

Chapter 8.42 NOISE CONTROL

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8.42.010 Purpose.

The city council declares and finds that excessive noise levels are detrimental to the public health, welfare and safety and contrary to the public interest as follows:

- A. By interfering with sleep, communication, relaxation and the full use of one's property;
- B. By contributing to hearing impairment and a wide range of adverse physiological stress conditions; and
- C. By adversely affecting the value of real property.

It is the intent of this chapter to protect persons from excessive levels of noise within or near a residence, school, church, hospital or public library. (Ord. 764 § 3 (part), 1993)

8.42.020 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

“Agricultural property” means land used for or devoted to the production of crops and livestock.

“Ambient noise level” means the composite of noise from all sources excluding the alleged offensive noise. In this context it represents the normal or existing level of environmental noise at a given location for a specified time of the day or night.

“A-weighted sound level” means the sound level in decibels as measured with a sound level

meter using the A-weighted network (scale) at slow meter response. The unit measurement is referred to herein as dB(A) or dBA.

“Construction” means construction, erection, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

“Cumulative period” means an additive period of time composed of individual time segments which may be continuous or interrupted.

“Decibel” means a unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

“Emergency work” means the use of any machinery, equipment, vehicle, manpower or other activity in a short-term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring unplanned interruption of utility service.

“Enforcement officer” means the community development director or duly authorized deputy.

“Fixed noise source” means a device or machine which creates sounds while fixed or stationary, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

“Hospital” means any building or portion thereof used for the overnight accommodation and medical care of the sick, injured or infirm persons and includes rest homes and nursing homes.

“Impulsive noise” means a noise of short duration, usually less than 1 second, with an abrupt onset and rapid decay.

“Intruding noise level” means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

“Mobile noise source” means any noise source other than a fixed noise source.

“Noise disturbance” means any sound which violates the quantitative standards set forth in this chapter.

“Noise level category” means a division formed for the purposes of referring to a certain sound level standard measured by minutes in a 1-hour time period on the basis of daytime or nighttime hours.

“Residential property” means a parcel of real property which is developed and lawfully used either in whole or in part for residential purposes.

“School” means public or private institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

“Simple tone noise” means any noise which is distinctly audible as a single pitch (frequency) or

set of pitches as determined by the enforcement officer.

“Sound level meter” means an instrument meeting American National Standards Institute Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data. (Ord. 764 § 3 (part), 1993)

8.42.030 Noise measurement criteria.

Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the A-weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.

The exterior noise levels shall be measured within 50 feet of the affected residence, school, church, hospital or public library. Where practical, the microphone shall be positioned 3 to 5 feet above the ground and away from reflective surfaces. The interior noise levels shall be measured within the affected dwelling unit, at points at least 4 feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations. (Ord. 764 § 3 (part), 1993)

8.42.040 Exterior noise standards.

A. It is unlawful for any person at any location within the incorporated area of the city to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any affected single- or multiple-family residence, school, church, hospital or public library situated in either the incorporated or unincorporated area to exceed the noise level standards as set forth in the following table:

Table 8.42.040

EXTERIOR NOISE LEVEL STANDARDS, dBA

Noise Level Category	Cumulative Number of minutes in any 1-hour time period	dBA Daytime (7 a.m. to 10 p.m.)	dBA Nighttime (10 p.m. to 7 a.m.)
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

B. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by 5 dB(A) for simple tone noises, noises consisting primarily of speech or music, or for recurring noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be the noise level standards as specified above. (Ord. 764 § 3 (part), 1993)

8.42.050 Interior noise standards.

A. It is unlawful for any person, at any location within the city, to operate or cause to be operated within a dwelling unit, any source of sound or to allow the creation of any noise which causes the noise level when measured inside a receiving dwelling unit situated in the area either within the city or adjacent to the city to exceed the noise level standards as set forth in the following table:

Table 8.42.050

INTERIOR NOISE LEVEL STANDARDS, dBA

Noise Level Category	Cumulative Number of minutes in any 1-hour time period	dBA Daytime (7 a.m. to 10 p.m.)	dBA Nighttime (10 p.m. to 7 a.m.)
1	5	45	35
2	1	50	40
3	0	55	45

B. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by 5 dB(A) for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be the noise level standards as specified above. (Ord. 764 § 3 (part), 1993)

