

## Chapter 10.30 SOUND LIMITATIONS

### Sections:

[10.30.010](#) Scope.

[10.30.020](#) Definitions.

[10.30.030](#) Noise limits.

[10.30.040](#) Excessive noise.

[10.30.050](#) Exemptions.

[10.30.060](#) Violations.

[10.30.070](#) Payment of fines.

[10.30.080](#) Sound from radios, tape players, cassette tape players, compact disc players, loud speakers and sound amplifiers.

[10.30.090](#) Penalty.

### **10.30.010 Scope.**

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This chapter shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City. [Ord. G-81-18, passed 5-12-81. 1982 Code § 75.01; 1983 Code § 7.75.01.]

### **10.30.020 Definitions.**

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(A) 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” 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 as dB(A) or dBA.

“Decibel (dB)” means a unit for measuring the volume 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 (20 micronewtons per square meter).

“Light motor vehicle” means any automobile, van, motorcycle, motordriven cycle, motorscooter, dune buggy, snowmobile, all-terrain vehicle, go-cart, mini-bike, trail bike, or truck with a gross vehicular weight of less than 8,000 pounds.

“Modified and defective exhaust system” means an exhaust system in which the original noise abatement devices have been physically altered, causing them to be less effective in reducing noise than their original devices, or devices which have been added to the original noise

abatement devices so that noise levels are increased.

“Noise level” means the A-weighted sound level produced by or from a motor vehicle.

“Person” means any individual, association, partnership, or corporation which includes any officer, employee, department, agency, or instrumentality.

“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. This instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on a dB(A) scale.

“Traffic noise” means sound made by or from a motor vehicle operated either on public property or right-of-way or on private property.

(B) All definitions and terminology used in this chapter and not defined in subsection (A) of this section shall be defined in conformance with an applicable publication of the American National Standards Institute (ANSI), or its successor body. [Ord. G-81-18, passed 5-12-81. 1982 Code § 75.02; 1983 Code § 7.75.02.]

#### **10.30.030 Noise limits.**

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It shall constitute a violation of this chapter for any person to cause noise levels from the operation or use of light motor vehicles in excess of 80 dB(A) in any area within the corporate limits of the City, at any time. This noise level limit shall be measured at a distance of not less than 15 feet from the noise source. [Ord. G-81-18, passed 5-12-81. 1982 Code § 75.03; 1983 Code § 7.75.03.]

#### **10.30.040 Excessive noise.**

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It shall constitute a violation of this chapter for any person to operate, cause to operate, or use a light motor vehicle so as to cause excessive noise levels as a result of a defective or modified exhaust system; acceleration, deceleration, revving, or tire squeal; or the operation of audio devices such as, but not limited to, radios, phonographs, and tape players on or from the vehicle. [Ord. G-81-18, passed 5-12-81. 1982 Code § 75.04; 1983 Code § 7.75.04.]

#### **10.30.050 Exemptions.**

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The following are exempted from the provisions of this section:

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Burglar alarms on light motor vehicles of the electronic signaling type which transmit an audible signal to a receiver which can be carried by the owner or operator of the vehicle.

(C) Duly authorized parades. [Ord. G-81-18, passed 5-12-81. 1982 Code § 75.05; 1983 Code § 7.75.05.]

#### **10.30.060 Violations.**

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(A) In any prosecution for a violation of this chapter, the court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment. A person shall be found to have violated this chapter for the emission of excessive noise from or on any motor vehicle source in excess of the limitations established herein.

(B) Any person violating any provisions of this chapter may be issued a citation for a violation of City ordinance. Whenever any law enforcement officer issues a citation for violation of this chapter, he shall take down the name, address, operator's license number, and registration number of the vehicle if readily available and shall issue to the alleged violator in writing, on the form provided by the City Clerk, a citation for a violation of this chapter. [Ord. G-81-18, passed 5-12-81. 1982 Code § 75.06; 1983 Code § 7.75.06.]

