

ARTICLE II. - NOISE CONTROL

Sec. 11-26. - 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:

"A" band level means the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the dbA.

Band pressure level of a sound for a specified frequency band means the sound pressure level for the sound contained within the restricted band.

Commercial district means the following:

- (1) An area where offices, clinics and the facilities needed to serve them are located.
- (2) An area with local shopping and service establishment.
- (3) A tourist-oriented area where hotels, motels and gasoline stations are located.
- (4) A business strip along a main street containing offices, retail businesses and commercial enterprises.
- (5) Other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

Commercial district includes, but is not limited to, any parcel of land zoned commercial under the zoning ordinance of the city.

Continuous noise means a steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more over a period of eight hours.

Cycle means the complete sequence of values of a periodic quantity which occurs during a period.

Decibel (db) means a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

Device means any mechanism which is intended to produce or which actually produces sound when operated or handled.

Fluctuating noise means the sound pressure level of a fluctuating noise which varies more than six dbA during the period of observation when measured with the slow meter characteristic of a sound level meter.

Frequency of a function periodic in time means the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

Industrial district means an area in which enterprises and activities which involve the manufacturing, processing or fabricating of any commodity are located. "Industrial district" shall include, but not be limited to, any parcel of land zoned as an industrial district under the zoning ordinance of the city.

Light motor vehicle, for the purpose of section 11-33, means any automobile, motorcycle, motor-driven cycle, motor scooter, light truck with gross vehicular weight of less than 8,000 pounds or any van.

Microbar means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

Modified exhaust system means an exhaust system in which:

- (1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noise; or
- (2) The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices; or
- (3) Devices have been added to the original noise abatement devices, such that noise levels are increased.

Motor vehicle means any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

Period of a periodic quantity means the smallest increment of time for which the function repeats itself.

Periodic quantity means oscillating quantity, the values of which recur for equal increments of time.

Residential district means an area of single- or multiple-family dwellings and shall include areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. "Residential district" shall also include, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

Sound-amplifying equipment means any machine or device for the amplification of the human voice, music or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sound analyzer means a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

Sound level meter means an instrument including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of noise and sound levels in a specified manner.

Sound pressure level in decibels of a sound means 20 times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

Spectrum of a function of time means a description of its resolution into components, each of a different frequency.

(Code 1974, § 25½-1)

Sec. 11-27. - Decibel measurement criteria.

Any decibel measurement made pursuant to the provisions of this article shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1000, 2000, 4000 and 8000 or as measured with a sound level meter using the "A" weighting.

(Code 1974, § 25½-2)

Sec. 11-28. - Schools, hospitals and churches.

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of learning or church while the same is in use or adjacent to any hospital, which noise reasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital; provided conspicuous signs are displayed in such street, sidewalk or public place indicating the presence of a school, church or hospital.

(Code 1974, § 25½-3)

Sec. 11-29. - Reserved.

Editor's note— Ord. No. 12-O-31, § 1, adopted May 7, 2012, repealed § 11-29, which pertained to animals and fowl and derived from the Code of 1974, § 25½-4.

Sec. 11-30 - Vehicle repairs.

It shall be unlawful for any person to repair, service or test any motor vehicle between the hours of 8:00 p.m. of one day to 6:00 a.m. the following day. This provision applies to repair garages, whether permitted or operating under a conditional use permit, as well as individuals working on their own vehicles.

(Code 1974, § 25½-5; Ord. No. 10-O-95, § 2, 12-6-10)

Sec. 11-31. - Use of mufflers on steam engines, motor vehicles, etc., required.

No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutout, bypass or similar device.

(Code 1974, § 25½-6)

Sec. 11-32. - Maximum sound pressure levels for continuous sounds.

