

CHAPTER 634

Noise Control

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CROSS REFERENCES

Cracking exhaust noises - see TRAF. 331.37

Mufflers - see TRAF. 337.20

Excessive animal noise prohibited - see GEN. OFF. 618.08

Peace disturbances generally - see GEN. OFF. Ch. 648

Sound devices - see GEN. OFF. Ch. 669

Peace disturbances in parks - see S. & P.S. 961.06

Sound insulation for places of public assembly - see BLDG. 1529.43

**634.01 DEFINITIONS.**

As used in this chapter, the following words and terms shall have the meanings hereinafter set forth. All terminology used in this chapter and not defined in this section shall be in conformity with applicable publications of the American National Standards Institute (ANSI) or its successor body:

- (1) "A-weighted sound level" means 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.
- (1.5) "B-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the B-weighting network. The level so read is designated dB(b) or dBB.
- (2) "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.
- (3) "Decibel (db)" means a unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
- (4) "Demolition" means any dismantling, intentional destruction or removal of a structure, utility, public or private right-of-way surface or similar property.
- (5) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.
- (6) "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.
- (7) "Gross vehicle weight rating" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.
- (8) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound includes explosions, drop forge impacts and the discharge of firearms.
- (9) "Industrial area" means those areas specified in Chapters 1167, 1169, 1171, 1173, 1175 and 1177 of

the Zoning Code.

(10) "Motor vehicle" means every vehicle specified in Section 301.20 of the Traffic Code.

(11) "Motorcycle" means every motor vehicle specified in Section 301.19 of the Traffic Code.

(12) "Muffler or sound dissipative device" means a device for abating the sound of escaping gases of an internal combustion engine.

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

(14) "Noise disturbance" means any sound which:

(a) Endangers or injures the safety or health of humans or animals;

(b) Annoys or disturbs a reasonable person of normal sensitivities; or

(c) Endangers or injures personal or real property.

(15) "Person" means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

(16) "Place of public entertainment" means any commercial facility open to the general public for purposes of entertainment.

(17) "Powered model vehicle" means any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

(18) "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

(19) "Public space" means any real property or structure thereon which is owned or controlled by a governmental entity.

(20) "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(21) "Residential area" means those areas specified in Chapters 1153, 1155 and 1159 of the Zoning Code.

(22) "Retail area" means those areas specified in Chapters 1161, 1163 and 1165 of the Zoning Code.

(23) "RMS sound pressure" means the square root of the time averaged square of the sound pressure, denoted Prms.

(24) "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(25) "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 specifications for sound level meters (ANSI S1.4-1971), as revised or amended. If the frequency weighting employed is not indicated, the A-weighting shall apply.

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

(27) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(28) "Sound pressure level" means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty micropascals ( $20 \times 10^{-6}$  N/m<sup>2</sup>). The sound pressure level is denoted Lp or SPL and is expressed in decibels.

(29) "Weekday" means any day, Monday through Saturday.

(30) "Residential building" means any single-family dwelling, two-family dwelling, multiple dwelling, condominium, apartment, motel, hotel or hospital.

(Ord. 199-79. Passed 12-3-79; Ord. 178-80. Passed 1-16-84; Ord. 367-88. Passed 2-6-89.)

#### **634.02 NOISE DISTURBANCES PROHIBITED.**

(a) No person shall unreasonably make, continue or cause to be made or continued, or permit, any noise disturbance. This section shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way with a permit from the Safety Director.

(b) No person shall play any radio, music player, television, audio system or musical instrument in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of neighboring inhabitants or at

a volume which is plainly audible to persons other than those who are in the room in which such device or instrument is played and who are voluntary listeners thereto.

(c) Except for organized events which have received any type of permit from the City in conjunction with the event, no person shall play any radio, music player, television or audio system upon a public right-of-way or upon other public property in such a manner or at such a volume as to disturb the quiet, comfort or repose of other persons.

(d) Whoever violates this section is guilty of a minor misdemeanor, unless the violation is made willfully or knowingly, in which case the offense is a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

(Ord. 199-79. Passed 12-3-79; Ord. 188-04. Passed 7-6-04.)

### **634.03 SPECIFIC PROHIBITIONS.**

The following acts, and the causing or permitting thereof, are hereby prohibited:

(a) Animals and Birds. Owning, possessing or harboring any animal or bird which frequently, or for a continued duration, howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary;

(Ord. 199-79. Passed 12-3-79.)

(b) Places of Public Entertainment.

(1) Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 95 dBA as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT;"

(2) Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 50 dBB as read by the slow response on a sound level meter when measured at or within the property boundary of residentially zoned land, between the hours of 9:00 p.m. and 9:00 a.m. of the following day;

(Ord. 367-88. Passed 2-6-89.)

