

**APPENDIX A
AMENDMENTS TO CHAPTER 6.16**

Chapter 6.16 NOISE CONTROL

Sections:

6.16.010 Declaration of policy.

- A. In order to control unnecessary, excessive, and annoying noise and vibration in the city, it is hereby declared to be the policy of the city to prohibit such noise and vibration generated from all sources, including, but not limited to, those specified in this chapter. It shall be the policy of the city to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the city where noise levels are above acceptable values.
- B. It is determined that certain noise levels and vibrations are detrimental to the public health, welfare, and safety and are contrary to the public interest. Therefore, the council does ordain and declare that creating, maintaining, or causing, or allowing to be created, caused, or maintained, any noise or vibration in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance.

(Prior code § 10-5.01)

6.16.020 Definitions.

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

- A. A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- B. Ambient noise level. The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- C. Commercial and office areas (all C and OA Zoning Districts). Areas intended to provide at readily accessible locations a wide variety of retail, service, and administrative establishments.
- D. Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.
- E. Cumulative period. An additional period of time composed of individual time segments which may be continuous or interrupted.

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- F. Decibel. A unit for measuring the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure of twenty (20) micropascals.
 - G. Demolition. Any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
 - H. Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
 - I. Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
 - J. Fixed noise source. A. stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air-conditioners, and refrigeration equipment.
 - K. Holiday. For purposes of this chapter, holiday shall mean January 1st, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

The following Monday of any of the above days falling on a Sunday shall be a holiday.

- L. Impulsive sound. A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharges of firearms.
- M. Intrusive noise. That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.
- N. Mobile noise source. Any noise source other than a fixed noise source.
- O. Motor vehicle. Any and all self-propelled vehicles as defined in the Vehicle Code of the state, including all on-highway type motor vehicles subject to registration under said Code and all off-highway type motor vehicles subject to identification under said Code.
- P. Muffler or sound dissipative device. A device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas, compressed air, or other gas flow and effective in reducing noise.
- Q. Noise. Any sound which annoys or disturbs human beings or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- R. Noise disturbance. Any sound which:
 - 1. Endangers or injures the safety or health of human beings or animals; or
 - 2. Annoys or disturbs a reasonable person of normal sensitivities; or

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3. Endangers or injures personal or real property.
- S. Noise sensitive zone, Any area so designated for the purpose of ensuring exceptional quiet, e.g., a hospital zone or nursing home.
- T. Noise zone. Any defined area or region of a generally consistent land use wherein the ambient noise levels are within a range of five dBA.
- U. Person. An individual, association, partnership, or corporation, including any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.
- V. Powered model vehicle. Any self-propelled, airborne, water-borne, or landborne plane, vessel, or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.
- W. PCF. Any real property or structure thereon which is owned or controlled by a governmental entity.
- X. Pure tone. Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above, and by eight dB for center frequencies between 160 and 400 Hz, and by fifteen (15) dB for center frequencies less than or equal to 125 Hz.
- Y. Residential area (all R1 and R3 Zoning Districts). An area which provides for one-family, two-family, or other multi-family units.
- Z. Sound amplifying equipment. Any device for the amplification of the human voice, music, or any other sound. This excludes standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and warning devices on authorized emergency vehicles, or horns or other warning devices on any vehicle used only for traffic safety purposes.
- AA. Sound level meter. An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which at least satisfies the requirements pertinent for type S2A meters in American National Standards Institute Specifications for sound level meters, S1.4-1971, or the most recent revision thereof.
- AB. Sound truck. Any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.
- AC. Vibration perception threshold. The minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person of normal sensitivity to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 inches per second over the range of one to 100 Hz.

AD. Weekday. Any day, Monday through Friday, which is not a national legal holiday.
(Ord. 00-391 § 1; prior code § 10-5.02)

