

CHAPTER 48

NOISE POLLUTION

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48.01 PURPOSE. The purpose of this chapter is to establish standards for the control of noise pollution in the City by setting maximum permissible sound levels for zoning districts and also for various activities, regardless of the zoning district, in order to protect the public health, safety, and general welfare.

48.02 DEFINITIONS. As used in this chapter, unless the context clearly indicates otherwise:

1. “Amplified sound” means sound that is increased in intensity and duration by electrical, electronic, mechanical, or other nonhuman means.
2. “A-weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA.
3. “Decibel” (dB) means a logarithmic and dimensionless unit of measure used in 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 micropascals (20 micronewtons per square meter).
4. “Noise” means the intensity, duration, and character of sounds from any and all sources.
5. “Person” means any individual, corporation, partnership, association, governmental body, state, or other entity whatsoever.
6. “Plainly audible noise” means any noise for which the information content of the noise is transferred to the listener, such as (but not limited to) understanding of spoken speech, comprehension of whether a voice is raised or lowered, or comprehension of musical rhythms.
7. “Powered model vehicle” means any self-propelled airborne, waterborne or land-borne model plane, vessel or vehicle not designed to carry persons, including (but not limited to) any model airplane, boat, car or rocket.
8. “Public place” means any street, avenue, boulevard, highway, sidewalk or alley or similar place owned or controlled by the City, including any structure or park.
9. “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.
10. “Sound level” means 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 American National Standards Institute specifications for sound level meters (ANSI 51.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting applies.

11. "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time-average, output or display meter and weighting networks used to measure and read sound pressure levels which, when properly calibrated, complies with American National Standards Institute.

48.03 APPLICATION. This chapter applies to the control of noise producing activities and objects originating within the limits of the City or originating from properties lying outside the limits of the City owned or controlled by the City with a lease or other similar arrangement, except where:

1. Another ordinance, such as the Zoning Ordinance, provides for the noise control regulations;
2. A State or Federal agency has adopted a different standard or rule than that prescribed within this chapter and has so preempted the regulation of noise from a particular source as to render this chapter inapplicable thereto; or
3. The Council has determined that, by reason of public acceptance of the activity producing a particular noise, such noise is deemed acceptable to the residents of the City.

48.04 MAXIMUM NOISE STANDARDS BY ZONING DISTRICTS.

1. Excluded from this chapter are the commercial and industrial zones, which are regulated by the Zoning Ordinance.
2. All Residential Zones: 60
3. PAD: 60
4. Public and Open Spaces: 70

48.05 PROHIBITED ACTIVITIES. Regardless of the zoning district that the noise originates from, the following acts (but not limited to those listed) are deemed to be loud, disturbing, unusual, unreasonable, and unnecessary noises, in violation of this chapter:

1. **Nighttime and Morning Noise.** No person may load, unload, open, close, or handle boxes, crates, containers, building materials, garbage cans, or similar objects outdoors between the hours of 10:00 p.m. and 6:00 a.m. the following morning, so as to create a noise disturbance across a residential real property boundary.
2. **Construction Equipment.** No person shall operate construction equipment before 7:00 a.m. and after 10:00 p.m. unless the Council grants a written exception with an expiration date.
3. **Powered Model Vehicles.** No person may operate or permit the operation of powered model vehicles in a residential zone, as defined in the Zoning Code, or in a public place between the hours of 10:00 p.m. and 7:00 a.m. the following morning.
4. **Sound Trucks and Other Devices.** No person may operate or permit the operation upon the public streets of a sound truck or other device for producing, reproducing, or amplifying sounds without a permit.

48.06 SOUND EQUIPMENT AND AMPLIFYING EQUIPMENT.

1. No person may use, operate, or cause to be used or operated any radio, record player, tape deck or player, loudspeaker, amplifier, sound truck, or other device for producing, reproducing, or amplifying sound (hereinafter referred to as “sound equipment”) upon the public streets or in any building or upon any premises, public or private, if the sound created is plainly audible across a residential real property boundary from any public street or public place within the City, unless said person:
 - A. First obtains written permission from the City Council in accordance with this chapter;
 - B. Complies with any conditions imposed by the written permission, including the maximum permitted sound level shown therein; and
 - C. Complies with all other applicable provisions of this chapter.
2. Sound equipment does not include:
 - A. Equipment used for political advertisements.
 - B. Equipment used for public health and safety purposes.
 - C. Church or clock carillons, bells, or chimes.
 - D. Parades, processions, or other public events for which a parade or other permit has been issued, provided the conditions of the permit are complied with.
 - E. Automobile radios, tape decks or players or other standard automobile equipment being used by the occupants, provided the sound emitted is not plainly audible for more than 50 feet from the vehicle.
 - F. Recorded music used in a nonresidential zone in conjunction with a civil or religious celebration.
 - G. Un-amplified live music, provided it is sponsored or funded, in whole or in part, by a governmental entity.
 - H. Mobile radio or telephone signaling devices.
 - I. Car or truck horns or similar devices when used to denote danger or a warning or possible danger.
3. Obtaining Permission from Council. In order to obtain written permission required herein, a request must be made, in writing, to the Clerk and any information which the City may require shall be provided. If the request contains the required information and the proposed use complies with the requirements of this chapter, the Clerk will place the request on the agenda for the next regularly scheduled Council meeting.
4. Types of Permits; Standards.
 - A. Type A Permit. A Type A permit may be issued for sound equipment emitting music or human speech registering not more than 60 dB(A)s when the sound level is measured at the real property boundary of the private residence nearest the sound equipment and measuring not more than 100 dB(A)s at a distance of 50 feet from the sound equipment. Sound equipment permitted under a Type A permit may be used only in areas of the City zoned for nonresidential and only between the hours of 9:00 a.m. and 9:00 p.m.

