

## CHAPTER 11

## NOISE STANDARDS AND REGULATIONS

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**Sec. 5-11.01. Purpose.**

The purpose of this chapter is to maintain a quiet and comfortable living environment and to protect residents from unhealthful levels of noise through the control of unnecessary, annoying and excessive sound. (§ 1, Ord. 731, eff. August 27, 1998)

**Sec. 5-11.02. Definitions.**

“Ambient noise” is the normal or existing level of environmental noise at a given location. It is the composite of all noise from sources near and far, excluding the alleged intrusive noise source.

“A-weighted sound level” means the sound level as measured on a sound level meter using the “A” weighting network. The level so read is designated in units of db(A).

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

“Impulsive noise” means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level (such as might be produced by the impact of a pile driver) typically with one second or less duration.

“Leaf blower” is any mechanical device used, designed or operated to produce a current of air by fuel, electricity or other means to push, propel, or blow cuttings, refuse or debris.

“Noise level limit” means the maximum noise level acceptable under this article for the stated period of time.

“Sound amplifying equipment” means any machine or device used for amplification of the human voice, music or other sound regardless of location, including such things as radios, stereos and compact disc players.

“Sound level meter” means an instrument used to measure sound levels which meets the standards of the American National Standards Institute.

(§ 1, Ord. 731, eff. August 27, 1998)

**Sec. 5-11.03. General noise regulations.**

(a) It is unlawful for any person to make or permit to be made any noise which disturbs the peace and quiet of any neighborhood or which causes physical discomfort to any reasonable person of normal sensitivity

in the area. Except as otherwise provided herein, no permit may be issued for any activity that may violate this section.

(b) The factors which may be considered in determining whether a violation exists include, but are not limited to, the following:

- (1) The sound level of the objectionable noise;
- (2) The sound level of the ambient noise;
- (3) The proximity of the noise to residential sleeping facilities;
- (4) The nature and zoning of the area within which the noise emanates;
- (5) The number of persons affected by the noise sources;
- (6) The time of day or night the noise occurs;
- (7) The duration of the noise and its tonal, informational or musical content;
- (8) Whether the noise is continuous, recurrent or intermittent;
- (9) Whether the noise is produced by a commercial or non-commercial activity.

(§ 1, Ord. 731, eff. August 27, 1998)

**Sec. 5-11.04. Noise standards and limits.**

(a) *Exterior noise standards.*

(1) The following exterior noise standards apply to residential and commercial/industrial zones within the City:

	<b>Time Period</b>	<b>Noise Level</b>
Residential Zone (includes Village Mixed Use)	7:00 a.m. to 10:00 p.m.	55 db
	10:00 p.m. to 7:00 a.m.	45 db
Commercial/ Industrial Zone	7:00 a.m. to 10:00 p.m.	65 db
	10:00 p.m. to 7:00 a.m.	55 db

(2) It is unlawful for any person at any location within 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, when the foregoing causes the noise level, when measured on any other residential or commercial/industrial property, to exceed the following noise levels measured in decibels on a cumulative basis per hour:

<b>Zones</b>	<b>Noise Standard</b>		<b>15 Minutes Duration/ Hour</b>		<b>Five Minutes Duration/ Hour</b>		<b>One Minute Duration/ Hour</b>	
			<b>Day</b>	<b>Night</b>	<b>Day</b>	<b>Night</b>	<b>Day</b>	<b>Night</b>
	<b>Day</b>	<b>Night</b>	<b>Day</b>	<b>Night</b>	<b>Day</b>	<b>Night</b>	<b>Day</b>	<b>Night</b>
Residential (includes Village Mixed Use)	55 db	45 db	60 db	50 db	65 db	55 db	70 db	60 db
Commercial/ Industrial	65 db	55 db	70 db	60 db	75 db	65 db	80 db	70 db

(b) *Interior noise standards.*

(1) The following interior noise standards apply to all residentially zoned parcels and dwelling units within the City:

Zone	Time Period	Interior Noise Standard
Residential	All hours	45 db

(2) It is unlawful for any person at any location within 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 when the foregoing causes the noise level, when measured within any other dwelling unit on any residential property, to exceed:

- (i) The interior standard for a cumulative period of more than five minutes in any hour;
- (ii) The interior noise standard plus five decibels for a cumulative period of more than one minute in any hour;
- (iii) The interior noise standard plus ten decibels for any period of time.

(c) *Ambient noise level exception.* In the event the existing ambient noise level exceeds any of the noise level limits in subsections A and B of this section, the noise level limit shall be increased in five (5) decibel increments as appropriate to encompass or reflect the ambient noise level.

