

AN ORDINANCE RELATING TO NOISE REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARNAVILLO, IOWA:

Section 1. The Garnavillo City Code of Ordinances is hereby amended by adding the following Chapter 44:

### CHAPTER 44

## NOISE AND NOISE LIMITS

**44.01 Definitions**

**44.02 Noise Disturbance Prohibited**

**44.03 Prohibited Sounds**

**44.04 Measurement of Noise and Sound**

**44.05 Permits to Exceed Limits**

**44.06 Other Laws and Ordinances**

**44.07 Penalty**

**44.01 DEFINITIONS.** For use in this chapter, the following terms are defined.

1. "Application" means the application submitted to the city requesting a noise permit.
2. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
3. "Emergency Work" means any work performed for the purpose of alleviating or resolving an emergency.
4. "Farm equipment" means the implements used in an operation or activity, or everything except personnel needed for cultivation or production of crops of any nature, or raising of any type of animal embraced within the term livestock.
5. "Motor Vehicle" "Motor vehicle" means every vehicle which is self-propelled. (Note: includes recreational vehicles such as snowmobiles, minibikes, stock cars, all-terrain vehicles and motorboats).
6. "Noise disturbance" for purposes of this chapter, means any transmission of sound across a real property boundary from a source specifically limited by this chapter.
7. "Official Vehicles" means governmental, police department and fire department equipment, public utility company equipment, railroad company equipment and emergency vehicles such as ambulances and helicopters.
8. "Person" Unless used in such a manner to denote only a human being, any firm, partnership, domestic or foreign corporation, association, joint stock company, trust or other association of entity, city, county or state government and subdivisions or agencies thereof, and the federal government and subdivisions and agencies thereof.
9. "Powered Model Vehicle" means any self-propelled airborne, waterborne or land borne model plane, vessel or vehicle which is not designed to carry persons including, but not limited to, any model airplane, boat, car or rocket.

10. "Public Right of Way" means the traveled portion of any street or alley or similar place which is owned or controlled by the city or other governmental entity.
11. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
12. "Residential property" or "residential district" means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.
13. "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.
14. "Sound Equipment" means any radio, record player, tape deck or compact disc player, loudspeaker, amplifier, soundtrack or other device for producing, reproducing or amplifying sound; except, however, "sound equipment" does not include sirens and other equipment used to alert persons to the existence of any emergency; equipment used by law enforcement and other public safety officials in the performance of their official duties; church carillons, bells or chimes; mobile radio or telephone signaling devices; or automobile and truck radios or players of recorded music such as compact discs or tapes or other such standard equipment used and intended for the use and enjoyment of the occupants of the vehicle, provided that the sound emitted from the vehicle does not exceed seventy-five (75) dB(a) when measured at a distance of twenty-five feet (25').
15. "Sound level meter" means an instrument used to measure sound pressure.

**44.02 NOISE DISTURBANCE PROHIBITED.** It is unlawful for any person to willfully make, continue, cause or allow any noise disturbance within the city limits.

**43.03 PROHIBITED SOUNDS.**

1. "Noise disturbance" means any of the following sounds:
  - a. Alarm Testing. The sound emitted by the intentional sounding outdoors of any privately owned fire alarm, burglar alarm, siren, whistle, or similar stationary emergency signaling device for the essential testing of such device, when conducted between the hours of five o'clock (5:00) p.m. and eight o'clock (8:00) a.m.
  - b. Motor Vehicle Radios. The sound emitted by a radio, tape deck, electronic player, compact disc player, or other such equipment used and intended for the use and enjoyment of such vehicle's occupants or riders while such vehicle is on the public right of way, when the sound emitted from the vehicle exceeds eighty (80) dB(A) when measured at a distance of twenty-five feet (25').
  - c. Chain Saws. The sound emitted by motor powered tree trimming equipment operated between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.