6.16.030 Powers and duties of the noise control office (NCO).

- A. Lead agency. The noise control program established by this chapter shall be administered by the planning and police departments, which shall be known as the noise control office (NCO) for the purposes of this chapter. Individuals trained in acoustical technology shall be employed to assist in the administration of this chapter.
- B. Powers and duties. In order to implement and enforce this chapter and for the general purpose of noise abatement and control, the NCO shall have, in addition to any other authority vested in it, the power to:
1. Conduct, or cause to be conducted, studies, research, and monitoring relating to noise, including joint cooperative investigations with public or private agencies, and the application for, and acceptance of, grants;
 2. Conduct programs of public education regarding:
 - a. The cause and effects of noise and the general methods of the abatement and control of noise; and
 - b. The actions prohibited by this chapter and the procedures for reporting violations;
 3. Encourage the participation of public interest groups in related public information efforts;
 4. Provide for the training of city employees concerned with noise abatement. Training will be in conformance with standards for technical qualifications as established by the Office of Noise Control of the state;
 5. Coordinate, when requested, the noise control activities of city departments;
 6. Cooperate where practicable with all appropriate state and federal agencies;
 7. Cooperate where practicable with appropriate county and municipal agencies;
 8. Advise on the availability of low noise emission products for replacement or retrofit of existing or planned city-owned or operated equipment;
 9. Prepare recommendations, to be approved by the council, for the designation of noise sensitive zones which contain noise sensitive activities; and
 10. At least every third year following the effective date of this chapter, evaluate the effectiveness of the noise control program in the city and make recommendations to the chief administrative officer for its improvement.
- C. Other duties.
1. If at any time the noise control office has reason to believe that a standard, regulation, or action, or proposed standard, regulation, or action, of any department respecting noise does not conform to the intent of Section 6.16.010 of this chapter, it may request

such department to review and report to the NCO on the advisability of revising such standard or regulation or action to conform.

2. Any product which has been certified by federal or state agencies as a low noise emission product, and which is determined to be suitable for use as a substitute in any city project, shall be used in preference to any other product where economically feasible.

(Prior code § 10-5.03)

6.16.040 Noise investigations.

Upon the receipt of a complaint from a citizen, the noise control office or its agent, equipped with a sound level meter, shall investigate the complaint. The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem and shall include the following:

- A. Non-acoustic data.
 1. The type of noise source;
 2. The location of the noise source relative to the complainant's property; and
 3. The time period during which the noise source is considered by the complainant to be intrusive; and
- B. Noise or acoustic data.
 1. The total duration of the noise produced by the noise source;
 2. The date and time of the noise measurement survey; and
 3. The noise measurements.

(Prior code § 10-5.04)

6.16.050 Exterior noise limits.

- A. Maximum permissible sound levels by receiving land use.
 1. The noise standards for the various categories of land use identified by the noise control office as presented in Table 1 of this section, unless otherwise specifically indicated, shall apply to all such property within a designated zone.
 2. No person shall operate, or cause to be operated, any source of sound at any location within the city, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:
 - a. The noise standard for that land use as specified in Table 1 for a cumulative period of more than thirty (30) minutes in any hour; or

- b. The noise standard plus five dB for a cumulative period of more than fifteen (15) minutes in any hour; or
 - c. The noise standard plus ten (10) dB for a cumulative period of more than five minutes in any hour; or
 - d. The noise standard plus fifteen (15) dB for a cumulative period of more than one minute in any hour; or
 - e. The noise standard plus twenty (20) dB or the maximum measured ambient for any period of time.
3. If the measured ambient level exceeds that permissible within any of the first four noise limit categories above, the allowable noise exposure standard shall be increased in five dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
 4. If the noise measurement occurs on a property adjacent to a zone boundary, the noise level limit applicable to the lower noise zone, plus five dB, shall apply.
 5. If possible, the ambient noise shall be measured at a consistent location on the property with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dB below the ambient in order that only the ambient level be measured. If the difference between the ambient and the noise source is five to ten (10) dB, then the level of the ambient itself can be reasonably determined by subtracting a one decibel correction to account for the contribution of the source.
- B. Corrections for character of sound. In the event the alleged offensive noise contains a steady, audible tone, such as a whine, screech, or hum, or contains music or speech conveying informational content, the standard limits set forth in Table 1 shall be reduced by five dB.

