

CHAPTER 48

NOISE CONTROL

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48.01 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 Jefferson.

48.02 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

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. “Motor vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways.
5. “Noise” means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
6. “Noise disturbance” means those sounds defined by Section 48.04 and 48.05 of this chapter.
7. “Person” means any individual, association, partnership corporation or officer thereof.
8. “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.
9. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause

compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

10. "Sound level meter" means an instrument, including a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks used to measure sound pressure levels, which complies with American National Standards Institute standards. A "weighted sound level" or "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 as dB(A) or dBA. "Decibel" means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound and is denoted as dB.

48.03 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make, continue, cause or allow any noise disturbance within the City.

48.04 SOUNDS NOT ALLOWED. Except for sounds excluded under other sections of this chapter, the term "noise disturbance" means any of the following sounds:

1. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety or health of a human being or 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.
2. Maximum Permitted Level. In addition to the foregoing, a sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be a noise disturbance.

MAXIMUM PERMITTED LEVELS

RECEIVING LAND USE:	MAXIMUM dB PERMITTED:
Residential:	65 between 7 a.m. and 9 p.m. 55 between 9 p.m. and 7 a.m.
Commercial:	70
Industrial:	75
Park:	65

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.

48.05 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 vehicles 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.

48.06 EXCEPTIONS. Any other provision of Section 48.04, 48.05 or any other section of this chapter to the contrary notwithstanding, the term “noise disturbance,” as used in this chapter, does not mean or include the following sounds:

1. Emergencies. The sounds emitted by emergency work or by any authorized emergency personal or vehicle, when responding to an emergency call.
2. Alarms. The sounds emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purposes.
3. Alarm Testing. The sounds 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 8:00 a.m. and 5:00 p.m.
4. Bell Tower and Church Bells. The sounds emitted by the Mahanay Memorial Carillon Tower and the sounds emitted by church carillons, bells or chimes.
5. Certain Signaling Devices. The sounds emitted by mobile radio or telephone signaling devices.
6. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.
7. Railroad. The sounds emitted by railroad equipment while operated on the railroad right-of-way.
8. Government Vehicles. The emission of sound made or caused to be made by government owned, operated, or contracted vehicles in the performance of their official duties.

9. Fairground. The sound emitted in conjunction with activities conducted on the Greene County fairgrounds during the Greene County Fair or other exposition approved by the City or County.

10. Weapons and Fireworks. The emission of sound in the legal discharge of weapons or in fireworks displays licensed by the City.

11. Snow Removal Equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment operated ~~between the hours of 6:00 a.m. and 10:00 p.m. and the sound emitted by City-owned or hired snow removal equipment from the time there has been an accumulation of one-half inch of snow until the snow has ceased to fall and has been removed or plowed from City streets.~~

12. Marching Bands and Athletics. The emission of sound in conjunction with marching bands and athletic events.

13. Construction Noise. The sound made by privately-owned and operated tools or equipment in erection, demolition, excavation, drilling, or other such construction work between the hours of 7:00 a.m. and 9:00 p.m.

14. ~~Engine Testing and Repair. The sound made by the repairing, rebuilding, modifying, or testing a motor vehicle or recreational vehicle between the hours of 7:00 a.m. and 9:00 p.m.~~Children at Play. The sound of the unamplified voices of children under the age of 16 during normal play.

15. 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 between the hours of 7:00 a.m. and 9:00 p.m.

16. Musical Instruments. The sound made by a drum, horn, reed, string instrument, or other musical instrument between the hours of 7:00 a.m. and 9:00 p.m.

17. Outdoor Power Equipment. The sound emitted by outdoor power equipment, including but not limited to aerators, augers, blowers, brush clearers, brush cutters, chain saws, dethatchers, edgers, hedge trimmers, lawn mowers, pole saws, power rakes, snowblowers, tillers, and power tools between the hours of 7:00 a.m. and 9:00 p.m.

18. Other Permitted or Authorized Sounds. The sounds emitted by activities of a temporary duration, authorized by law and for which a license or permit therefor has been granted by the City, including but not limited to parades, fireworks displays, the outdoor warning system and all other authorized activities occurring on government property

48.07 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 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. The measurement shall be an A weighted, slow response sound level. The sound is measured at the edge of a city street or alley right-of-way nearest to the source of the sound. A measurement may also be taken on the property where the complaining party was disturbed.

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

1. All permits must be applied for in writing, on the forms prescribed by the City Clerk, 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 Council may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.
5. Upon applying for a noise permit, the applicant shall deposit with the City the sum of \$100.00, or such other amount as established from time to time by resolution of the City Council, which shall be returned to the applicant after the event provided that all of the conditions for issuance of the permit were fully complied with.

48.09 MAXIMUM SOUND TO BE PERMITTED. When a permit has been issued pursuant to this chapter the sound levels listed in the following table shall be the maximum levels permitted:

RECEIVING LAND USE:	MAXIMUM dB PERMITTED:
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Residential:	75 between 7 a.m. and 9 p.m. 65 between 9 p.m. and 7 a.m.
Commercial:	80
Industrial:	80
Park:	80

When granting the permit, the Council may impose lower sound level limits based upon the location and length of the proposed event for which the permit is requested and the Council may impose other reasonable conditions and requirements to be met or fulfilled by the noise permit holder preliminary to or at the time of the use or operation of the sound equipment. Such conditions shall be those necessary or advisable to protect the health, welfare and quality of life of the residents of the City and may include, without limitation, restrictions on the time of day the sound equipment can be used or operated and restrictions on the length of time that the sound equipment may be used or operated. The permit holder shall be responsible for monitoring the level of sound to ensure that the conditions of the permit are not violated.

Should the person holding a permit not attentively observe all limitations and restrictions found in this chapter and in the noise permit, the City authorities shall be authorized to stop such permitted event or to turn the sound equipment off or reduce it to the level authorized by the noise permit.

48.10 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.

48.11 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall be guilty of a simple misdemeanor or a municipal infraction punishable by a criminal or civil penalty as provided by Chapters 1 and 4 of this Code of Ordinances. Each day that a violation occurs or is permitted to exist constitutes a separate offense.