

§ 93.21 COMMUNITY NOISE LEVEL STANDARDS; MEASUREMENT.

(A) *Sound levels by receiving land use.*

(1) No person shall create, cause to be created, permit to be created, or otherwise generate any source of sound in a manner that creates a sound level which exceeds the following limits for the receiving land use category when measured at or within the property line of the receiving land use.

<i>Sound Level Limits by Receiving Land Use</i>		
<i>Receiving Land Use Category</i>	<i>Time</i>	<i>Sound Level Limit</i>
Residential area	7 a.m. to 10 p.m.	65 dB(A)
Residential area	10 p.m. to 7 a.m.	55 dB(A)
Commercial area	7 a.m. to 10 p.m.	75 dB(A)
Commercial area	10 p.m. to 7 a.m.	65 dB(A)
Industrial area	All times	75 dB(A)

(2) When a noise source can be identified and its sound measured in more than one land use category, the sound level limit of the most restrictive land use category shall apply.

(B) *Measurement procedure.* The sound level meter shall be operated according to the instrument manufacturer’s instructions and as follows.

(1) *Microphone orientation.* The microphone shall be pointed toward the allegedly offensive noise source, unless the instrument manufacturer’s instructions specifically indicate otherwise.

(2) *Meter setting.* The meter shall be set for the A-weighted network and slow response mode.

(3) *Calibration.* An external calibration check and battery check shall be made before and after each use.

(4) *Meter readings.* The recorded reading shall be the highest sound level obtained with the allegedly offensive noise source in operation, disregarding unrelated peaks due to extraneous ambient noises.

(5) *Ambient conditions.* Measurements shall be made only when the A-weighted ambient sound level, including wind effects and all sources other than the noise source being measured, is at least 10 dB(A) lower than the sound level of the noise source being measured; provided, however, that no source shall emit noise in excess of 86 dB(A) when measured 25 feet or more from the source.

(6) *Location.* Sound levels shall be measured at the approximate location of the property line or the boundary of the public property, at a height at least four feet above the immediate surrounding surface.

(7) *Operator location.* In no case shall the operator or observer be closer than two feet from the system’s microphone, nor shall he or she locate himself or herself between the microphone and the

noise source being measured.

(C) *Specifically excluded.* This section does not apply to motor vehicles or sound amplification systems operated on public property.

(Ord. 1317, passed 9-6-01) Penalty, see § 10.99

§ 93.22 NOISE LEVEL STANDARDS; MOTOR VEHICLES AND SOUND AMPLIFICATION SYSTEMS.

(A) *Sound levels by sound amplification system.* No person shall play, use, operate, or permit to be played, used, or operated any sound amplification system if it is located in or on any of the following, and if the sound generated is plainly audible to any other person measured at a distance at least 100 feet from the sound amplification system:

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

(2) Any motor vehicle on a public street, alley, highway, park, or other public property.

(B) *Sound levels by motor vehicles.*

(1) No person shall operate any motor vehicle on a public street, alley, highway, park, or other public property in which the engine, muffler, exhaust, and/or other noise control equipment has been altered, removed, or maintained in disrepair so as to generate a sound plainly audible to any other person measured at a distance at least 100 feet from the motor vehicle.

§ 93.26 SPECIFIC PROHIBITED NOISES.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive, namely:

(A) The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of a vehicle signaling device of any unreasonably loud or harsh sound, and the sounding of such a device for an unnecessary and unreasonable period of time; or the use of any signaling device except one operated by hand or electricity, the use of any horn, whistle, or other device operated by engine exhaust, and the use of any such signaling device when traffic for any reason is held up;

(B) The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in a manner so as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the room, vehicle, or chamber in which the device is operated and who are voluntary listeners thereto. The operation of this type of set, instrument, phonograph, machine, or device between the hours of 11 p.m. and 7 a.m. in a manner so as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section;

(C) The using, operating, or permitting to be played, used, or operated any radio, receiving set,

musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure; provided, however, that any person or organization upon petition to the Chief of Police or Acting Chief of Police of the city may secure a permit to operate a loudspeaker for a temporary time and under conditions as approved by the Police Department, provided the proposed use is determined by the police to be in the public interest of the citizens of the city;

(D) The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity;

(E) The blowing of any locomotive steam whistle or air horn or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon the request of the proper city authorities;

(F) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud, vibrating, or explosive noises therefrom;

(G) The erection, including excavation, demolition, alteration, or repair of any building other than between the hours of 6:30 a.m. and 8 p.m. Monday through and including Saturday, and 10 a.m. and 8 p.m. on Sunday, except in cases urgently necessary in the interest of public health and safety, and then only with a permit to be issued by the Building Commissioner of the city;

(H) The operation between the hours of 10 p.m. and 7 a.m. of any pile driven steam shovel, pneumatic hammer, derrick steam or electric hoist, power lawn mower, or other appliances, the use of which is attended by loud or unusual noises, unless any specific use is specifically found by the city's Board of Public Works and Safety after petition thereto by any requesting party:

(1) To be in the public interest;

(2) To be in the best interests of the public benefit or welfare; or

(3) To be otherwise necessary for economic or other business interest or by reason that the prohibition of the use during that time period would provide an undue or unreasonable hardship on the party requesting the use, so long as that use shall not provide an undue and unreasonable hardship on any other party.

(I) The creation of any excessive noise on any street adjacent to any school, church, hospital, or nursing home while same are in use, which unreasonably interferes with the working of those institutions or which disturbs or unduly annoys patients in the hospital or nursing home, provided signs are displayed in those streets;

(J) The operation of any automobile, truck, or truck-tractor over the streets of the city so as to create unreasonable, loud, explosive, or vibrating noises which unreasonably prohibit the enjoyment of private property abutting the streets; or

(K) The running of any motor or permitting the running of any motor in an automobile, truck, tractor, or refrigerated trailer while the same is parked in any street, public way, or private parking lot within 100 feet of any residence within the city.

(83 Code, § 6-35) (Am. Ord. 1106, passed 9-11-89; Am. Ord. 1226, passed 11-18-96) Penalty, see § 10.99

§ 98.17 BARKING AND LOUD NOISES PROHIBITED.

No person owning any dog, cat or other domestic pet or animal shall suffer or permit such animal to disturb the peace, dignity and quiet of the neighborhood by barking or making other loud or unusual noise.

(Ord. 616, passed 5-3-76) Penalty, see § 98.99