(a) *Established; measurement.* The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the city, in times herewith listed, shall constitute *prima facie* evidence that such sound is an unnecessary noise. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

TABLE A

| | Sound Pressure Level Limit dbA | |
|----------------------|-----------------------------------|-------------------------------------|
| District | Day (7:00 a.m.— 10:00 p.m.) | Night (10:00 p.m.— 7:00 a.m.) |
| Residential | 55 | 50 |
| Commercial | 60 | 55 |

- (b) *Measurement in more than one district.* When a noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.
- (c) *Agricultural districts.* The sound pressure level limits, and provisions hereof, applicable to commercial districts shall also apply to any parcel of land zoned as being in an agricultural district under the zoning ordinance of the city.
- (d) *Exceptions.* The provisions of this section shall not apply to motor vehicles operating on public rights-of-way; any bell or chime or any device for the production or reproduction of the sound of bells or chimes for any church, clock or school; the loading of any trucks; domestic power equipment and commercial power equipment.

(Code 1974, § 25½-7)

Sec. 11-33. - Noise levels for operation of light motor vehicles.

- (a) *Eighty dbA noise limit.* It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dbA in residential zones or on streets in other zones where noise limit signs are posted. Measurement shall be made on pedestrian walkways at a point closest to the street in accordance with procedures outlined in the Code of Recommended Practices on file with the city clerk.
- (b) *Excessive noise.* It shall be unlawful for any person to operate a light motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal. At the request of the operator of the light motor vehicle, an officer can administer a stationary motor vehicle noise test, as outlined in the Code of Recommended Practices on file with the city clerk. The stationary motor vehicle noise test can provide information as to the extent of defectiveness of the exhaust system or as to whether excessive noise levels were caused by improper operation of the light motor vehicle.

(Code 1974, § 25½-8)

Sec. 11-34. - Excessive noise; penalty.

- (a) No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player, compact disc player, mp3 player or other device for receiving broadcast sound or reproducing recorded sound if the device is located on the public way or in any motor vehicle on the public way if the sound generated by the device is audible at a distance of 50 feet or more from the device.
- (b) No person, for purposes of entertainment or communication may generate any sound by any means that it is audible at a distance 50 feet or greater from the point of generation.
- (c) This section shall not apply to any of the following:
 - (1) Sound generated in conjunction with a city-sponsored event;
 - (2) A person participating in a parade, public assembly or athletic event for which, a permit has been obtained pursuant to chapter 15, article V of this Code;
 - (3) An emergency warning device or alarm sounded for emergency purposes;
 - (4) Sound generated between the hours of 7:00 a.m. and 8:00 p.m. in construction, demolition or repair work;
 - (5) Sound generated in construction, demolition or repair work of an emergency nature or in work on public improvements authorized by a governmental body or agency;
 - (6) Sound generated by an aircraft or generated in connection with the operation of any airport; and

- (7) Sound generated by church bells.
- (d) The penalties for violating sections 11-34(a) and (b) shall be as follows:
 - 8:00 a.m.—8:00 p.m.\$150.00
 - 8:00 p.m.—8:00 a.m.\$300.00

Each additional offense shall incur an additional penalty of \$100.00 per occurrence.

(Code 1974, § 25½-8.1; Ord. No. 95-O-114, § 1, 8-21-95; Ord. No. 06-O-104, § 1, 6-5-06; Ord. No. 11-O-24, § 1, 2-7-11; Ord. No. 12-O-47, § 1, 7-2-12)

Sec. 11-35. - Penalties; administrative adjudication.

- (a) *Penalties.* Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$35.00 nor more than \$200.00 for the first offense, and not less than \$50.00 nor more than as provided in section 1-13 of this Code for the second and each subsequent offense. A separate and distinct offense shall be regarded as committed each day upon which such person shall continue any such violation, or permit any such violation to exist after notification thereof.
- (b) *Administrative adjudication.* Any citation issued pursuant to this section of this Code may be forwarded to the city's administrative adjudication department for enforcement proceedings in accordance with article VIII of chapter 2 of this Code rather than to the Circuit Court of Lake County or Branch Court.

(Code 1974, § 25½-9; Ord. No. 11-O-24, § 2, 2-7-11)

Editor's note— Ord. No. 11-O-24, § 2, adopted Feb. 7, 2011, changed the title of § 11-35 from penalties to penalties; administrative adjudication.