

## Chapter 133: Noise Control

## Section

- 133-01 Definitions
- 133-02 Violation criteria
- 133-03 Exemptions
  
- 133-99 Penalty

### § 133-01 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A-WEIGHTED SOUND LEVEL.** A measure of sound that has been mathematically adjusted to approximate the sensitivity of human hearing to different frequencies. A-weighted sound level is measured in A-weighted decibels (dB).

**ELECTRONICALLY AMPLIFIED SOUND.** Any sound which has been amplified, enlarged, extended, manipulated, or produced by any electronic process or means, e.g., loud speaker, loud speaker system, public address system, sound amplification equipment, or any such similar device.

**EMERGENCY.** Any occurrence or circumstance involving actual or potentially imminent physical trauma, significant property damage, endangerment of the public, or criminal activity which demands immediate attention.

**EMERGENCY VEHICLE.** Any police, fire, ambulance, or other public service vehicle.

**EQUIVALENT CONTINUOUS SOUND LEVEL ( $L_{eq}$ ).** (Sometimes abbreviated as "equivalent continuous"). The equivalent steady-state A-weighted sound level that, in a specified period of time, would contain the same acoustic energy as the time-varying sound level during the same time period.

**EVENING.** The period of time:

- (1) From 1900 hours (7:00 p.m.) until 2200 hours (10:00 p.m.) during a weekend or any day before a legal holiday; and
- (2) From 1900 hours (7:00 p.m.) until 2100 hours (9:00 p.m.) during any weekday that is not the day before a legal holiday.

**MAXIMUM SOUND LEVEL ( $L_{max}$ ).** The greatest A-weighted sound level measured on "slow" response (averaged over one second).

**NIGHTTIME.** (Sometimes abbreviated as "night"). The period of time:

- (1) From 2200 hours (10:00 p.m.) until 0700 hours (7:00 a.m.) during a weekend or any day before a legal holiday; and
- (2) From 2100 hours (9:00 p.m.) until 0700 hours (7:00 a.m.) during any weekday that is not the day before a legal holiday.

**PERSON.** Any individual, group of individuals, company, association, society, firm, partnership, or business or governmental entity that, acting individually or in concert with others:

- (1) Creates, plays, reproduces, furnishes, or transmits electronically amplified sound; or
- (2) Plans, promotes, schedules or hosts any event that creates, plays, reproduces, furnishes, or transmits electronically amplified sound.

**RECEIVING PROPERTY.** Any property, location or dwelling unit which is zoned and utilized for residential purposes and is exposed to noise emanating from another property, location or dwelling unit.

**SOUND PRESSURE LEVEL.** Ten times the logarithm to the base ten of the ratio of the time-mean-square pressure of a sound, in a stated frequency band, to the square of the reference sound pressure in gases of 20 micropascals.

**WEEKDAY.** Any time on or after 1900 hours (7:00 p.m.) Sunday night and before 1900 hours (7:00 p.m.) Friday night.

**WEEKEND.** Any time on or after 1900 hours (7:00 p.m.) Friday night and before 1900 hours (7:00 p.m.) Sunday night.

(Ord. O2010-47, passed 9-1-10)

### § 133-02 Violation Criteria.

(A) No person shall engage in, cause, suffer, allow, facilitate or permit any activity or use of land

involving the creation, playing, reproduction, or transmittal of electronically amplified sound in such a manner that, regardless of the intent of the person engaging in, causing, suffering, allowing, facilitating or permitting that activity or use of land, the sound pressure level from the electronically amplified sound experienced at any portion of a receiving property within the City of Yuma corporate limits equals or exceeds any of the limits set forth in Table 1.

<b>TABLE 1</b>		
<b>Sound Pressure Levels (db)</b>		
<b>Measurement Type</b>	<b>Evening</b>	<b>Night</b>
Maximum ( $L_{max}$ )	70	65
Equivalent Continuous ( $L_{eq}$ )	55	50

(B) This chapter is violated if either of the following conditions occur:

- (1) The maximum sound level equals or exceeds the applicable  $L_{max}$  criterion shown in Table 1.
- (2) The equivalent continuous sound level equals or exceeds the applicable  $L_{eq}$  criterion shown in Table 1, at the conclusion of any continuous ten-minute period.

(C) *(Explanatory Note)*. Example: A violation would occur on a weekend evening (7:00 p.m. - 10:00 p.m. on Friday, Saturday, and the day before a legal holiday) if, at any portion of a residential property in Yuma:

- (1) The maximum sound level ( $L_{max}$ ) from the electronically amplified sound is 70 dB or higher at any time (per subsection (B)(1) hereof); or
- (2) The equivalent continuous sound level ( $L_{eq}$ ) from the electronically amplified sound is 55 dB or higher at the conclusion of any continuous ten-minute period (per subsection (B)(2) hereof).

(Ord. O2010-47, passed 9-1-10) Penalty, see § 133-99

### § 133-03 Exemptions.

(A) Noise produced by emergency vehicles responding to an emergency is exempt from the provisions of this chapter.

(B) Activities sponsored by the City of Yuma, activities authorized by a permit issued by the City of Yuma, and activities for which the regulation of noise has been preempted by federal law are exempt from the provisions of this chapter.

(Ord. O2010-47, passed 9-1-10)

### § 133-99 Penalty.

(A) *Criminal prosecution.*

- (1) A violation of this chapter shall be a class 1 misdemeanor.

(B) *Civil action.*

(1) An action for injunctive relief may be brought by the City of Yuma in a court of competent jurisdiction against any person who has violated, and is reasonably likely to violate again, any provision of this chapter. The City may seek injunctive relief forbidding violations of the decibel limits in this chapter, but shall not seek relief preventing anyone from creating, playing, reproducing, furnishing, or transmitting electronically amplified sound, or from planning, promoting, scheduling or hosting any event that creates, plays, reproduces, furnishes, or transmits electronically amplified sound.

(2) Any person who violates any of the provisions of this chapter shall be liable for the actual attorneys' fees, expenses (including expert witness fees), and costs of suit incurred in establishing that violation in a civil action.

(C) *Other remedies.* The rights and remedies provided by this chapter are in addition to any other rights and remedies provided by law.

(Ord. O2010-47, passed 9-1-10)