(c) Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary;

(d) Mufflers or Sound Dissipative Devices.

(1) Operating or causing to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation;

(2) Removing or rendering inoperative, or causing to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle;

(3) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motorboat, except through a muffler or other device in good working order and in constant operation;

(e) Motor Vehicles.

(1) Operating or permitting the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such vehicle, for a period longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, between the hours of 9:00 p.m. and 8:00 a.m. the following day;

(2) Racing the motor of any vehicle unnecessarily or operating any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the pavement or other surface, commonly called "peeling;"

(f) Loading and Unloading. Unless otherwise covered in Chapter 737 of the Codified Ordinances, any loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9:00 p.m. and 8:00 a.m. the following day in such a

manner as to cause a noise disturbance across a residential real property boundary;  
(Ord. 304-03. Passed 2-16-04; Ord. 313-04. Passed 11-15-04.)

(g) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 9:00 p.m. and 7:30 a.m. the following day on weekdays (9:00 a.m. the following day on weekdays if property is adjacent to residential property) or 8:00 p.m. and 10:00 a.m. on Sundays, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance, and except that this subsection shall not apply to the use of domestic power tools, subject to subsection (k) hereof;  
(Ord. 428-02. Passed 2-16-04.)

(h) Emergency Signaling Devices.

(1) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, except as otherwise provided in this chapter;

(2) Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 8:00 a.m. or after 9:00 p.m. or the closing time of a commercial establishment, whichever occurs later. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty seconds.

(3) Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur before 8:00 a.m. or after 9:00 p.m. In no case shall such test time exceed ten minutes.

(4) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within two minutes of activation, or within a reasonable time after notification of activation;

(5) The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger;

(i) Radios, Television Sets, Musical Instruments and Similar Devices. (EDITOR'S NOTE: Subsection (i) hereof was repealed by Ordinance 278-92, passed April 19, 1993. See Chapter 669 of this General Offenses Code.)

(j) Loudspeakers and Public Address Systems. (EDITOR'S NOTE: Subsection (j) hereof was repealed by Ordinance 278-92, passed April 19, 1993. See Chapter 669 of this General Offenses Code.)

(k) Domestic Power Tools; Powered Model Vehicles.

(1) Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower or other similar device used outdoors, other than powered snow removal equipment, in residential areas between the hours of 9:00 p.m. and 8:00 a.m. the following day on weekdays and before 10:00 a.m. or after 6:00 p.m. on Sundays so as to cause a noise disturbance across a residential real property boundary;

(2) Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 9:00 p.m. and 8:00 a.m. the following day. During the permitted period of operation, maximum sound levels in residential areas shall not exceed sixty dBA measured at a distance of fifty feet from any point on the path of the vehicle.

(Ord. 199-79. Passed 12-3-79.)

(l) Air Conditioners. Using or operating a window air conditioning unit in a residential structure where the unit is less than twenty feet from an adjacent house, and the use or operation thereof creates a noise disturbance;

(m) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor, unless the violation is made willfully and knowingly, in which case the offender is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

(Ord. 381-89. Passed 12-4-89.)

#### **634.04 MAXIMUM PERMISSIBLE SOUND LEVELS BY RECEIVING LAND USE.**

(a) No person shall operate, cause to be operated, or permit on private property, any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table I when measured at or within the property boundary of the receiving land use.

**TABLE 1**  
**SOUND LEVELS BY RECEIVING LAND USE**

Receiving Land Use Category	Time	Sound level limit (dBA)
Residential; Two-Family, Multifamily, High-Rise	8:00 a.m. to 9:00 p.m.	60
Residential; public space, open space or institutional	8:00 p.m. to 9:00 a.m.	50
General Retail Business or Local Retail Business	At all times	65
Industrial	At all times	70

(b) Whoever violates this section is guilty of a minor misdemeanor, unless the violation is made willfully or knowingly, in which case the offense is a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

(Ord. 199-79. Passed 12-3-79.)

**634.05 EXEMPTIONS.**

The provisions of Sections 634.03 and 634.04 shall not apply to organized school related programs, activities or events, to Municipally authorized parades or to Municipally sanctioned concerts in public parks.

The provisions of Section 634.04 shall not apply to:

(a) Activities covered by the following subsections of Section 634.03:

- (1) Subsection (g) (Construction);
- (2) Subsection (h) (Emergency Signaling Devices); and
- (3) Subsection (k) (Domestic Power Tools);

(b) Refuse collection vehicles; and

(c) Railway locomotives and cars.

