

## CHAPTER 39

### NOISE CONTROL

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**39.01 PURPOSE.** It is the purpose of this chapter to prevent excessive sound which is a serious hazard to the public health and welfare and to the quality of life in the City of Bloomfield.

**39.02 DEFINITIONS.** All terminology used in this chapter and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

1. “A-weighted sound level (sound level)” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read shall be designated dB(A) or dBA.
2. “Decibel” means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.
3. “Emergency work” means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent danger.
4. “Emergency vehicle” means a motor vehicle used in response to a (public) calamity or to protect persons or property from imminent danger.
5. “Gross vehicle weight” means the value specified by the manufacturer as the loaded weight of a vehicle.
6. “Person” means any individual, association, partnership, corporation or officer thereof.
7. “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.
8. “Sound level meter” means an instrument, including a microphone, amplifier, output meter and weighting networks, that is

sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publication SI. 4-1971, or its successor publication.

**39.03 MEASUREMENT OF NOISE AND SOUND.** The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. 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 during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be an A-weighted, slow response sound level.

**39.04 TEST MEASUREMENT AND REQUIREMENTS FOR DETERMINATION AND CLASSIFICATION OF SOUND.**

1. No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the City heard and measured in the manner prescribed below, except when done under and in compliance with a permit issued pursuant to this chapter.
2. It shall be the duty of persons in a position of ownership, possession or control of premises to prevent such premises from being the site of activities producing sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
3. It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings, and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
4. For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:
  - A. The sound shall be measured at the edge of the City street or alley right-of-way reasonably appearing to be nearest to the source of the sound, or if in a park or agriculturally zoned area, approximately 25' from the source of the sound. When a complaint is received, a measurement may also be taken at a location on the property where the complaining party was disturbed.

B. The sound shall be measured on a sound level meter of standard design and quality operated in the “A” slow response weighting scale.

C. A sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be excessive and unusually loud and is unlawful.

<b>Neighborhood Characteristics</b>	<b>Maximum Permitted</b>
Residential	60 between 6:00 a.m. & 9:00 p.m., Monday-Friday 60 between 8:00 a.m. & 9:00 p.m., Saturday 60 between Noon & 9:00 p.m., Sunday
	55 between 9:00 p.m. & 6:00 a.m., Monday-Friday 55 between 9:00 p.m. & 8:00 a.m., Saturday 55 between 9:00 p.m. & Noon, Sunday
Commercial	65
Industrial	80
Park or Agriculturally Zoned	65

**39.05 VEHICLE NOISE LIMITS.** It shall be unlawful for any person to operate or for the owner to cause or permit to be operated within the public right-of-way in this City, any motor vehicle which emits a noise in excess of the dB(A) level established in this section.

1. The maximum allowable noise levels for motor vehicles shall be 75 dB(A) measured at a distance of twenty-five feet.
2. This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this ordinance.
3. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle or operate any such vehicle or device in this City in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured. Muffler cutouts, by-passes, or other devices which increase sound emitted shall be unlawful.

4. The sound shall be measured on a sound level meter of standard design and quality operated on the “A” slow response weighting scale.

**39.06 PERMITS.** Applications for a permit for relief from the provisions of this ordinance may be made to the City Administrator, or a duly authorized representative, pursuant to the following procedure:

1. All permits must be applied for in writing during normal business hours stating what devices are to be employed, where they are to be employed, on what date(s) and at what times of day they are to be used, the nature of the sounds to be produced or amplified and the number of people in attendance, and the persons responsible for the activity.
2. Permits granted shall state with reasonable specificity the date(s), location(s), time(s), nature of the sound, devices permitted, number of people in attendance, and the persons responsible for the activity.
3. Permits shall not be arbitrarily or unreasonably withheld nor shall the free expression of ideas or lawful speech be restrained, but sound and noise producing conduct having no communicative value and serving only to unreasonably disturb and disrupt the enjoyment of residences and normal pursuits shall be restrained.
4. The City Administrator may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

**39.07 MAXIMUM SOUND TO BE PERMITTED.** When a permit has been issued pursuant to this chapter or individuals are discharging fireworks as allowed under Ordinance No. 695, the sound levels listed in the following table shall be the maximum levels permitted:

Sound Level Limit in dB(A)*	Duration
80	24 hours
83	12 hours
86	6 hours
89	3 hours
90	1.5 hours

The above-stated duration for each sound level shall not be exceeded. The sound level shall be measured in the same manner as set out in 39.04(4).

**39.08 EXCEPTIONS.** The requirements, prohibitions, and terms of this chapter shall not apply to emergency work or to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency. The terms of this section shall not apply to those activities of a temporary duration, permitted by law

and for which a license or permit therefor has been granted by the City, including but not limited to parades, fireworks displays, and the outdoor warning system, and all other authorized activities occurring on government property. Also excepted are individual discharge of fireworks as allowed under Ordinance No. 695 as long as the discharge does not exceed the maximum sound noted in 39.07, nonprofessional athletic contests and all construction work.

### **39.09 PENALTIES FOR OFFENSES PERTAINING TO NOISE CONTROL.**

1. A violation of any provision of Chapter 39, Noise Control, shall be a municipal infraction punishable by a penalty of \$50 for a person's first violation and \$100 for each repeat violation.
2. Alternatively, a violation of any provision of Chapter 39, Noise Control, can be charged by a peace officer of the City as a simple misdemeanor.

*(Ch. 39 – Ord. 703 – Aug. 19 Supp.)*

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