

Sections:

9.28.010 Repealed. (Ord. 3381, 2008; Prior code §21-11.1 (part)).

9.28.020 Repealed. (Ord. 3381, 2008; Prior code §21-11.1 (part)).

9.28.030 Repealed. (Ord. 3381, 2008; Prior code §21-11.1 (part)).

## Chapter 9.30

### NOISE CONTROL

Sections:

[9.30.010 Declaration of policy.](#)

[9.30.020 Definitions.](#)

[9.30.030 Creating excessive noise prohibited.](#)

[9.30.035 Jake brakes prohibited.](#)

[9.30.040 Maximum permissible noise levels.](#)

[9.30.050 Measurements of noise.](#)

[9.30.060 Action to abate nuisance.](#)

[9.30.070 Permit for relief from noise level.](#)

[9.30.080 Violation--Penalty.](#)

9.30.010 Declaration of policy. It is declared to be the public policy of the city to regulate the ambient noise levels in the city so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city. It is the public policy of the city that every person is entitled to live in an environment where ambient noise levels are not detrimental of life, health and enjoyment of his property and community. It is declared that the making, creation and maintenance of excessive and unnecessary noises within the city level and a reference sound pressure level is twenty times the logarithm of their ratio (i.e.,  $SPL(dB) = 20 \log Pa/Po$  e.g. an increase of 6 decibels (dB) represents a doubling of the sound pressure level, and a decrease of 6 dB represents a halving of the sound pressure level (SPL).)

9.30.020 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings set out below:

- A. "Commercial zone" means all those areas designated as commercial districts according to the city zoning laws and including those areas zoned "C-1," "C," "C-II," and "SC" Shopping Center.
- B. "dB(A)" means sound level in decibels measured on the "A" scale of a standard level meter having characteristics defined by the American National Standards Institute in their applicable standards.
- C. "Decibel" means a unit used to express the magnitude of the change in sound intensity or some pressure level. The difference in decibels between a measured sound pressure level and a reference sound pressure level is twenty times the logarithm of their ratio (i.e.,  $SPL(dB) = 20 \log Pa/Po$  e.g. an increase of 6 decibels (dB) represents a doubling of the sound pressure level, and a decrease of 6 dB represents a halving of the sound pressure level (SPL).)
- D. "Health" means an optimal state of physical, mental and emotional well-being, and not merely the absence of disease.
- E. "Industrial zone" means all those areas designated as Industrial districts according to the city zoning laws and including those areas zoned "I-11."
- F. "Light industrial zone" means all those areas designated as Light Industrial districts according to Title 19 and including those areas zoned "D" and "I-1."
- G. "Open Space and Public Lands zone" means all those areas designated as Open Space and Public Lands

districts according to the city zoning laws and including those areas zoned "P-I" and "P-II."

H. "Residential zone" means all those areas designated as essentially residential districts according to the city zoning laws and including those areas zoned "A," "B," "BN," "BC," "RH," "R-1," "R-II," "R-III," "R-IV," "R-V," "R-VI," "RR-I," and "PUD." (Prior code §20A-2).

I. "Emergency Backup Generator" means electrical generating equipment used for a short term secondary power supply. (Ord. 3321, 2006; Prior code §20A-2).

9.30.030 Creating excessive noise prohibited.

A. The making and creating of an excessive or unusually loud noise within the city as heard without measurement or as measured in the manner prescribed in Section 9.30.050, is declared to be unlawful, **except when made under and in compliance with a permit issued pursuant to Section 9.30.070**, or except when made by an emergency backup generator as defined in Section 9.30.020.I.

B. No person shall operate any vehicle, machine or device or carry on any other activity in such a manner as violates this chapter. (Ord. 3321, 2006; Prior code §20A-3).

9.30.035 **Jake brakes prohibited. No person operating a motor vehicle shall use jake brakes (engine compression brakes) to slow a vehicle except in emergency stopping situations within the city limits as well as certain other locations within five miles of the city limits. The locations outside the city limits shall be determined jointly by the city engineer and the county surveyor upon request and approval by the county commissioners.**

This section may not be enforced against an operator of a motor vehicle until such time as appropriate signs in the proper position with the appropriate legend informing the motorist are placed. (Ord. 2914, 1994).

9.30.040 Maximum permissible noise levels.

A. **Sound levels of noise radiating to a distance of twenty-five feet or more from a source within the public right-of-way or from a private or public property line in excess of the dB(A) levels established for the time periods and zones listed in this section shall constitute prima facie evidence the noise is a public nuisance and a violation of this chapter.**

Zone	SOUND PRESSURE LEVEL LIMITS (in dB (A))		
	Day 7:00 a.m. to 7:00 p.m.	Evening 7:00 p.m. to 10:00 p.m.	Night 10:00 P.M. to 7:00 a.m.
Residential	60	55	50
Commercial	65	60	55
Light industrial	70	65	60
Heavy industrial	80	75	70
	7:00 p.m. to 11:00 P.M.	11:00 P.M. to 7:00 a.m.	
Commercial	65	55	
Special event			

**The decibel noise level with respect to special events shall be measured at the closest point of complaint as requested by the complainant. For purposes of the noise ordinance a "special event" shall have the same meaning as that term is defined in Section 12.58.020.**

**When a noise source can be identified and its noise measured in more than one zone, the sound pressure level limits of the most restrictive zone shall apply, at the zone boundary.**

B. In the hours between seven a.m. and the next seven p.m., the noise levels permitted in subsection (A) of this section may be increased by ten dB(A) for a period not to exceed fifteen minutes in any one-hour period.

C. Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority. If no time limitation is imposed, then for a reasonable period for completion of project.

D. All railroad rights-of-way shall be considered as industrial zones for the purposes of this chapter, and the operation of trains shall be subject to the maximum permissible noise levels specified for such zone.

E. This chapter is applicable to the use of property for purposes of conducting speed or endurance events involving motor or other vehicles, except during the specific period or periods of time within which such use of the property is authorized by the jurisdictional authorities.

F. Except for such vehicles as are designed exclusively for racing purposes, no person shall sell or offer for sale a new motor vehicle or any self-propelled vehicle designed for off-highway use which produces a maximum noise exceeding the following noise limits as measured at a distance of twenty-five feet from the center of the lane of travel or twenty-five feet from such vehicle designed for off-highway use, under test procedures established by the city council or its designee. All motorcycles operated in the streets and highways of the city shall be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order and in constant operation. The permissible noise levels for motor vehicles or refrigeration units on public rights-of-way and other places are as follows:

- |   |         |
|---|---------|
| 1. Any motorcycle, including motor-driven cycle.....                          | 80dB(A) |
| 2. Any motor vehicle with gross vehicle rating of 10,000 pounds or more ..... | 86dB(A) |
| 3. Any other motor vehicle.....   | 80dB(A) |
| 4. Any motor vehicle designed and operating off the public right-of-way.....  | 80dB(A) |

G. The requirements, prohibitions and terms of this chapter shall not apply to warning signal devices of any authorized emergency vehicle acting in time of emergency. Nor shall these terms apply to activities of a temporary duration permitted by law and for which a license or permit has been granted by the city, including, but not limited to, parades and fireworks displays.

H. Operating or permitting to be operated, any loudspeaker or other source of amplified sound in such a manner as to violate the permissible noise exposures of the U.S. Occupational Safety and Health Act (OSHA) for any employees in any enclosed place of public entertainment shall be a violation of this chapter. (Ord. 2902 §1, 1994; Ord. 2622 §1, 1988: prior code §20A-4).

9.30.050 Measurements of noise. For the purpose of determining and classifying any noise as excessive or unusually loud, as prohibited by this chapter, the following test measurements and requirements may be applied; but a violation of Section 9.30.030 may occur without the following measurements:

A. The noise shall be measured on a sound level meter meeting current American National Standard Institute standards, operated on the "A" weighted scale.

B. In all sound level measurements, ambient noise shall be at least 10 dB(A) below the specific noise source being measured.

C. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time of such sound level measurements. (Prior code §20A-5)

9.30.060 Action to abate nuisance. Whenever there is reason to believe a nuisance exists as defined in Section 9.30.040, any resident of the city may maintain in action in equity in the district court to abate and prevent such

nuisance and to perpetually enjoin the person conducting or maintaining the same, and the owner, lessee or agent of the building or place in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance. The court may stay the effect of any order issued under this section for such time as is reasonably necessary for the defendant to come into compliance with the provisions of this chapter. (Prior code §20A-6)

9.30.070 Permit for relief from noise level. Applications for a permit for relief from the noise level designated in this chapter, on the basis of undue hardship, may be made to the city council or its duly authorized representative. Any permit so granted shall contain all conditions upon which it has been granted and shall specify a reasonable time that the permit shall be effective. The city council, or its duly authorized representative, may grant the relief as applied for if it finds:

A. That additional time is necessary for applicant to alter or modify his activity or operation to comply with this chapter; or

B. The activity, operation or noise source will be of temporary duration and cannot be done in a manner complying with Section 9.30.040(A); and

C. That no other reasonable alternative is available to applicant; and

D. The city council may prescribe any conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood. (Prior code §20A-7).

9.30.080 Violation--Penalty.

A. Any person, partnership, association or corporation violating the provisions of this chapter shall be fined not more than three hundred dollars, and each offense or violation of this chapter shall be deemed a separate and distinct offense.

B. Any person selling or offering for sale a vehicle in violation of Section 9.30.040(A) shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars. (Prior code §20A-8).

## Chapter 9.32

### SOUND DEVICES

Sections:

[9.32.010 Transportation of sound devices through city.](#)

[9.32.020 Permit requirement.](#)

9.32.010 Transportation of sound devices through city. The construction, maintenance, operation, moving, carrying or transportation beside, along or upon any street, alley or public highway within the city of any radio, phonograph or other musical instrument, or other sound producing device, while same is producing, or reproducing sound, song, speech or music is declared to be a nuisance and is prohibited, except as provided in Section

9.32.020. (Prior code §21-28).

9.32.020 Permit requirement.

A. The chief of police, upon application, has the power to issue a permit to any person to use or operate a radio, phonograph or other sound producing device beside, along or upon any public highway within the city. Any person to whom a permit is issued under this section shall operate all sound producing devices in compliance with Chapter 9.30 relating to noise control.

B. Upon receipt of evidence that the permit-holder is not operating in compliance with Chapter 9.30, the chief of police may suspend the permit. In the event that the permit is suspended, the permit holder may seek removal of the suspension from the city council at the next regular meeting thereof. At such meeting the council may revoke the permit, reinstate the permit, or reinstate the permit subject to conditions. (Ord. 2042 §4, 1979: prior code §2129) .