

ARTICLE 10.

SOUND CONTROL REGULATIONS

SEC. 7.10.001. DECLARATION OF PURPOSE.

It is found and declared that the making, creation, or maintenance of excessive, unnecessary, unnatural, or unusually loud sounds which are prolonged, unusual or unnatural in their time, place, and use are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of Independence. Therefore, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, and the peace and quiet of the City of Independence and its inhabitants.

SEC. 7.10.002. DEFINITIONS.

All terminology used in this Article, not specifically defined, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. For the purpose of this Article, certain words and phrases used herein are defined as follows:

A-WEIGHTED SOUND LEVEL means sound pressure in decibels as measured on a sound level meter using the A-weighting scale. The level so read is designated dB(A) or dBA.

AMBIENT SOUND is the all-encompassing sound associated within a given environment, being usually a composite of sounds from many sources, near and far.

COMMERCIAL DISTRICT means those districts designated by listing in Section 14.01.030 of the Independence City Code.

DECIBEL (dB) means a unit of measuring the volume of a sound, equal to 20 times the logarithm to the base of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

EMERGENCY WORK is work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

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 include explosions, drop-forge impacts, and the discharge of firearms.

MANUFACTURING DISTRICT means those districts designated by listing in Section 14.01.031 of the Independence City Code.

PERSON means any person, firm, association, partnership, joint venture, corporation, or any entity public or private in nature.

PERIODIC SOUND means sound that has a discernable pattern or cycle that repeats itself. Examples of sources of periodic sounds are electric motors, a door buzzer and a plucked guitar string.

PLAINLY AUDIBLE means any sound that can be differentiated from ambient sound.

PUBLIC PROPERTY means any street, alley, building, sidewalk, park, or other real property that is owned, leased or controlled by any local, County State or Federal political jurisdiction.

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.

RESIDENTIAL DISTRICT means those districts designated by listing in Section 14.01.029 of the Independence City Code.

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 the medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

SOUND DISTURBANCE means the playing of any radio, stereo, television or other electronic or musical device; the sounding of any horn, siren or other similar device; or the operation of any electrical, pneumatic or other mechanical device that annoys, distracts, disturbs or otherwise offends a reasonable person of normal sensitivities.

SOUND LEVEL means the weighted sound pressure level, such as A, B, C as specified in American National Standards Institute Specifications for Sound Level Meters (ANSI S 1.4-1971, or the latest approved revision thereof) obtained by the use of a sound level meter when such meter is operated in accordance with the manufacturer's instructions. If the frequency weighting to be employed is not indicated by this Article, the A-weighting shall apply.

SOUND-LEVEL METER is an instrument that measures sound pressure levels.

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.

SOUND SENSITIVE ZONE means any area designated for the purpose of insuring exceptional quiet and reduced sound levels.

STREET means a public right-of-way identified on a recorded plats or by a separately recorded instrument, as a public street that affords principal means of vehicular access to abutting property.

SEC. 7.10.003. SOUND DISTURBANCES PROHIBITED

No person shall make, continue to make, or cause to be made, any sound disturbance on private property which, by being unusually or excessively loud, or unnecessary, annoys or disturbs a reasonable person of normal sensitivities.

SEC. 7.10.004. EXCESSIVE SOUNDS PROHIBITED ON PUBLIC PROPERTY

A. It shall be unlawful for any person to make, or cause to be made, on public property any sound disturbance or any excessive, unnecessary, or unusually loud sound or any sound that violates this Article. The following acts, and the causing thereof, are specifically declared to be in violation of this Article:

1. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, loudspeaker, public address system or similar device which produces, reproduces, or amplifies sound:

- a. In such a manner as to be plainly audible at a distance of twenty five feet (25') or more from such device.
- b. In such a manner as to be plainly audible on a common carrier to any person other than the operator of the device.

2. Yelling, shouting, hooting, whistling, or singing on the public streets that is plainly audible between the hours of 11:00 P.M. and 7:00 A.M.

3. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive sound therefrom.

4. The creation of any sound on any street adjacent to any school, institution of learning, church, court or hospital, which unreasonably interferes with the workings of such institution, provided that conspicuous signs are displayed in such streets indicating the presence of the institution and designating sound sensitive zones as approved by the Director of Public Works.

SEC.7.10.005. MAXIMUM SOUND LEVELS FROM MOTOR VEHICLES OPERATED ON CITY STREETS

It shall be unlawful to operate or cause to be operated a motorized vehicle on the City streets which creates a sound that exceeds the limits set out in Table I or Table II below:

**TABLE I
MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS
(Measured at 50 Feet or 15 Meters)**

	35 MPH or less	more than 35 MPH	Stationary
Trucks and Buses, 10,000 GVW or more	86 dBA	90dBA	88dBA
Trucks and buses under 10,000 GVW	80 dBA	84 dBA	82 dBA
Any Motorcycle	82 dBA	86 dBA	84 dBA
Any other motor vehicle or combination of motor vehicles	78 dBA	82 dBA	80 dBA

**TABLE II
MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS
(Measured at 25 feet or 7.5 Meters)**

	35 MPH or less	more than 35 MPH	Stationary
Trucks and Buses, 10,000 GVW or more	93 dBA	97 dBA	95 dBA
Trucks and buses under 10,000 GVW	86 dBA	90 dBA	88 dBA
Any Motorcycle	88 dBA	92 dBA	90 dBA
Any other motor vehicle or combination of motor vehicles	84 dBA	88 dBA	86 dBA

SEC. 7.10.006. SOUND LEVELS BY RECEIVING LAND USE

No person shall operate or cause to be operated on private property any source of continuous, periodic or impulsive 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 III when measured at or within the property boundary of the receiving land use.