(Ord. 199-79. Passed 12-3-79.)

**634.06 IMMEDIATE THREATS TO HEALTH AND WELFARE.**

(a) No person shall operate, cause to be operated, or permit on public or private property, any source of continuous and/or impulsive sound in such a manner as to create a sound level which exceeds the limits set forth in Table 2 or Table 3 when measured at a distance of fifty feet or fifteen meters from such source.

**TABLE 2**  
**CONTINUOUS SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE (MEASURED AT 50 FEET OR 15 METERS)\***

Sound Level Limit (dBA)	Duration
90	24 hrs.
93	12 hrs.
96	6 hrs.
99	3 hrs.
102	1.5 hrs.
105	45 min.
108	22 min.

\*Use equal energy time-intensity trade-off if level varies; find energy equivalent over twenty-four hours.

**TABLE 3**  
**IMPULSIVE SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE (MEASURED AT 50 FEET OR 15 METERS)**

Sound Level Limit (dB)	Number of Repetitions per 24-Hour Period
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145	1
135	10
125	100

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

(Ord. 199-79. Passed 12-3-79.)

**634.07 INSPECTIONS BY SAFETY DIRECTOR AND/OR BY LAW ENFORCEMENT OFFICERS.**

The Safety Director and/or law enforcement officers shall, in addition to any other authority vested in them, have the power, upon presentation of proper credentials, to enter and inspect any private property or place, and to inspect any report or record, at any reasonable time when granted permission by the owner or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon a showing of probable cause to believe that a violation of any of the provisions of this chapter may exist. Such inspection may include administration of any necessary tests.

(Ord. 199-79. Passed 12-3-79.)

**634.08 STOPPING AND TESTING OF MOTOR VEHICLES BY LAW ENFORCEMENT OFFICERS.**

A law enforcement officer shall have the power, in addition to any other authority vested in him, to stop and test any motor vehicle or motorcycle operated on a public right-of-way or public space, reasonably suspected of violating any provision of this chapter, and to issue a notice of violation or abatement order.

(Ord. 199-79. Passed 12-3-79.)

**634.09 EMERGENCY EXCEPTIONS.**

This chapter 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.

(Ord. 199-79. Passed 12-3-79.)

**634.10 SPECIAL VARIANCES.**

(a) The Safety Director shall have the authority, consistent with this section, to grant special variances.

(b) Any person seeking a special variance pursuant to this section shall file an application therefor with the Safety Director. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. Notice of an application for a special variance shall be given by the Safety Director 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 Safety Director containing any information to support his claim.

(c) In determining whether to grant or deny the application, the Safety Director 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 the persons affected, the adverse impact on property affected and any other adverse impact of granting the special variance. Applicants for special variances and persons contesting special variances may be required to submit any information the Safety Director may reasonably require. In granting or denying an application, the Safety Director 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 chapter 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 Safety Director may issue guidelines approved by resolution of Council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether to grant a special variance.

(g) The decision of the Safety Director may be appealed by the person denied the special variance or by any person claiming to be adversely affected by allowance of the special variance. Such appeal shall be made to the Board of Building Appeals and review by the Board shall be de novo.

(Ord. 199-79. Passed 12-3-79.)

#### **634.11 ABATEMENT ORDERS.**

In lieu of issuing a notice of violation, as provided for in Section 634.12, the Safety Director or a law enforcement officer may issue an order requiring the immediate abatement of any source of sound alleged to be in violation of any of the provisions of this chapter.

(Ord. 199-79. Passed 12-3-79.)

#### **634.12 NOTICE OF VIOLATION.**

Except where a person is acting in good faith to comply with an abatement order issued pursuant to Section 634.11, violation of any provision of this chapter shall be cause for a notice of violation to be issued by the Safety Director or a law enforcement officer.

(Ord. 199-79. Passed 12-3-79.)

#### **634.13 OTHER REMEDIES.**

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from a violation of any of the provisions of this chapter or from other law.

(Ord. 199-79. Passed 12-3-79.)

#### **634.14 POSTING OF NAMES OF PERSONS RESPONSIBLE FOR BURGLAR ALARMS.**

(a) Any person owning a building or maintaining a business therein, other than a residential building, that has an operating burglar alarm system, shall post and maintain, in a conspicuous place, a legible sign that may be seen from outside the building identifying at least two persons, together with their telephone numbers, who are to be called when such alarm is triggered into operation so that the building may be entered to shut off the alarm at the earliest time possible.

(b) A person maintaining a telephonic burglar alarm system which automatically transmits a signal, message or warning to the Police Department is not required to comply with the requirements of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 698.02.

(Ord. 178-80. Passed 1-16-84.)