

CODE OF ORDINANCES

CITY OF DOUGLAS

Sec. 16-85. — Findings; applicability.

Excessive sound and vibration are a serious hazard to the public health, welfare, safety, and quality of life, and a substantial body of science and technology exists by which excessive sound and vibration may be substantially abated. The people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, welfare, or safety or degrade the quality of life. The damage and discomfort caused to the people arises both from stationary and non-stationary sound and vibration and this section shall apply to both.

(Code 2008, § 95.01; Ord. No. 03-2008, 5-6-2008)

Sec. 16-86. — Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction activity means any erection, excavation, demolition, alteration, repair, maintenance, grading, site preparation, or improvement of any building, structure, premises, street, highway, utility, or other property, and includes the operation of tools, vehicles, machinery, and equipment reasonably necessary for such activity and the delivery, loading, unloading, or removal of construction materials, equipment, or debris.

Continuous sound means any sound having a duration of one second or more.

Decibel (dBA) means the sound pressure level in decibels measured on the “A” scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI sl.4-1971.

District means the land use zone to which the provisions of this article are applied. For the purposes of this article:

- (1) The term “commercial district” includes all C and L classified zones.
- (2) The term “residential district” includes all R classified zones and the public lands classification.

Impulse sound means any sound having a duration of less than one second.

Motor vehicle means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways. Aircraft, watercraft, and vehicles used exclusively on stationary rails or track are not motor vehicles as that term is used herein.

The term “motor vehicle” includes motorcycles unless distinction is made in the context of use.

Noise control officer means the police chief and the police chief’s agents who have the responsibility for the enforcement of this article.

Person means any individual, firm, association, partnership, limited liability corporation or any other entity, public or private.

Real property boundary means the imaginary line which represents the legal limits of property (including an apartment, condominium, room, or other dwelling unit) owned, leased, or otherwise occupied by a person, business, corporation, or institution. In cases involving sound from an activity on a public street or other public right-of-way, the real property boundary shall be the nearest boundary of the public right-of-way.

Receiving land means the real property within which sound originating from outside the property is received.

(Code 2008, § 95.02; Ord. No. 03-2008, 5-6-2008)

Sec. 16-87. — Anti-noise regulations generally.

(a) No person shall cause or create any unreasonable or unnecessarily loud noise or disturbance injurious to the health, peace, or quiet of the residents and property owners of the city.

(b) The following noises and disturbances are hereby declared to be a violation of this article; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this article not specifically enumerated:

- (1) The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons;
- (2) Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity;
- (3) The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, or hospital;
- (4) The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity, such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property;
- (5) The operation of any motorcycle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise,

including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons;

(6) The sounding of any horn or other device on any motor vehicle unless necessary to operate the vehicle safely or as required by this Code or state law;

(7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises;

(8) The erection, excavation, demolition, alteration, repair, maintenance, grading, site preparation, or improvement of any building, structure, premises, street, highway, utility, or other property, and the operation of tools, vehicles, machinery, or equipment in connection with such activity, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, except as permitted under section 16-88 or in cases of urgent necessity in the interest of public health or safety;

(9) The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas;

(10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity; and

(11) The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

(c) Violations of this section are independent of the maximum decibel limitations provided for under section 16-89.

(Code 2008, § 95.03; Ord. No. 03-2008, 5-6-2008)

Sec. 16-88. — Exceptions.

None of the prohibitions of this article shall apply to the following:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities;

(2) Excavation or repair of bridges, streets or highways or other property by or on behalf of the state, the city, or the county (including, but not limited to, private contractors of

these governmental entities) between 9:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours;

(3) Warning devices emitting sound for warning purposes as authorized by law;

(4) Any organized public events sponsored or endorsed by the city;

(5) Any bells, chimes, or other musical devices used by religious institutions or churches;

(6) Any bands for celebrations, events, or activities sponsored or endorsed by the city;
and

(7) Any ordinary and customary activities conducted at schools or other educational institutions involving playground activities which are conducted during normal school hours.

(8) Construction activity during permitted hours. Sounds resulting from construction activity shall not constitute a violation of this article when the construction activity is conducted between the hours of 8:00 p.m. and 8:00 a.m., provided that the activity is conducted in a reasonable manner and with equipment that is properly operated and maintained. This exception does not authorize the use of amplified sound, intentional noise-making, unnecessary idling, or the operation of equipment in a manner that creates noise not reasonably necessary to the construction activity. This exception also does not limit the City's authority to enforce any permit condition, stop-work order, zoning requirement, building code requirement, or other applicable law.

(Code 2008, § 95.04; Ord. No. 03-2008, 5-6-2008)

Sec. 16-89. — Anti-noise regulations based upon dBA criteria.

(a) Maximum permissible sound levels by receiving land use. No person on private property shall create a continuous sound which exceeds the limits set forth for the receiving land category in the following table when measured at or within the property boundary of the receiving land which source of sound shall be deemed prima facie to be a noise disturbance except as exempted in 16-88.

The maximum sound levels are as follows:

Residential zoning districts: 10:00 p.m.–7:00 a.m., 65 dBA; 7:00 a.m.–10:00 p.m., 70 dBA.

Commercial zoning districts: 10:00 p.m.–7:00 a.m., 65 dBA; 7:00 a.m.–10:00 p.m., 70 dBA.

(b) Impulse sounds. Impulse sounds may exceed the permissible limits in the above table by ten decibels if they occur less than ten times in any hour between 7:00 a.m. and 10:00 p.m. or less than four times in any hour between 10:00 p.m. and 7:00 a.m. If any impulse sound exceeds these frequencies, then the permissible limits in the table apply.

(c) Motor vehicle noise limitations. All noise emitted from motor vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet (or 15 meters) from a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7 1/2 meters) and if this is done, six dBA shall be added to the limits provided below. All such noises in excess of the dBA as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this article.

Vehicle table: Trucks and buses over 10,000 pounds gross weight, 82 dBA; trucks and buses under 10,000 pounds gross weight, 74 dBA; passenger cars any weight, 74 dBA; motorcycles, snowmobiles and mini-bikes any weight, 82 dBA; all other self-propelled motor vehicles any weight, 74 dBA.

(Code 2008, § 95.05; Ord. No. 03-2008, 5-6-2008)

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END OF ARTICLE IV