

CHAPTER 93: NOISE

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§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using an A-weighting network. The level so read is designated dB(A).

CLASSIFICATION OF USE OCCUPANCIES. Use occupancies shall be as follows:

(1) **AGRICULTURAL.** All premises which are bona fide farms or which are characterized by farming activities as the primary use of the premises.

(2) **COMMERCIAL.** All premises where sales, professional or other commercial activity is legally permitted, except that residences with lawful home occupations are considered residential.

(3) **INDUSTRIAL.** All premises where goods or wares are made, warehoused or stored or where manufacturing is legally permitted.

(4) **PUBLIC SPACE.** Any area owned, utilized, or occupied by a municipal, county, state or federal agency, including, but not limited to, park or recreation areas, streets and sidewalks.

(5) **RESIDENTIAL USE.** All premises containing habitually occupied sleeping quarters.

However, premises containing transient commercial sleeping quarters are considered commercial use. Hospitals, nursing homes, schools, libraries, fraternity and sorority houses, and churches are considered residential uses.

(6) In case of multiple use the more restrictive use category shall prevail.

DECIBEL (dB). A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

EMERGENCY WORK. Any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

HOLIDAY. The following days will be recognized as holidays for the purpose of granting permits to exceed maximum sound level: Memorial Day, Independence Day, Labor Day, and December 31.

MUFFLER. An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

NOISE. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

OUTDOOR AMPLIFIED SOUND. Any sound using sound equipment, whose source is outside or whose source is inside and the sound propagates to the outside through open doors or windows or other openings in the building.

SLOW RESPONSE. A measuring technique to obtain an average value when measuring a noise level that fluctuates over a range of four dB or more. By way of illustration, only a sound level meter set on "slow response" would record a sound level between two and six decibels less than the reading

for a steady signal of the same frequency and amplitude when a tone of 1,000 Hz and for a duration of .05 seconds is applied.

SOUND. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

SOUND LEVEL. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters, (ANSI S1.41971 or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting network used to measure sound pressure levels.

SOUND PRESSURE LEVEL. Twenty times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of 20 micronewtons per square meter. (Ord. 26.5, passed 3-19-91)

§ 93.02 UNLAWFUL NOISE.

(A) It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the town. (Ord. 26.5, passed 3-19-91; Am. Ord. passed 4-10-01)

(B) *Noises expressly prohibited.* The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any

unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.

(3) The use or operation of any piano, manual or automatic, phonograph, radio, loudspeaker, or other instruments, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance provided, however, that upon application to the Mayor/Town Clerk permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment.

(4) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.

(5) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

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

(7) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(8) The creation of any excessive noise on Sundays on any street adjacent to any church, provided, conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.

(9) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof, excluding churches.

(10) The shouting and crying of peddlers, bakers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(11) The use of any drum, loudspeaker or other instrument or device for the purpose of

attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(12) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Mayor/Town Clerk.

(Ord. enacted 5-14-84) Penalty, see § 10.99

§ 93.03 STANDARDS.

(A) Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound shall be as specified in this chapter.

(B) Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on "slow response."

(C) Sound level meters shall be at least Type II meeting American National Standard Institute (ANSI S1.4-1971 requirements). Persons using the sound levels shall be trained in sound level measurement and the operation of sound level measurement equipment.

(Ord. 26.5, passed 3-19-91)

§ 93.04 AMPLIFIED SOUND.

It shall be unlawful to:

(A) Operate or allow the operation of any sound amplification equipment so as to create sounds registering 50 dB(A) between 7:00 a.m. and 11:00 p.m., or 40 dB(A) between 11:00 p.m. and 7:00 a.m., as measured anywhere within the boundary line of the nearest residentially zoned property, except in accordance with a permit obtained from the town.

(B) As to multi-family structures including apartments, condominiums, or other residential arrangements where boundary lines cannot be readily determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering 50 dB(A) between 7:00 a.m. and 11:00 p.m., or 40 dB(A) between 11:00 p.m. and 7:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially zoned property, except in accordance with a permit obtained from the town.

(C) As to places of public entertainment having a capacity of 1,000 or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than 65 dB(A) between 7:00 a.m. and 11:00 p.m., or 50 dB(A) between 11:00 p.m. and 7:00 a.m., as measured anywhere within the boundary line of the nearest residentially zoned property, except in accordance with a permit obtained from the town.

(D) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than 50 dB(A) at or on the boundary of the nearest public right-of-way or park.

(E) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 50 dB(A) 50 feet or more from any electro-mechanical speaker between the hours of 7:00 a.m. and 11:00 p.m. or 40 dB(A) 50 feet or more from any electromechanical speaker between the hours of 11:00 p.m. and 7:00 a.m.

(Ord. 26.5, passed 3-19-91) Penalty, see § 10.99

§ 93.05 NOISE LIMITS.