- d. Construction Noise. The sound made by privately owned and operated tools or equipment in erection, demolition, excavation, drilling, or other such construction work which is received between the houses of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.
- e. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying, or testing a motor vehicle which is received between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. at the real property boundary of residential property.
- f. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the health, safety, or welfare of a human being, disturbs a reasonable human being of normal sensitivities, or causes or tends to cause, an adverse physiological or physical effect on human beings, or devalues or injures property.
- g. Lawn and Garden Equipment. The sound emitted by motor powered lawn and garden equipment operated between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.
- h. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, trash cans, containers, receptacles, or dumpsters which are received at the real property boundary of residential property between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.
- i. Musical Instruments. The sound made by a drum, horn, reed or string instrument, or other musical instrument or device which is received at the real property boundary of residential property between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.
- j. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system is defective or has been modified by the installation of a muffler cutout or bypass.
- k. Off Road Motor Vehicle Noise. The sound made on private or city owned property other than a public right of way and received at the real property boundary of residential property between the house of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.
- l. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received at the real property boundary of residential property between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m.
- m. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right of way during any racing event or time trial, whether organized or unorganized.
- n. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle.
- o. Sound Equipment. The sound made by sound equipment operated upon the public right of way, in any building or upon any public or private premises shall be classified as a noise disturbance if either of the following applies:
  - i. the sound is in excess of the maximum permitted levels shown in the chart below when measured at the property boundary, or anywhere within the property, of a receiving land use, or if in a park, approximately two hundred feet (200') from the source of the

sound or, when a complaint is received, at the nearest boundary of the property where the complaining party was disturbed; or

- ii. the sound is of a nature that cannot accurately be measured by a sound level meter, and such sound is disturbing to a reasonable human being of normal sensitivities.

### MAXIMUM PERMITTED LEVELS

Receiving Land Use	Maximum dB Permitted
Residential	65 between 7:00 a.m. and 10:00 p.m. 55 between 10:00 p.m. and 7:00 a.m.
Commercial	70
Industrial	75
Park	65

- p. Wind Energy Systems. The sound made by wind energy systems shall be classified as a noise disturbance if either of the following apply:
  - i. the sound is in excess of fifty-five (55) dB when measured at the property boundary at the nearest boundary of the property where the complaining party was disturbed or anywhere within the property of a receiving use; or
  - ii. the sound is of a nature that cannot accurately be measured by a sound level meter, and such sound is disturbing to a reasonable human being of normal sensibilities.
- 2. The following sounds are specifically exempted from this chapter:
  - a. Official Vehicles. Governmental, Police Department and Fire Department equipment, public utility company equipment, railroad company equipment and emergency vehicles such as ambulances and helicopters are exempt from the provisions of this chapter.
  - b. Persons operating the following equipment are exempt from the provisions of this chapter: farm equipment, snow blowers and snow plows.
  - c. Portland Cement Concrete Joint Sawing Equipment. A contractor performing duties in connection with an approved subdivision plan or a City of Center Point public improvement project may perform necessary joint sawing of pavement upon approval of the City Engineer, Public Works Director or City Administrator and shall be exempt from this chapter.
  - d. Noise Permit. Sound in excess of the maximum permitted levels shall not be a noise disturbance if such sound is emitted in accordance with a noise permit issued by the city.

### 43.04 MEASUREMENT OF NOISE AND SOUND.

The measurement of sound or noise shall be made with a sound level meter and A-weighting 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.

A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone shall be positioned so as not to create an unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required.

**43.05 PERMITS TO EXCEED LIMITS.** The Council, on written application, for good cause shown, may grant a special permit to exceed the sound and/or time limits established in Section 43.04 for specific activities generally or for limited times and/or dates provided that the sound level does not exceed 75 dBA at the receiving land use. The Council shall adopted a procedure for such application, including permit fee and terms and conditions of the issuance of such permit, by resolution.

**43.06 OTHER LAWS AND ORDINANCES.** No provisions of this chapter should be construed to legalize or permit sounds, devices or activities made unlawful by other ordinances of the city or state or federal statutes.

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

Passed and approved this 9<sup>th</sup> day of September, 2019.

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Mark Priebe, Mayor

ATTEST:

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Melissa Atkinson, City Administrator/Clerk

First Reading: 07-10-19

Second Reading: 08-14-19

Final Reading and Passage: 09-11-19

I certify that the foregoing was posted as Ordinance No. 05-2019 on the 12<sup>th</sup> day of September, 2019 until the 10<sup>th</sup> day of October, 2019.

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Melissa Atkinson, City Administrator/Clerk