B. Type B Permit. Sound trucks may be operated only under a Type B permit. A Type B permit may be issued for sound equipment mounted upon a motor vehicle and intended for use upon City streets, provided the sound equipment emits only music or human speech registering not more than 80 dB(A)s when the sound level is measured at a distance of 100 feet from the sound equipment. Sound equipment permitted under a Type B permit may be used only in nonresidential areas and only from 9:00 a.m. to 9:00 p.m.

C. Type C Permit. A Type C permit may be used for sound equipment emitting music or human speech registering not more than 60 dB(A)s when the sound level is measured at the real property boundary of the private residence nearest the sound equipment and registering not more than 100 dB(A)s when the sound level is measured at a distance of 50 feet from the sound equipment. Sound equipment permitted under a Type C permit may be used only in public parks owned and operated by the City or public grounds owned and operated by another government body from 10:00 a.m. to 11:00 p.m. for events authorized and approved by the City or other body having jurisdiction over the park or public grounds.

D. Type D Permit: A Type D permit may be issued for sound equipment emitting music or human speech registering not more than 60 dB(A)s when the sound level is measured at the real property boundary of the residence nearest the sound equipment and registering not more than 100 dB(A)s when the sound level is measured at a distance of 50 feet from the sound equipment. Sound equipment permitted under a Type D permit may be used only on school or church grounds or in conjunction with a school sponsored or church sponsored activity from 10:00 a.m. to 11:00 p.m. for events authorized and approved by the authorities having jurisdiction of the grounds.

5. Permit Fees.

A. Fees for sound equipment permits may be established by resolution of the Council.

B. No fee will be required for any sound equipment permit issued to the City, State, or the Federal government or any other governmental subdivision or agency.

6. Separate Permits Required; Non-Transferability; Display. A separate permit is required for each type of activity described. Permits are non-transferable and must be conspicuously displayed on or immediately adjacent to the sound equipment. The provisions do not apply to:

A. The emission of sound for the purpose of alerting persons to the time of day, the existence of an emergency or the approved testing of the system.

B. The emission of sound in the performance of emergency work, including snow removal and maintenance of trees.

C. The un-amplified human voice, except those activities specifically controlled by the provisions of this chapter.

D. Agricultural activities, exclusive of those involving the ownership or possession of animals.

E. Snowmobiles regulated by the *Code of Iowa*.

F. Rail and air transportation and public mass transportation vehicles.

G. Emergency vehicles, such as fire trucks and ambulances.

H. Nonprofessional athletic events.

- I. Essential services, such as electrical substations and safety devices.
- J. Construction and maintenance activities between 7:00 a.m. and 10:00 p.m. “Maintenance activities” are non-routine operations, temporary in nature, and conducted infrequently.
- K. Cement sawing of freshly poured concrete street, alley, sidewalk, or road surface.
- L. Un-amplified, live music, provided that it is sponsored or funded, in whole or in part, by a governmental entity.
- M. The emission of sound by individuals with the written consent of the City for the purpose of implementing a City-approved deer management plan.

48.07 USE OF SOUND EQUIPMENT FOR COMMERCIAL ADVERTISING PROHIBITED.

No sound equipment is permitted to be used on public streets or public places or in any building or upon any premises if the sound will be plainly audible from any public street or public place within the City, when any such use is for commercial advertising purposes or for the purpose of attracting the attention of the public to any building or structure for monetary gain.

48.08 ADMINISTRATION AND ENFORCEMENT. The Mayor has the following powers:

1. To enter and inspect any private property or place and inspect any report or records at any reasonable time when granted permission by the owner or by some other person with apparent authority to act for the owner or a tenant of the premises. If consent to inspect is withheld, the officer may apply for an administrative search warrant as provided by State and Federal law.
2. To require certification by a registered engineer or other qualified person that the performance standards for a proposed use can be met.

48.09 VIOLATION. Violation of this chapter is a municipal infraction or a simple misdemeanor, as the City may elect.