#### **10.30.070 Payment of fines.**

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All fines and penalties shall be payable to the Violations Bureau located in the office of the City Clerk. [Ord. G-81-18, passed 5-12-81. 1982 Code § 75.07; 1983 Code § 7.75.07.]

#### **10.30.080 Sound from radios, tape players, cassette tape players, compact disc players, loud speakers and sound amplifiers.**

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(A) "City-owned property" shall mean any right-of-way, property in which the City is the title holder of record, or property in which the City owns a leasehold interest.

"Minor" shall mean a person under 18 years of age.

(B) No person shall play, use, operate or permit to be played, used or operated any radio, tape player, cassette player, compact disc player, loud speaker, sound amplifier or other device designed for generating or reproducing sound, if it is located in or on any of the following:

(1) Any City-owned property, including, but not limited to, any street, alley, highway, sidewalk, park or other City-owned property; or

(2) Any motor vehicle on a public street, alley, highway, park or other City-owned property;

and if the sound generated is audible by another human being at a distance of 30 feet from the device producing the sound.

(C) Possession by a person or persons of any of the sound-generating machines or devices enumerated in subsection (B) of this section shall be prima facie evidence that such person operates, or those persons operate, the machine or device.

(D) The generation of sound in violation of this chapter is deemed to be a public nuisance.

(E) Exemptions.

(1) This section shall not apply to properly operating vehicle alarms, authorized emergency vehicles, vehicle horns used as a warning of danger or public safety officials acting within the scope of their authority.

(2) This section shall not apply to licensed festivals, parades or any activity authorized by the Board of Public Works, Parks Board, Safety Board or other governmental board having jurisdiction and control over the property.

(F) This section shall be considered a separate and distinct regulation and violation from EMC [10.30.040](#); however, the penalties provided in EMC [10.30.090](#) shall apply.

(G) A custodial parent shall be responsible for ensuring a minor child complies with this chapter and is responsible for any fine imposed. [Ord. G-99-9, passed 4-26-99. 1983 Code § 7.75.08.]

**10.30.090 Penalty.**

(A) A person who violates EMC [10.30.030](#), [10.30.040](#) or [10.30.080](#) shall be subject to the following fines:

First offense	\$50.00
Second offense	\$200.00
Third or subsequent offense	\$350.00

However, if a second or subsequent offense occurs more than two years after the prior offense for which a person paid a fine, the second or subsequent offense shall be treated as a first offense.

(B) In addition to the monetary penalties provided in subsection (A) of this section, a court may

enter injunctive relief to prevent future violations for maintaining a nuisance. [Ord. G-2003-23, passed 9-22-03; Ord. G-99-9, passed 4-26-99; Ord. G-81-18, passed 5-12-81. 1982 Code § 75.99; 1983 Code § 7.75.99.]

### **16.05.390 Regulation of noise.**

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(A) For purposes of this section, the following definitions shall apply:

“Affected district” means the area composed of all receiving properties as defined by this section.

“Ambient sound level” means the level of sound associated with a given environment.

“A-scale sound level (dB(A))” means the sound level in decibels as measured by the A-weighting network of a sound level meter.

“Commercial” means property having a zoning designation of C1, C2, C3, C4, M1 or M2 and operating in conformance with said zoning designation.

“Construction” means the on-site erection, fabrication, installation, alteration, demolition, or removal of a structure or part of a structure and activities related thereto, including, by way of example and not of limitation, earth moving, pile driving, and unloading of materials.

“Decibel (dB)” means a unit of measure on a logarithmic scale of the magnitude of a particular sound pressure as compared to a standard reference pressure. That reference pressure, for purposes of this section, is 0.0002 microbars or 20 micropascals.

“Industrial” means property having a zoning designation of M1 or M2 and operating in conformance with said zoning designation.

“Noise” means commercial or industrial sound which exceeds allowable standards.

“Receiving property” means a parcel of property upon which a specified sound can be heard, excluding the parcel of property upon which the sound is produced.