(§ 1, Ord. 731, eff. August 27, 1998)

**Sec. 5-11.05. Special noise sources.**

Special regulations and/or prohibitions are established on the following specific noise sources; provided, however, that unless otherwise excepted, the following noise sources must nevertheless comply with the noise level limits set forth in Section 5-11.04 of this chapter.

(a) *Animals.* It is unlawful to keep, maintain or permit to be kept or maintained upon any premises, animals which make utterances, barks or cries which are so loud, so frequent and continued over so long a period of time that they deprive persons residing in two (2) or more separate residences in the neighborhood of the comfortable enjoyment of their home.

(b) *Car alarms, burglar alarms, horns and signaling devices.* Unnecessary use or operation of car alarms, burglar alarms, horns and signaling devices, on automobiles, motorcycles or any other vehicles is prohibited. It is unlawful for any person to cause, allow or permit any motor vehicle alarm registered in the name of, or driven by, such person to emit any audible sound within the City for a period of more than ten (10) minutes. It shall also be unlawful for any property owner or lessee/tenant of a real property to allow a burglar alarm to sound for more than ten (10) minutes. The time shall be calculated based upon the emission of the first audible sound, and ten (10) minutes thereafter, notwithstanding any variation or delay in the emissions of audible sound. Any violation of this section is declared a public nuisance. In addition to other remedies, if a motor vehicle alarm continues to be activated, any police officer may have the vehicle removed from any zone in the City to abate such nuisance at the owner's and/or responsible party's expense. In the case of burglar alarms, the owner or lessee/tenant of the property shall be subject to a citation if the alarm sounds for more than ten (10) minutes.

(c) *Construction.* Any person who operates powered construction equipment, erects, constructs, demolishes, excavates for, alters or repairs any building or structure within the City in such a manner as to cause noise to be received by any person beyond the boundaries of the property on which the construction work is occurring shall comply with the following:

(1) Construction hours shall be limited to between 7:00 a.m. and 5:00 p.m. on weekdays. Construction activities authorized by a valid City permit may, as warranted by the project, exceed the noise level limits of Section 5-11.04 on a temporary and short-term basis during the authorized construction hours, as determined appropriate and necessary by the Community Development Director.

(2) No construction work shall be performed on weekends or City holidays.

(3) All construction equipment shall be operated with the standard factory silencer and/or muffler equipment attached and maintained in good working order.

Exception: A person may perform construction work on the person's own property that results in noise being received by persons beyond the boundaries of the property between 8:00 a.m. and 6:00 p.m. on weekends providing such construction activity is for the purpose of improving the property where the work is being performed, is not carried on for profit or livelihood, and otherwise meets the noise level standards of Section 5-11.04 of this chapter.

(d) *Gardening and domestic power tools.* No person shall operate any lawnmower, lawn edger, riding tractor or any other machinery, equipment or other mechanical or electrical device, or any hand tool which creates a loud, raucous or impulsive sound, within any residential zone or within any commercial zone which can be heard within any residential zone between the hours of 6:00 p.m. and 8:00 a.m. Use of such tools is prohibited on City holidays.

(e) *Leaf blowers.*

(1) *Residential zones, including village mixed use.* No person shall operate a gas-powered leaf blower within any residential areas of the City after December 31, 1998; provided, however, that gas-powered leaf blowers may be operated within the confines of a condominium or planned development project with a minimum project size of at least seven and one-half (7 1/2) acres until October 1, 1999 providing the following conditions are met:

(i) The operator shall be a minimum distance of 150 feet from the nearest residence, school, hospital or residential care facility to the project.

(ii) Hours of operation are limited to no more than three (3) days per week (Monday-Friday) during a five (5)-hour period between the hours of 9:00 a.m. and 4:00 p.m. The project's homeowners' association shall designate the days and time periods when gas-powered leaf blowers may be used subject to the above limitations. Notice of the days and times designated shall be provided in writing to all members of the association and/or residents of the development. Additionally, this information shall be posted at any location customarily used by the association for informational postings or at another location easily observable to residents. Operation is prohibited on Saturdays, Sundays and holidays.

(iii) No cutting, refuse or debris is blown onto neighboring properties or into a street or gutter.

(iv) The standard factory silencer and/or muffler equipment shall be attached at all times and maintained in good working order.

After October 1, 1999, the operation of gas-powered leaf blowers shall be prohibited in all residential zones.