**TABLE 1.
EXTERIOR NOISE LIMITS**

(Levels not to be exceeded more than 30 minutes in any hour)

Receiving Land Use Category	Time Period	Noise Level (dBA)
All R1 Zoning Districts	10:00 p.m. — 7:00 a.m.	45
	7:00 a.m. — 10:00 p.m.	55
All R3 and PCF Zoning Districts	10:00 p.m. — 7:00 a.m.	50
	7:00 a.m. — 10:00 p.m.	55

All OA Zoning Districts	10:00 p.m. — 7:00 a.m.	55
	7:00 a.m. — 10:00 p.m.	60
All C Zoning Districts	10:000 p.m. — 7:00 a.m.	60
	7:00 a.m.—10:00 p.m.	65

(Prior code § 10-5.05)

6.16.060 Interior noise standards.

- A. Maximum permissible dwelling interior sound levels.
1. The interior noise standards for multi-family residential dwellings as presented in Table 2 of this section shall apply, unless otherwise specifically indicated, within all such dwellings with windows in their normal seasonal configuration.
 2. No person shall operate, or cause to be operated, within a dwelling unit any source of sound or allow the creation of any noise which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed:
 - a. The noise standard as specified in Table 2 for a cumulative period of more than five minutes in any hour; or
 - b. The noise standard plus five dB for a cumulative period of more than one minute in any hour; or
 - c. The noise standard plus ten (10) dB or the maximum measured ambient for any period of time.
 3. If the measured ambient level exceeds that permissible within any of the noise limit categories above, the allowable noise exposure standard shall be increased in five dB increments in each category as appropriate to reflect such ambient noise level.
- B. Corrections for character of sound. In the event the alleged offensive noise contains a steady, audible tone, such as a whine, screech, or hum, or contains music or speech conveying informational content, the standard limits set forth in Table 2 shall be reduced by five dB.

**TABLE 2.
INTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Time Interval	Allowable Interior Noise Level (dBA)
All R3 Zoning Districts	Multi-Family Residential	10:00 p.m. — 7:00 a.m.	35
		7:00 a.m. — 10:00 p.m.	45

(Prior code § 10-5.06)

6.16.070 Prohibited acts.

- A. Noise disturbances prohibited. No person shall unnecessarily make or continue, or cause to be made or continued, any noise disturbance.
- B. Specific prohibitions. The following acts, and the causing or permitting thereof, are declared to be in violation of this chapter:
 - 1. Radios, television sets, musical instruments, and similar devices. Operating, playing, or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound:
 - a. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day Monday through Friday or between 10:00 p.m. and 8:00 a.m. Saturday and Sunday in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Sections 6.16.050 or 6.16.060 of this chapter, except for activities for which a variance has been issued; or
 - b. In such a manner as to exceed the levels set forth for public space in Table 1, measured at a distance of at least fifty (50) feet (fifteen (15) meters) from such device operating on a public right-of-way or public space;
 - 2. Loudspeakers (amplified sound).
 - a. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 6.16.050 of this chapter; or
 - b. Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or violates the provisions of Section 6.16.050 of this chapter;
 - 3. Street sales. Offering for sale, selling anything, or advertising by shouting, outcry, or the use of a noise-making device within any residential or commercial area or noise sensitive zone of the city, except by variance issued by the noise control office. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverage at licensed sporting events, parades, fairs, circuses, or other similar licensed public entertainment events;
 - 4. Animals and birds. Owning, possessing, or harboring any animal or bird which howls, barks, meows, squawks, or makes other noises continuously and/or incessantly for a period of ten (10) minutes or intermittently for one-half hour or more which creates a noise disturbance across a residential or commercial real property line or within a noise sensitive zone. For the purposes of this chapter, the animal or bird noise shall not be

deemed a disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird;

5. Loading and unloading. Loading, unloading, opening, closing, or handling of boxes, crates, containers, building materials, or similar objects, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, in such a manner as to cause a noise disturbance across a residential real property line or at any time to violate the provisions of Section 6.16.050 of this chapter;
6. Construction and demolition.
 - a. i. Single-family zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 5:30 p.m. and on Saturdays before 9:00 a.m. or after 3:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public utilities or by special exception. This section shall apply to operations on residentially zoned property only. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
 - ii. All other zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 7:00 p.m. and Saturdays before 9:00 a.m. or after 6:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by special exception. This section shall apply to operations on properties other than residentially zoned property. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
- b. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedules:
 - i. Mobile equipment. Maximum noise levels for the nonscheduled, intermittent, short-term operation (less than ten (10) days) of mobile equipment:

TABLE 3.

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
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Daily, except Sundays and legal holidays 7:00 a.m. — 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. — 7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA

- ii. Stationary equipment. Maximum noise levels for the respectively scheduled and relatively long-term operation (periods of ten (10) days or more) of stationary equipment:

TABLE 4.