8.42.060 Noise source exemptions.

The following activities shall be exempt from the provisions of this chapter:

A. Activities conducted in unlighted public parks, public playgrounds and public or private school grounds, during the hours of 7 a.m. to dusk, and in lighted public parks, public playgrounds and public or private school grounds, during the hours of 7 a.m. to 11 p.m., including but not limited to school athletic and school entertainment events;

B. Any mechanical device, apparatus or equipment used, related to or connected with

emergency activities or emergency work;

C. Noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 6 p.m. on any day except Saturday or Sunday, or before 8 a.m. or after 5 p.m. on Saturday or Sunday;

D. Noise sources associated with the maintenance of residential property provided such activities take place between the hours of seven a.m. to dusk on any day except Saturday or Sunday, between the hours of 8 a.m. to dusk on Saturday or Sunday;

E. Noise sources associated with agricultural activities on agricultural property;

F. Noise sources associated with a lawful commercial or industrial activity caused by mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter. This exemption shall expire 1 year after the effective date of this chapter;

G. Noise sources associated with the collection of waste or garbage from property devoted to commercial or industrial uses;

H. Any activity to the extent regulation thereof has been preempted by state or federal law. (Ord. 764 § 3 (part), 1993)

8.42.070 Air conditioning and refrigeration.

Notwithstanding the provisions of Section 8.42.040 or 8.42.050, where the intruding noise source when measured as provided in Section 8.42.030 is an air-conditioning or refrigeration system or associated equipment installed prior to the effective date of this chapter, the exterior noise level shall not exceed 55 dBA, except where such equipment is otherwise exempt from the provisions of this chapter. The exterior noise level shall not exceed 50 dBA for such equipment installed or in use after 1 year after the effective date of this chapter. (Ord. 764 § 3 (part), 1993)

8.42.080 Electrical substations.

Notwithstanding the provisions of Sections 8.42.040 and 8.42.050, noise sources associated with the operation of electrical substations shall not exceed 50 dBA when measured as provided in Section 8.42.030. (Ord. 764 § 3 (part), 1993)

8.42.090 Variances.

A. The owner or operator of a noise source which the enforcement officer has determined violates any of the provisions of this chapter may file an application with the enforcement officer for variance from strict compliance with any particular provisions of this chapter where such variance will not result in a hazardous condition or a nuisance and strict compliance would be unreasonable in view of all circumstances. The owner or operator shall set forth all actions taken to comply with such provisions and the reasons why immediate compliance cannot be achieved. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or fixed sources under common ownership on a single property may be combined into one application.

B. Upon receipt of a complete application and fee, and within 30 days thereafter, the

enforcement officer shall either (1) approve such request in whole or in part, (2) deny the request, or (3) refer the request directly to the city council for action thereon in accordance with the provisions of this chapter. In the event the variance is approved, reasonable conditions may be imposed which may include restriction on noise level, noise duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation. The decision of the enforcement officer is subject to appeal to the city council for a public hearing by filing a written appeal with the enforcement officer not later than 15 days following the date of the enforcement officer’s written decision to the applicant.

C. Factors which the enforcement officer or the city council must consider shall include but not be limited to the following:

- 1. Present and potential uses of property within the area affected by noise;
- 2. Factors related to initiating and completing all remedial work;
- 3. Age and useful life of the existing noise source; and
- 4. The general public interest, health, safety and welfare.

D. The applicant may appeal the decision of the enforcement officer to the city council by filing a notice of appeal with the city clerk. The city council shall either affirm, modify or reverse the decision of the enforcement officer. Such decisions shall be final and shall be based upon the considerations set forth in this section. (Ord. 764 § 3 (part), 1993)

8.42.100 Violation—Enforcement.

A. The violation of any of the provisions of this chapter shall be an infraction as specified in Chapter 1.12 of this code. The provisions of this chapter may also be enforced by a court-ordered injunction brought by the city. Any violation of the provisions of this chapter shall be deemed to be a public nuisance.

B. Except as otherwise provided herein, violations of any provisions of this chapter shall be as follows:

Violation	Penalty
First	Written notification
Second	\$100 fine
Third	\$200 fine
Fourth or subsequent violations	\$500 fine

C. The enforcement officer shall enforce the provisions of this chapter. Right of entry for inspection shall be as provided in Chapter 1.08 of this code. (Ord. 764 § 3 (part), 1993)