The operation of electric leaf blowers is permitted in residential zones providing the following conditions are met:

(v) Hours of operation are limited to 8:00 a.m. to 5:00 p.m. weekdays and Saturdays. Operation is prohibited on Sundays and holidays.

(vi) No cutting, refuse or debris is blown onto neighboring properties or into a street or gutter.

(vii) The standard factory silencer and/or muffler equipment shall be attached at all times and in good working order.

(2) All other zones. The operation of gas-powered and electrical leaf blowers shall be permitted on parcels in non-residential zones under the following conditions:

(i) If using a gas-powered leaf blower, the operator shall be a minimum distance of 150 feet from the nearest neighboring residence, school, hospital, lodging or residential care facility.

(ii) Hours of operation are limited to 8:00 a.m. to 6:00 p.m. Operation is prohibited on City holidays.

(iii) No cuttings, refuse or debris are blown onto neighboring properties or into a street or gutter.

(iv) The standard factory silencer and/or muffler equipment shall be attached at all times and maintained in good working order.

(f) *Libbey Bowl events.*

(1) All performances using sound amplification equipment in Libbey Bowl shall be in conformance with the adopted sound control plan for the Bowl. The sound control plan shall include such provisions as determined by resolution of the City Council.

(2) Use of sound amplification equipment in Libbey Bowl shall be limited to the hours between 10:00 a.m. and 10:00 p.m.

(g) *Loading and unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in a manner that causes a noise disturbance across the boundary lines of an adjacent property shall be prohibited. At all other times such loading and handling activities are subject to the noise level limits of Section 5-11.04 of this chapter.

(h) *Motor vehicle operation.* The racing of the engine of a motor vehicle, allowing the engine to idle for longer than ten (10) minutes, or bringing a motor vehicle to a sudden start or stop are prohibited, except as required by an emergency. Operating a vehicle on public or private property in a manner that generates noise that is so loud, raucous or jarring that it disturbs or is a nuisance to any adjacent neighborhood or person residing in the neighborhood is prohibited.

(i) *Outdoor dining.* Outdoor dining in commercial zones is prohibited between the hours of 11:30 p.m. and 6:00 a.m. Such hours of operation may be further restricted by the conditions of any permit that must be granted to approve outdoor dining.

(j) *Pool equipment.* All pool motor pumps and filters shall be designed and constructed with sound attenuation devices that meet the requirements of the City Building Department.

(k) *Refuse collection.* No person shall collect refuse or operate a street sweeping vehicle on a street or parking lot within or adjacent to a City residential area between the hours of 6:00 p.m. and 7:00 a.m.

(l) *Sound amplifying equipment (includes radios).* The use or operation of sound amplifying equipment shall be subject to the following restrictions and prohibitions:

(1) The type of amplified sound shall be limited to either music or human speech, or both.

(2) The use or operation of sound amplifying equipment shall comply with the noise level limits set forth in Section 5-11.4.

(3) The volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to persons or domestic animals within the area of audibility.

(4) It is unlawful for any person to operate a radio, stereo, compact disc player or other sound amplifying equipment on the public right-of-way or public land in a manner that exceeds the noise level limits established for adjacent properties or is audible to the human ear at a distance of thirty-five (35) feet from the source, unless the operation of such equipment is part of a special event sponsored by the City or is otherwise permitted pursuant to the provisions of subsection (f) of this section.

(5) The operation of any radio, compact disc or tape player on a public transit bus or trolley so as to emit noise that is audible to any other person in the vehicle shall be prohibited.

(m) *Street sweeping vehicles.* No person shall collect refuse or operate a street sweeping vehicle on a street or parking lot within or adjacent to a City residential area between the hours of 6:00 p.m. and 5:00 a.m.

(n) *Yelling, shouting, etc.* Disturbing or raucous yelling, shouting, hooting or whistling on the public streets and sidewalks is prohibited.

(§ 1, Ord. 731, eff. August 27, 1998, as amended by § 1, Ord. 736, eff. April 22, 1999)

**Sec. 5-11.06. Loud parties and assemblages—Enforcement costs and response fees.**

(a) When any loud or unruly assemblages occur and the City's law enforcement agency is required to respond to the scene in response to citizen complaints, the peace officer at the scene shall determine whether there is a violation of this chapter. If the peace officer determines there is a violation, he or she shall notify the owner of the property and/or the person in charge of the property and/or the person responsible for the assemblage that such person or persons shall be held personally liable for the cost of providing additional law enforcement personnel over and above the normal police services provided during the initial response to the assemblage. If the person in charge or responsible for the party is a minor, the parents or guardians of such minor shall be notified regarding this liability.