

Noise Control

§ 96.10 AMBIENT NOISE LEVELS

	Area	Day (7:00 a.m.- 10:00 p.m.)	Night (10:00 p.m.- 7:00 a.m.)
(1)	Wildlife refuge and open spaces	40 dBA	40 dBA
(2)	Residential: zoned single-family or duplex	50 dBA	40 dBA
(3)	Residential: zoned multiple-family (triplex or higher density)	55 dBA	50 dBA
(4)	Business and commercial	60 dBA	60 dBA
(5)	Industrial and other	65 dBA	65 dBA

B. The burden shall be on any person contesting the presumed ambient noise levels above set forth to establish the actual ambient noise level by clear and convincing evidence.

§ 96.11 UNLAWFUL NOISE

It shall be unlawful in the city for any person to commit any of the following acts:

A. Create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or place of religious worship while the same is in use, or adjacent to any hospital, which noise exceeds the dBA set forth in division (G) of this section; as long as conspicuous signs are displayed in such streets, sidewalk, or public place indicating the presence of a school, place of religious worship, or hospital.

B. Use or operate within any residential zone any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours

of 10:00 p.m. of one day and 7:00 a.m. of the following day, in excess of the dBA set forth in division (G) of this section.

C. Keep or maintain, or permit the keeping of, on any premises owned, occupied, or controlled by such person, any animal or fowl otherwise permitted to be kept which, by sound, cry, or behavior, shall exceed the dBA set forth in division (G) of this section.

D. Operate any machinery, equipment, pump, fan, air-conditioning apparatus, or similar mechanical device in any manner so as to create any noise in excess of the dBA set forth in division (G) of this section. This section shall not apply to the operation of certain power equipment during daylight hours which is commonly used in the community and for which no satisfactory noise reduction equipment, or procedure is available. This exemption shall apply to common lawn and garden equipment, construction tools, emergency engines, generators, and other equipment necessary to maintain or restore public utility service or other public services. However, the operation of any such equipment shall not create or emit any noise in excess of 80 dBA when measured at the property line of the property on which such equipment is being used.

E. No person shall make any loud, unnecessary, or unusual noise, as defined in division (G) below, which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. The enforcement officials may use the comparative scale of noise to be prepared by the County Board of Noise Control as evidence in court, provided such official has sufficient training in the use of such a comparative scale to qualify as a witness in the judgment of the court.

F. Use any building or premises, permit the use of the same, or rent the same to be used for any business, employment, residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, exceed the dBA set forth in division (G) of this section.

G. Any noise exceeding the ambient at the property line of the property on which the noise source is located by more than ten dBA, is declared to be a violation of this section. However, construction sites shall be regulated by § 96.12 of this chapter.

§96.12 BUILDING CONSTRUCTION OR REPAIR WORK

A. It shall be unlawful between the hours of 6:00 p.m. of one day and 7:30 a.m. of the next day for any person to perform any construction or repair work on buildings, structures, or projects, at a noise level of more than ten dBA in excess of the ambient noise level, when measured at the property line of such project, except to perform emergency work.

B. This section shall not apply in cases of urgent necessity in the interest of the public health and safety, if a permit is granted by the Director of the Building and Zoning Department. Such a permit may be granted for a period not to exceed three days or less while the emergency continues, and may be renewed for periods of three days or less while the emergency continues; however, dewatering pumps and other equipment which is required to be operated 24 hours per day may be granted a permit to operate for a period of time in excess of three days if the operation of such equipment does not create a noise in excess of 80 dBA when measured at the property line.

C. This section shall not apply to work on public improvements, including regulated public utilities.

D. In the case of emergency, construction activities directly connected with the abatement of the emergency may be undertaken without a permit as herein provided for a period of not to exceed 12 normal working hours from the commencement of such construction, during which time application for a variance hereunder shall be made.