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
Daily, except Sundays and legal holidays 7:00 a.m. — 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. — 7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA

- c. Deliveries, start-up and closing down. The construction times above shall apply to deliveries of materials and equipment, and arrival of workers, start-up and closing down and departure activities on a job site.
7. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty (150) feet (forty-six (46) meters) from the source if on a public space or public right-of-way;
 8. Powered model vehicles. Operating or permitting the operation of powered model vehicles:
 - a. Between the hours of 7:00 p.m. and 7:00 a.m. of the following day so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 6.16.050 of this chapter; or
 - b. In such a manner as to exceed the levels set forth for public space land use in Table 1, measured at a distance not less than one hundred (100) feet (thirty (30) meters) from any point on the path of a vehicle operating on a public space or public right-of-way;

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9. Emergency signaling devices.
 - a. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (b) of this subsection;
 - b. The testing of emergency signaling devices shall be restricted as follows:
 - i. The testing of a stationary emergency signaling device shall not occur before 8:00 a.m. or after 7:00 p.m.. Any such testing shall use only the maximum cycle test time. In no case shall such test time exceed sixty (60) seconds; and
 - ii. The testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 a.m. or after 10:00 p.m.. The time limit specified in subsection (i) of this subsection shall not apply to such complete system testing; and
 - c. The sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is terminated within fifteen (15) minutes of activation and no more than two false activations within a four hour period;
 10. Noise sensitive zones.
 - a. Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in Sections 6.16.050 and 6.16.060 of this chapter provided conspicuous signs are displayed indicating the presence of the zone; or
 - b. Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, or other designated area, so as to interfere with the functions of such activity or annoy the occupants in the activity, provided conspicuous signs are displayed indicating the presence of the zone;
 11. Lawn or garden tools.
 - a. Operating or permitting the operation of any lawn or garden tool (except portable gasoline engine powered blowers), or similar tool between 8:00 p.m. and 8:00 a.m. of the following day Monday through Friday or between 6:00 p.m. and 9:00 a.m. of the following Saturday and Sunday; and portable electric powered blowers used to blow leaves, dirt and other debris off sidewalks, driveways, lawns, landscape areas or other surfaces between 5:00 p.m. and 9:00 a.m. seven days a week, so as to create a noise disturbance across a residential or commercial real property line. This section shall apply to operations on residentially zoned property only;

- b. Where technically and economically feasible, any motor, machinery, or pump shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Section 6.16.050 of this chapter;
12. Air-conditioning or air-handling equipment. Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed any of the following sound levels without a variance:

TABLE 6.

Measurement Location	93-PUD/R-1 zoned properties at Chester Circle* dB(A)	All other residentially zoned properties dB(A)
Any point on a neighboring property line, five feet above grade level, no closer than three feet from any wall	No standard	50
Center of a neighboring patio, five feet above grade level, no closer than three feet from any wall	45	45
Outside the neighboring living area window nearest the equipment location, not more than three feet from the window opening, but at least three feet from any other surface	55	45

* The standards set forth for all residential properties shall be utilized when a 93-PUD/R-1 zoned property adjoins a neighboring property outside of the 93-PUD/R-1 zone.

13. Swimming pool motors and equipment. Operating or permitting the operation of any swimming pool motor or swimming pool equipment, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 6.16.050 of this chapter. Where such equipment exceeds 45 dBA at its maximum use, such equipment shall be enclosed in a noise attenuating structure;
14. Helicopters. Operating or permitting to be operated any helicopter which violates the nighttime provisions of Section 6.16.050 of this chapter or which causes a noise that exceeds eighty (80) dBA during the day in residential or commercial areas without a variance. Military and government operated helicopters shall be exempted from the provisions of this subsection; and

~~15. Portable gasoline powered blowers.~~

~~a. — Definition. Portable gasoline powered leaf blowers are defined as portable power equipment that is powered by a self-contained fuel engine and used in any~~

~~landscape, maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees and shrubs or other debris.~~

~~b. Gasoline powered blowers prohibited. Use or operation of portable gasoline-powered leaf blowers within the city for any purpose except testing noise levels is unlawful and shall constitute an infraction, punishable as provided by law.~~

(Ord. 07-314 § 1; Ord. 01-398 § 1; Ord. 01-396 § 1; Ord. 00-391 §§ 2—4; prior code § 10-5.07)