“Residential” means property having a zoning designation of R1, R2, R3, R4 or R5 and operating in conformance with said zoning designation.

“Sound shielding device” means a device, of whatever nature, which brings sound pressure levels into compliance with applicable standards. A sound shielding device may, for example, consist of a privacy fence or wall placed between a sound source and a

receiving property.

(B) The following are exempted from the provisions of this section:

(1) Sound emitted by required safety signals, safety devices, and unregulated safety valves.

(2) Sound emitted by sirens of authorized emergency vehicles.

(3) Sound caused by parades, outdoor concerts, sporting events, fireworks, automobiles, passenger trucks, motorcycles, locomotives, or other vehicles used for transportation, animals, and lawn and garden equipment operated by the owner or occupant or on behalf of the owner or occupant of the property on which the equipment is being operated.

(C) Noise Measurements and Enforcement.

(1) Readings taken for the enforcement of this section shall be taken on the slow response scale.

(2) Readings taken for the enforcement of this section shall be taken at or in close proximity to the receiving property line.

(3) Levels specified in subsections (D) (residential) and (E) (commercial/industrial) of this section shall be determined by the general nature of the affected district, and not the nature of the specific receiving property upon which the sound is measured. For example, if an affected district is primarily industrial in nature, the limits prescribed in subsection (E) of this section are applicable, even if the particular parcel upon which the sound is measured is residential in nature.

(D) Noise Limitations – Residential Areas.

(1) No person shall cause the emission of noise which exceeds 75 db(A), when measured in accordance with subsection (C) of this section, except as otherwise provided in this section.

(2) In the event that a need arises for repairs in a residential area, the sound limits provided by this subsection are suspended and the sound limits provided by subsection (F) of this section (construction) shall apply for the amount of time needed to make the required repair.

(E) Noise Limitations – Commercial and Industrial Areas. Except for grounds maintenance activities occurring between 6:00 a.m. and 9:00 p.m., no person shall cause the emission of

noise which exceeds 75 dB(A) when measured in accordance with subsection (C) of this section. In the event that a need arises for repairs in a commercial or industrial area, the sound limits provided by this subsection are suspended and the sound limits provided by subsection (F) of this section (construction) shall apply for the amount of time needed to make the required repair.

(F)Noise Limitations – Construction.

(1)Noise produced by construction activities shall not exceed 80 dB(A), except as otherwise provided in this section.

(2) In the event that construction work exceeds the applicable limits for more than two hours, and will continue for more than one day, a sound shielding device must be placed in such a way as to bring the sound emitted by the construction within the specified limits.

(G)Chimes and Bells.

(1)Chimes and bells on stationary sources not regulated by other provisions contained in this section, and which are electronically amplified, shall be set so as not to exceed 75 dB(A) from 6:00 a.m. to 10:00 p.m., when measured in accordance with subsection (C) of this section.

(2) During hours of the day not covered by subsection (G)(1) of this section, the sound pressure levels from amplified chimes and bells shall not exceed 70 dB(A).

(3)Chimes and bells which are not electronically amplified or controlled shall be exempted from the requirements of this section.

(H)High Ambient Noise Levels – Adjustment.

(1)Any person whose activities are subject to limitations of subsection (D), (E) or (F) of this section may seek a written permit from the agency to allow his activities to exceed the limitations of those sections by no more than five decibels for a period of time to be set by the agency and stated in the permit.

(2) The agency may, in its discretion, issue a permit to operate at five decibels above the otherwise applicable limit. Those permits may be made conditional by the agency. [Ord. G-2010-11 § 1, passed 4-13-10; Ord. G-2006-30, passed 1-10-07; Ord. G-81-53, passed 12-14-81. 1962 Code, Art. 3, Ch. 17, §§ 44 – 47, 49, 50; 1982 Code §§ 30.236 – 30.239, 30.241, 30.242; 1983 Code §§ 3.30.236 – 3.30.243. Formerly 16.05.390 through 16.05.460.]

