

ARTICLE V. - NOISE

Sec. 13-81. - Definitions.

All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words and terms, when used in this article, shall have the following meanings:

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

Commercial or business property category means all property which is used primarily for the sale of merchandise or goods, or for the performances of service, or for office or clerical work.

Construction means any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

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

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

dBC means the C-weighted unit of sound pressure level.

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

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

Impulsive sound means a sound having a duration of less than one (1) second with an abrupt onset and rapid decay.

Industrial or manufacturing property category means any property which is used primarily for manufacturing or processing.

Muffler means a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine where such a device is part of the normal configuration of the equipment.

Multi-family dwelling means any building or other shelter that has been divided into separate units to house more than one (1) family.

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

Noise disturbance means any sound that:

- (1) Endangers the safety or health of any person;
- (2) Disturbs a reasonable person of normal sensitivities; or
- (3) Endangers personal or real property.

Noise sensitive facility means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

Octave band means all the components in a sound spectrum whose frequencies are between two (2) sine waves components separated by an octave.

Real property line means the line, including its vertical extension that separates one (1) parcel of real property from another.

Residential property category means all property on which people live and sleep or that which is not commercial or industrial.

Sound level meter (SLM) means an instrument used to measure sound pressure levels conforming to type 1 or type 2 standards as specified in ANSI Standard S1.4-1983 or the latest version thereof.

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

(Ord. No. 02-15, § 2, 1-20-15)

Sec. 13-82. - Sound level limitations.

- (a) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in table 1 when measured at or within the real property line of the receiving property using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

Table 1: Sound Level Limits by Receiving Property

Receiving Property Category	Time	Sound Level Limit (dBA)
Residential or noise sensitive facility	7:00 a.m.—11:00 p.m.	60
	11:00 p.m.—7:00 a.m.	55
Commercial or business	7:00 a.m.—11:00 p.m.	65
	11:00 p.m.—7:00 a.m.	60
Industrial or manufacturing	At all times	<u>70</u>

- (b) If the noise is an impulsive sound, the fast response setting shall be used and the impulsive sound may not equal or exceed eighty (80) dBA.
- (c) In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime (7:00 a.m.—11:00 p.m.) limit of fifty-five (55) dBA and the nighttime (11:00 p.m.—7:00 a.m.) limit of forty-five (45) dBA as measured from the closest neighbor's dwelling. Measurement shall not be taken in areas which receive only casual use such as hallways, closets, and bathrooms.

(Ord. No. 02-15, § 2, 1-20-15)

Sec. 13-83. - Exemptions.

- (a) Noise generated from municipally sponsored or approved celebrations or events shall be exempt from the provisions of this article.
- (b) The following are exempt from the sound level limits of section 13-82(a):
 - (1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
 - (2) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if intermittent;
 - (3) Noise from any automobile alarm, provided such alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if the sound is intermittent;
 - (4) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
 - (5) Noise resulting from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to band, choir, and orchestral performances;
 - (6) Noise that results from the activities of an organized sports league;
 - (7) Unamplified bells, chimes or carillons while being used in conjunction with religious services between the hours of 7:00 a.m.—10:00 p.m.;
 - (8) Emergency work;
 - (9) Events with amplified sound that are operating within the time and volume parameters set forth in an approved special administrative permit.

(Ord. No. 02-15, § 2, 1-20-15)

Sec. 13-84. - Restricted uses and activities.

Notwithstanding the provisions of section 13-82(a) and the exceptions above, the following standards shall apply to the activities or sources of sound set forth below:

- (1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 9:00 p.m. and 7:00 a.m., or on Saturday or Sunday before the hour of 8:30 a.m., unless such activities can meet the applicable limits set forth in section 13-82(a). At all other times, the limits set forth in section 13-82(a) do not apply to non-commercial or non-industrial power tools and landscaping and yard maintenance equipment, provided that all motorized equipment is operated with a functioning muffler.
- (2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated with a muffler. All motorized equipment used in these activities shall not be operated on a residential property or within two hundred fifty (250) feet of a residential property line, between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:
 - a. Such activities are deemed emergency work, or
 - b. Such activities meet the limits set forth in section 13-82(a).At all other times, the limits set forth in section 13-82(a) do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.
- (3) Construction and demolition activity shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:

- a. Such activities are deemed emergency work; or
- b. Such activities meet the limits set forth in section 13-82(a).

This provision shall not apply if the chief of police determines that the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration. In such cases, the chief of police may grant a renewable permit for a period not to exceed ten (10) days for this work to be done within the hours of 10:00 p.m. to 7:00 a.m.

- (4) No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device in such a manner as to create a continuing noise disturbance at fifty (50) feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space.

(Ord. No. 02-15, § 2, 1-20-15)

Sec. 13-85. - Special variances.

- (a) The chief of police or the chief's designated representative shall have the authority, consistent with this article, to grant special variances.
- (b) Any person seeking a special variance pursuant to this article shall file an application with the chief of police or the chief's designated representative. The application shall contain information which demonstrates that bringing the source of sound into compliance with this article would constitute an unreasonable hardship on the applicant, on the community, or on the other persons. Notice of an application for a special variance shall be given by the chief or the chief's representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the chief or the chief's representative containing any information to support such individual's claim.
- (c) In determining whether to grant or deny the application, the chief or the chiefs designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Applicants for special variances may be required to submit any information the chief or the chief's representative may reasonably require. In granting or denying an application, the chief or the chief's representative shall place on public file a copy of the decision and the reasons for denying or granting the special variance.
- (d) 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 it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.
- (e) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.
- (f) The chief of police or the chief's designated representative may issue guidelines approved by city council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether or not to grant a special variance.

(Ord. No. 02-15, § 2, 1-20-15)

Sec. 13-86. - Procedures for the determination of sound levels.

- (a) Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this article. When instrumentation cannot be placed at or within the property

line, the measurement shall be made as close thereto as is reasonable. For the purposes of this article, noise measurements are measurements that are measured on the A- or C-weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.

- (b) Measurements shall be taken by police officers appropriately trained in the use of a sound level meter.
(Ord. No. 02-15, § 2, 1-20-15)

Sec. 13-87. - Enforcement procedures; miscellaneous.

- (a) The city may prosecute noise related violations by issuance of a notice of violation to the owner with an equity interest in the sound source or sound producing property or, if inapplicable, to the individual in violation. In such case, the penalty for a violation shall be as set forth in section 1-7 of chapter 1 of the City Code. In addition to issuing a fine as provided in section 1-7, or in lieu thereof, the municipal court judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.
- (b) No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefore, of any person for injury or damage arising from any violation of this section or from other law.
- (c) No provision of this article shall be construed to prevent the enforcing officer from making efforts to obtain voluntary compliance by way of warning, notice, or educational means. However, such noncompulsory methods need not be used before proceeding by way of compulsory enforcement.

(Ord. No. 02-15, § 2, 1-20-15)

Sec. 13-88. - Exceptions to this article.

The prohibitions of this article shall not apply to air traffic at Robins Air Force Base, parades, chimes, bells, cultural events, athletic games, events held at athletic facilities, recreational activities, or other functions authorized or licensed by the city or other governmental agency.

(Ord. No. 02-15, § 2, 1-20-15)