6.16.080 Motor vehicle noise limits.

- A. Motor vehicles. It shall be the policy of the city to enforce those sections of the Vehicle Code of the state regarding motor vehicle noise limits and equipment violations which create noise problems, motor vehicle horns, sound levels emitted from off-highway vehicles operating off the public right-of-way, and the successors thereof.
- B. Refuse collection vehicles.
 - 1. No person shall collect refuse with a refuse collection vehicle between the hours of 6:00 p.m. and 6:00 a.m. of the following day in a residential area.
 - 2. No person authorized to engage in waste disposal service or garbage collection shall operate any truck-mounted waste or garbage loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding federal standards.
- C. Vehicle, motorboat, and aircraft repairs and testing. No person shall repair, rebuild, modify, or test any motor vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance across a residential real property line or at any time to violate the provisions of Section 6.16.050 of this chapter.
- D. Standing motor vehicle. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such vehicle, for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred fifty (150) feet (forty-six (46) meters) of a residential area or designated noise sensitive zone, between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- E. Motorized recreational vehicles operating off public rights-of-way. No person shall operate or cause to be operated any motorized recreational vehicle off a public right-of-way in such a manner that the sound levels emitted therefrom violate the provisions of Section 6.16.050 of this chapter. This subsection shall apply to all motorized recreational vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go carts, amphibious craft, campers, and dune buggies, but not including motorboats.

(Prior code § 10-5.08)

6.16.090 Special exemptions.

- A. Emergency exceptions. The provisions of this chapter shall not apply to:
 - 1. The emission of sound for the purpose of alerting persons to the existence of any emergency; or
 - 2. The emission of sound in the performance of emergency work.
- B. Warning devices. Warning devices necessary for the protection of the public safety, as, for example, police, fire, and ambulance sirens and train horns, shall be exempted from the provisions of this chapter.
- C. Outdoor activities. The provisions of this chapter shall not apply to occasional public outdoor gatherings, public dances, shows, and sporting and entertainment events provided such events are conducted pursuant to a permit or license issued by the city relative to the staging of such events.
- D. Exemptions from exterior noise standards. The provisions of Section 6.16.050 of this chapter shall not apply to activities covered by the following provisions of this chapter:
 - 1. Subsection (3) of subsection (B) of Section 6.16.070 relating to street sales;
 - 2. Subsection (4) of subsection (B) of Section 6.16.070 relating to animals and birds;
 - 3. Subsection (6) of subsection (B) of Section 6.16.070 relating to construction and demolition;
 - 4. Subsection (9) of subsection (B) of Section 6.16.070 relating to emergency signaling devices;
 - 5. Subsection (a) of subsection (11) of subsection (B) of Section 6.16.070 relating to domestic power tools;
 - 6. Subsection (12) of subsection (B) of Section 6.16.070 relating to air-conditioning or air-handling equipment;
 - 7. Subsection (A) of Section 6.16.080 relating to motor vehicles; and
 - 8. Subsection (B) of Section 6.16.080 relating to refuse collection vehicles.
- E. Federal or state preempted activities. The provisions of this chapter shall not apply to any activity to the extent regulation thereof has been preempted by state or federal laws.
- F. Special condition permits. Notwithstanding any provision of this chapter, the NCO may grant special condition permits for a period not exceeding three days when the general purpose and intent of this chapter can be carried out by the granting of the special condition permit. Such special condition permits may be renewed for periods not exceeding three days at the discretion of the NCO.

(Prior code § 10-5.09)

6.16.100 Variance permit procedure.

- A. Purpose. The NCO is authorized to grant a variance from any provision of this chapter by a variance permit issued for a maximum of one year, except that any applicant may apply for renewal.
 - B. Applications and fees. Any person seeking a variance pursuant to this section shall file an application with the NCO. The NCO shall prescribe the form of the application and data to be filed with the application. The application shall be accompanied by a fee in the amount of seventy-five dollars (\$75.00). A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership, or several fixed sources on a single property, may be combined into one application.
 - C. Time and place of hearings. Upon the filing of a sufficient and proper application and the payment of the filing fee, the NCO shall fix a time and place for a public hearing.
 - D. Notices of hearings. The NCO shall cause notice to be published in a newspaper of general circulation not less than ten (10) days nor more than thirty (30) days prior to the date of such hearing. Within the same time period, notices (to be supplied by the applicant) shall be mailed to the recorded legal owners of all properties within three hundred (300) feet of the boundaries of the site at the address shown on the last equalized assessment roll.
 - E. Conditions. In approving a variance permit, the NCO may include such conditions as it deems reasonable and necessary under the circumstances to protect the public health, safety, and welfare from adverse effects caused by the noise emanating therefrom.
 - F. Findings and decisions. In considering the variance as applied for, the NCO shall make the following findings:
 - 1. That the use involved with the noise source is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;
 - 2. That the granting of the variance will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons living or working in the vicinity;
 - 3. That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the use of the property which do not generally apply to other properties or uses in the same district; and
 - 4. That because of such exceptional or extraordinary circumstances or conditions, the strict or literal enforcement of the specified provisions of this chapter would result in practical or economical difficulties.
- Based on these findings, the NCO may approve, disapprove, or conditionally approve the variance application. No decision of the NCO shall become final upon an application for a variance permit until the time in which an appeal may be filed with the council has lapsed without an appeal having been filed.
- G. Appeals to the council.