TABLE III

Smooth, Continuous Sound	Receiving Land Use	Time	Sound source operates continuously	Sound source operates < 20% of any one-hour period	Sound source operates < 5% of any one-hour period	Sound source operates < 1% of any one-hour period
	Residential	8a.m. - 10p.m.	60 dBA	65 dBA	70 dBA	75 dBA
	Residential	10p.m - 8a.m.	50 dBA	55 dBA	60 dBA	65 dBA
	Commercial	all times	62 dBA	67 dBA	72 dBA	77 dBA
Impulsive or Periodic Sound	Residential	8a.m - 10p.m.	60 dBA	60 dBA	65 dBA	70 dBA
	Residential	10p.m-8a.m.	50 dBA	50 dBA	55 dBA	60 dBA
	Commercial	all times	62d dBA	62 dBA	67 dBA	72 dBA

SEC. 7.10.007. SOUND LIMITS IN OTHER SITUATIONS.

A. Notwithstanding any other provision of this Article, certain activities, because of their nature, are subject to the following specific standards:

1. Loading and unloading of delivery trucks and opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall not be allowed outside a fully enclosed building between the hours of 10:00 p.m. and 6:00 a.m.
2. The erection (including excavation), demolition, alteration, or repair of any building shall not be allowed between sunset and sunrise, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official. Such permit may be granted for a period not to exceed three (3) days, and may be renewed for periods of three days or less while the emergency continues.
3. It shall be unlawful to sustain for more than thirty (30) seconds, in any enclosed place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, any sound in excess of 95 dBA.
4. It shall be unlawful for any person to operate or cause to be operated any type of aircraft over the City which produces noise levels exceeding 87 dBA at ground level.

SEC. 7.10.008. EXEMPTIONS FROM SOUND LEVEL RESTRICTIONS

A. The following uses and activities shall be exempt from sound level regulations contained elsewhere in this Article:

1. Properly functioning safety signals, warning devices, and emergency pressure relief valves;
2. Any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;
3. Activities of a temporary duration for which a license or permit therefore has been granted by the City in accordance with Section 7.10.007.A.2;
4. Aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction used pursuant to and within duly adopted Federal air regulations;
5. Routine lawn care and maintenance in residential districts when gasoline-powered, lawn-care equipment such as lawn mowers, lawn and garden tractors, string-trimmers, and leaf blowers are operated between the hours of 8:00 am and 8:00 pm;
6. Snow-blowers in residential districts when used to remove accumulations of snow from hard-surfaced areas such as walks and drives;
7. Any activity conducted on property that is owned or controlled by a Local, County, State, or Federal government, when such activity has been authorized by such Local, County, State or Federal government.

SEC. 7.10.009. PERMIT FOR UNDUE HARDSHIP OR SPECIAL NEED

A. An application for a permit for relief from the sound levels designated in this Article, on the basis of undue hardship or special need, may be made to the City Manager or the City Manager's duly authorized representative. Any permit granted by the City Manager or the City Manager's representative shall contain all conditions on which said permit has been granted, including any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood and shall specify a reasonable time that the permit shall be effective. The City Manager, or the City Manager's representative, may grant the relief as applied for if it is found that:

1. The activity, operation, or source of the sound will be of temporary duration;
2. No other reasonable alternative is available to the applicant;
3. The applicant has furnished proof that notification was provided to the owners and/or occupants of all property within a reasonable distance from the source of the sound, and that the applicant has taken measures to alleviate any concerns of said owners and/or occupants.

SEC. 7.10.010. REGULATION OF EXISTING CONDITIONS

Any activity, operation, land use, or other source of sound that was existing at the time of the effective date of this Article and was in compliance with the provisions of the City Code prior to the adoption of this Article, may continue if discontinuance would constitute an unnecessary hardship, provided that in the event that such existing activity, operation, land use, or source of sound is discontinued, or otherwise stopped for a period of one (1) year or more, the same shall thereafter conform to the provisions of this Article. Provided, further, that said existing activity, operation, land use, or other source of sound shall not be enlarged, extended, reconstructed, or altered. When such activity, operation, use or source of sound is damaged by fire, explosion or other casualty, Act of God, or the public enemy, to the extent of more than fifty percent (50%) of its reasonable value, exclusive of foundations, it shall not be restored, rebuilt, or repaired unless it is made to conform to the provisions of this Article.

SEC. 7.10.011. PENALTY.

Any person violating any of the provisions of this Article shall upon conviction thereof be fined in an amount not exceeding Five Hundred Dollars (\$500), or be imprisoned in the City jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SEC. 7.10.012. MANNER OF ENFORCEMENT.

A. The Chief of Police, or the Chief's designate, shall be responsible for enforcement of Sections 7.10.003; 7.10.004; 7.10.005 and 7.10.007 of this Article.

B. The Director of Health, or the Director's designate, shall be responsible for enforcement of Section 7.10.006 of this Article.

C. When specific sound levels are specified by this Article, such sound levels shall be measured with a sound level meter in accordance with the directions provided by the manufacturer of the sound level meter.

SEC. 7.10.013. ADDITIONAL REMEDY - INJUNCTION.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of this Article which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SEC. 7.10.014 - 7.10.999 RESERVED.