(A) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peak exceeds the limits set forth for the use occupancy categories in Table 1 below when measured at or beyond the property line of the property from which the sound originates. The maximum sound level permitted by use occupancy shall be determined on the basis of the use occupancy from which the sound originates and not by the use occupancy of surrounding property, except that sound levels in residential areas shall not exceed the limits in Table 1 irrespective of their origins. Only those exceptions listed in § 93.06 shall be allowed.

Table 1
Sound Levels by Use Occupancy

Use Occupancy Category	Times	Sound Level Limit dB(A)
Residential	7 a.m. - 11 p.m.	50 dB(A)
	11 p.m. - 7 a.m.	40 dB(A)
Public Space, Industrial, Commercial or Agricultural	7 a.m. - 11 p.m.	60 dB(A)
	11 p.m. - 7 a.m.	50 dB(A)

(B) It shall be unlawful to carry on the following activities in any residentially zones area of the town or within 300 feet of any residentially occupied structure in any zone of the town and its extraterritorial area:

(1) Operate a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.

(2) Operate construction machinery between the hours of 9:00 p.m. and 7:00 a.m.

(3) Operate garage machinery between the hours of 9:00 p.m. and 7:00 a.m.

(4) Operate lawn mowers and agricultural equipment out-of-doors between the hours of 9:00 p.m. and sunrise.
(Ord. 26.5, passed 3-19-91) Penalty, see § 10.99

§ 93.06 EXCEPTIONS.

The following are exempt from the provisions of Table 1 in § 93.05(A):

(A) Sound emanating from scheduled outdoor athletic events.

(B) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells, church chimes, either actual or electronic, or artificial sound reproduction system intended to sound like church bells or chimes.

(C) Noise resulting from any authorized emergency vehicle.

(D) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, for which a

local permit has been granted by the town, provided such activity is of a temporary duration lasting no longer than two hours during any 24-hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this chapter and according to any additional conditions stated on the permit.

(E) Unamplified and amplified sound at public affairs conducted, sponsored or sanctioned by the town.

(F) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).

(G) Noise from noisemakers on holidays and fireworks on holidays or at time allowed under a pyrotechnics permit.

(H) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.

(I) Emergency work, as defined in § 93.02.
(Ord. 26.5, passed 3-19-91)

§ 93.07 PERMITS.

(A) *Who may apply.* A person or group of persons may produce, or cause to be produced, sound in excess of the limits set in Table 1 in § 93.05(A) only if a "Permit to Exceed" has been obtained. With a permit granted pursuant to this section, maximum sound levels shall be as set out in division (E)(3) below.

(B) *Application for permit.* Any person or group of persons desiring an "Outdoor Amplified Sound Permit" or a "Permit to Exceed" shall apply as provided in this section, and shall provide all information required.

(C) *Action by Zoning Administrator.* The Zoning Administrator or his or her agent shall act on all requests for permits pursuant to this chapter. The Zoning Administrator shall consider, but shall not be limited to the following in issuing or denying such permit:

(1) The timeliness of the application;

(2) The nature of the requested activity;

(3) Previous experience with the applicant;

(4) The time of the event;

(5) Other activities in the vicinity of the location proposed;

(6) The frequency of the application;

(7) The cultural or social benefits of the proposed activity;

(8) The effect of the activity on any residential area of the town; and

(9) Previous violation, if any, of the applicant.

(D) *Fee for permit.* A permit must be requested at least 15 working days in advance of an event and will require the payment of a \$25 administration fee.

(E) *Conditions on permits.* "Permits to Exceed" and "Outdoor Amplified Sound Permits" shall specify the duration for which noncompliance shall be permitted and shall prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhoods. The Zoning Administrator, or his or her designee, may require, but shall not be limited to, the following:

(1) No sound speaker may be set up more than ten feet off the ground; and,

(2) That permit holder(s) change the arrangement of amplifying equipment or sound instruments upon the request of any police officer so as to minimize the disturbance to others resulting from the position or orientation of the amplifying equipment.

(3) In no event shall a permit be granted which allows the creation of sounds registering more than 70 dB(A) anywhere within the boundary line of the nearest residentially zoned property.

(4) If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the Board of Adjustment. The Board of Adjustment shall have the discretion to grant an exceptional permit waiving location, time, and/or dB(A) requirements,

upon his determination that the applicant has made a substantial showing of legal entitlement.

(Ord. 26.5, passed 3-19-91) Penalty, see § 10.99

§ 93.06 OFF-ROAD VEHICLES.

(A) It shall be unlawful for any person to operate or cause to be operated a recreational or off-road motor vehicle individually, in a group, or in an organized racing event, on public or private property, in such a manner that the sound level exceeds the maximum permissible levels set forth previously in Table 1 of § 93.05(A) adjusted to a distance of 25 feet from the path of the vehicle when operated on public space, or at the boundary of private property when operated on private property.

(B) This section shall apply to all recreational vehicles, whether or not duly licensed or registered including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft and dune buggies.

(C) Use of such vehicles off-road except for emergency purposes and except to attain access from private property to public rights-of-way, shall be completely prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. 26.5, passed 3-19-91) Penalty, see § 10.99