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1. Any person dissatisfied with the decision of the NCO may file an appeal with the clerk of the council within fifteen (15) calendar days after the decision. The NCO shall transmit to the council all maps, records, papers, and files which constitute the records in the action from which the appeal was taken. At the time of the filing of the appeal, the appellant shall pay a filing fee of eighteen dollars and seventy-five cents (\$18.75) to the clerk of the council.
 2. The clerk of the council, within thirty (30) days after the filing of the appeal, shall set the time and place for the appeal to be heard by the council and shall cause notice of such hearing in the same manner as set forth in subsection D of this section. The council shall hear the matter de novo and may approve, disapprove, or conditionally approve the application. The decision of the council shall be final.

H. Revocation of variances.

1. The NCO or council on its own motion may hold a hearing for modifying or revoking any permit or variance which has been granted by it pursuant to the provisions of this chapter. Public hearings shall be held and notice given in accordance with subsection D of this section. Written notice of the hearing shall also be served upon any person making use of or relying upon any permit or variance to be modified or revoked not less than ten (10) days prior to the date of such hearing.
2. After a public hearing, the NCO or council may revoke or modify a permit or variance on one or more of the following grounds:
 - a. That such approval was obtained by fraud; or
 - b. That any person making use of or relying upon the permit or variance is violating or has violated any condition of such permit or variance or that the use for which the permit or variance was granted is being, or has been, exercised contrary to the terms or conditions of such approval; or
 - c. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety or so as to be a nuisance.

(Prior code § 10-5.10)

6.16.110 Time to comply.

- A. Commercial/office operations. Those commercial and office operations in existence prior to September 25, 1979, shall be granted a one-year period from September 25, 1979, within which to comply with the provisions of this chapter.
 1. During such one-year period, all such facilities shall make reasonable efforts to be in compliance and to reduce noise which exceeds the standards specified in this chapter. Commencing at the end of one year after September 25, 1979, any such facility shall be subject to all the applicable requirements of this chapter.
 2. If any facility which is not in compliance by the end of such one-year period applies for a variance pursuant to Section 6.16.100 of this chapter, in deciding whether to grant

a variance, the NCO shall take into account the extent to which the applicant has endeavored to reduce noise during such one-year period to meet the standards specified in this chapter.

3. This section shall apply only to commercial and office facilities already in existence or for which the work of improvement had commenced prior to September 25, 1979.
 4. As used in this section "office facility" shall mean any building, structure, or premises, or portion thereof, used for administrative, professional, or service purposes, and "commercial facility" shall mean any building, structure, or premises, or portion thereof, used for wholesale or retail commercial purposes.
- B. Other operations. Except as provided in subsection A of this section, all operations in existence prior to September 25, 1979, shall have one hundred twenty (120) days to comply with the provisions of this chapter or apply for a variance.

(Prior code § 10-5.11)

6.16.120 Enforcement.

- A. Prima facie violations. Any noise exceeding the noise level limits for a designated noise zone as specified in Sections 6.16.050 and 6.16.060 of this chapter or the prohibited actions as specified in Section 6.16.070 of this chapter shall be deemed to be prima facie evidence of a violation of this chapter.
- B. Notices of violations. Upon the receipt of a complaint from any person, the NCO or duly authorized representative may investigate and assess whether the alleged noise levels violate this chapter. If the investigator has reason to believe that any provision of this chapter has been violated, he may cause written notice to be served upon the alleged violator. Such notice shall specify the provision of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection, and may include an order that corrective action be taken within a specified time.

(Prior code § 10-5.12)