

CHAPTER 48**NOISE****48.01 Definitions****48.02 Noise Prohibitions and Limited Sound Sources****48.03 Enforcement****48.04 Jake Brakes**

48.01 DEFINITIONS. The following terms are defined for use in this chapter:

1. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dBA.
2. "Commercial" or "commercial district" means any property which is zoned for any commercial use as defined in the Zoning Ordinance, and on which there is no residential use.
3. "Decibel" means a unit of measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
4. "Exhaust system" means the device or combination of devices that collects the exhaust from the engine or motor, delivers the exhaust to the atmosphere, and reduces the noise emissions. "Exhaust system" includes manifold or headers, exhaust pipe, muffler and tail pipe.
5. "Gross vehicle weight rating" means the value specified by the manufacturer as the recommended maximum weighted load of a single motor vehicle. When trailers and tractors are separable, the gross combination weight rating is the value specified by the manufacturer as the recommended maximum loaded weight of the combined vehicle.
6. "Industrial" or "industrial district" means any property zoned for any industrial use as defined in the Zoning Ordinance and on which there is no commercial use or residential use.
7. "Motor vehicle" means any vehicle which is self-propelled.
8. "Noise disturbance" means any transmission of sound across a real property boundary from a source specifically limited by this chapter, which exceeds the sound level limits set forth in Table 1 (at the end of this section).
9. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by another person, but not including intra-building real property divisions.
10. "Receiving land use," for the purpose of this chapter, means the use or occupancy of the property which receives the transmission of sound.
11. "Residential" or "residential district" means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

12. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces which cause compression and rarefaction of that medium. The description of sound may include any characteristic of sound, including duration, density and frequency.
13. "Sound level" means the weighted sound pressure level contained by the use of the sound level meter and A-weighted network, such as A, B or C as specified in *American National Standards Institute Specifications for Sound Level Meters, ANSI S1, 4-1971*. If the frequency weighting employed is not indicated, the A-weighting shall apply.
14. "Sound level meter" means an instrument used to measure sound pressure.
15. "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as pressure of 20 micropascals.
16. "Sound pressure level" means twenty times the logarithm to the base 10 of the ratio of the root mean squared sound pressure to the reference pressure of 20 micropascals.
17. "Used or occupied," where it appears herein, shall be deemed to include the words "intended, designed or arranged to be used or occupied."

TABLE 1

Maximum Permissible Sound Levels From Limited Sources by Receiving Land Use		
Zoning Category of Receiving Land Use	Legal Times	Sound Level Limit (dBA)
Residence District	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	50
Commercial District	At all times	65
Industrial District	At all times	75 (20-83)

48.02 NOISE PROHIBITIONS AND LIMITED SOUND SOURCES. The following sound sources are limited by this chapter:

1. No person shall perform, create, cause or permit a radio, television set, musical instrument or any other device to produce, reproduce or amplify sound to create a noise in excess of 86 dBA at 25 feet from such device when operated on a motor vehicle.
2. No person shall use a muffler cutout, bypass or similar device on a motor vehicle on a public highway.

3. Every motor vehicle shall be at all times equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. (The intent of this provision is that it is necessary to prevent both noise and smoke, and either one constitutes a violation.) Noise which is measured at a distance of at least 25 feet from the near side of the nearest lane being monitored at a height of at least 4 feet above the immediate surrounding surface as follows shall be excessive or unusual noise:

Motor Vehicle Designation	Speed of 35 MPH or less	Speed Over 35 MPH
Motor vehicle or a combination of vehicles towed by a motor vehicle with a manufacturer's gross vehicle rating or gross combination weight rating of 10,000 pounds or more	90 dBA or more	94 dBA or more
Any other motor vehicle or any combination of vehicle towed by any motor vehicle	80 dBA or more	84 dBA or more

4. Sound level measurement from limited sound sources, for purpose of this chapter, shall be measured using a sound level meter at the real property boundary of the receiving property, or a point reasonably proximate to the real property boundary and shall be measured at a height of 4 feet from the immediate ground surface.
5. No person shall own, possess or harbor any animal or bird which frequently or for continued duration emits sounds native to the species which are a noise disturbance. Excepted from the provision of this subsection are guide dogs for the blind and deaf.
6. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound at a level which creates a noise disturbance. Church or clock carillons, bells or chimes, parades or processions (provided the conditions of the permit are met), mobile radios or telephone signal devices and sanctioned racing events are all excepted from the provisions of this subsection.
7. No person shall use or operate or permit the use or operation of a power lawn mower, power trimmer or other gasoline or electric powered devices intended for mowing or trimming a lawn between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. the following morning if such use or operation creates a noise disturbance as defined by this chapter. No person shall use or operate or permit the use or operation of a gasoline powered lawn mower which does not have a muffler if such use or operation created a noise disturbance as defined by this chapter.

8. No person shall use or operate or permit the use or operation of a power chain saw between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.
9. Governmental fire department equipment and devices used by emergency vehicles or by governmental officials or organizations for authorized public purposes are exempt from the provisions of this chapter.
10. No person shall operate, play or permit the operation or playing of any radio, tape deck or player, sound amplifier or similar device which produces, reproduces or amplifies sound in a motor vehicle so as to create a sound 50 or more feet from the device which endangers or injures the welfare, safety or health of a human being, or disturbs a reasonable person of normal sensitivities or devalues or injures personal or real property.

48.03 ENFORCEMENT. The provisions of this chapter which prohibit the making, continuing or causing the making or continuance of a noise disturbance may be enforced upon receipt of a complaint made or filed with City officials by a person disturbed by such noise disturbance. Certification by an official charged with enforcement of the provisions of this chapter that such complaint was made shall be sufficient to establish the fact of the complaint. However, peace officers may enforce violations of this chapter without the necessity of a complaint if sufficient evidence exists in the judgment of the peace officer to establish a violation of the provision of this chapter.

48.04 JAKE BRAKES. All trucks being operated on any street or highway within the City may not use the engine back-pressure braking systems commonly known as "Jake Brakes." Any such use shall be deemed a violation of this section and shall be a simple misdemeanor.