical quantity in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

Sound amplification device means radio, radio receiving set, television, stereo, tape player, cassette player, compact disc player, "boom box," loud speaker, musical instrument, sound amplifier or other devices which produces, reproduces, or amplifies sound.

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 the American National Standards Institute's specification for sound level meters. If the frequency weighting employed is noted indicated, the A-weighting shall

apply.

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

Sound pressure level means 20 multiplied by the logarithm, to the base of ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

(Ord. No. 4496, § 2, 4-26-11; Ord. No. 4782, § 1, 4-8-14)

Sec. 42-52. - Unreasonable or excessive noise prohibited.

Notwithstanding any other provisions of this chapter, and in addition thereto, it shall be unlawful for any person to make, or continue to cause or permit to be made or continued, any noise disturbance.

(Ord. No. 4496, § 2, 4-26-11)

Sec. 42-53. - Measurements.

Sound level measurements shall be made with a sound level meter type-2 or better using the A-weighted scale in conformance with the standards promulgated by the American National Standards Institute.

(Ord. No. 4496, § 2, 4-26-11)

Sec. 42-54. - Limitations by land use category.

- (a) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in table 1 below which exceeds the maximum noise levels as set forth in table 1, which shall be measured for violations at the property line from which the sound is emanating, as well as at the property line of the receiving property. When a sound source can be identified and measured in more than one use district, the sound level limits of the most restrictive use district shall apply at that district boundary. All complaints will be measured with sound level measuring equipment by the responding officer to a complaint.

TABLE 1

Use Districts	Time	Maximum Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	65 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	60 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	<u>70</u> dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	85 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	80 dB(A)

- (b) Construction sites will be considered as an industrial zone for purposes of this ordinance.
(c) Nightclubs and restaurants will be considered as commercial zoning for purposes of this ordinance.

- (d) If the chief building inspector shall determine that the public health and safety necessitates the issuance of an emergency permit allowing the erection, demolition, alteration, or repair of any building or the excavation of any building when such work might exceed sound levels found in table 1, an emergency permit shall be issued. Such emergency permit shall not exceed 14 days' duration.

(Ord. No. 4496, § 2, 4-26-11)

Sec. 42-55. - Sounds from vehicles.

- (a) It is unlawful to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of 30 feet or more from the vehicle, whether in a street, a highway, an alley, parking lot or driveway, whether public or private property, and such is declared to be a noise disturbance in violation of this chapter.
- (b) A compression release engine brake, or other hydraulically operated device that converts a power producing diesel or gas engine into a power absorbing retarding mechanism with a correspondingly increased amount of noise emission shall not be engaged or used within the city limits of Springdale, except in the case of failure of the service brake system, adverse weather conditions, or other emergency necessitating the compression release engine brake's use.

(Ord. No. 4496, § 2, 4-26-11)

Sec. 42-56. - Penalties.

Any person convicted of violating the provisions of this chapter shall be fined as follows:

- (1) For the first offense, the person shall be fined not less than \$150.00 or more than \$250.00.
- (2) For the second offense, the person shall be fined not less than \$500.00 or more than \$1,000.00.
- (3) For the third offense, the person shall be fined not less than \$2,000.00.

(Ord. No. 4496, § 2, 4-26-11)

Sec. 42-57. - Exceptions to chapter.

The following are exceptions to this chapter and such sounds do not constitute a noise disturbance:

- (1) Cries for emergency assistance and warning calls;
- (2) Emergency response vehicles;
- (3) Events sponsored by the Rodeo of the Ozarks held at Parsons Stadium.
- (4) Rodeo of the Ozarks parade;
- (5) Activities conducted on or in municipal facilities which are approved, sponsored or sanctioned by the city, but this does not apply to lessees at Shiloh Square who use an amplification sound device;
- (6) Activities conducted on or in school facilities which are approved, sponsored or sanctioned by the school;
- (7) Fire alarms and burglar alarms;
- (8) Religious worship activities conducted in a permanent structure in a P-1 zone;
- (9) Fireworks displays authorized by the city.

(Ord. No. 4496, § 2, 4-26-11)

Secs. 42-58—42-75. - Reserved.