

ANCHORAGE, ALASKA

Noise Related Regulations

Chapter 15.70 NOISE CONTROL

15.70.010 Short title of chapter.

This chapter may be known and cited as the Anchorage Noise Control Ordinance.

15.70.020 General provisions.

A. *Policy.* Whereas excessive sound and vibration are a serious hazard to public health and welfare and the quality of life, whereas a substantial body of science and technology exists by which excessive sound and vibration may be significantly abated, and whereas the people of the municipality have a right to an environment free from excessive sound and vibration that may jeopardize their health and welfare or degrade the quality of life, it is therefore the policy of the municipality to prevent excessive noise that may jeopardize the health or welfare of its citizens or degrade the quality of life.

B. *Exceptions.* The provisions of this chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of any emergency or the emission of sound in the performance of emergency work.

C. *Responsibility for violations involving motor vehicle.* It shall be a rebuttable presumption that the owner of a motor vehicle that violates or exceeds any provision of this chapter has caused or permitted the operation or driving of that motor vehicle.

D. *Sound level measurements.* It shall be unlawful for any person to operate or cause to be operated any source of sound in such a manner as to create a sound level that exceeds the equivalent sound level limits of specific decibel sound level limits set forth in this chapter when such equivalent sound level limits are measured at some other distance according to testing procedures established pursuant to section 15.70.040.B.1, except as otherwise required by federal law.

15.70.030 Definitions.

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

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 of which so read is designated dB(A) or dBA.

Commercial area means any parcel of land zoned as B-1, B-2A, B-2B, B-2C, B-3 or B-4 under title 21.

Construction means 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, but excludes demolition.

Construction season means the period from April 1 through October 31, both dates inclusive, of each year.

Decibel (dB) means a unit measure of sound level.

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Equivalent A-weighted sound level (Leq) means the constant sound level that in a given situation and time period conveys the same sound energy as the actual time-varying A-weighted sound.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Impulsive sound means sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay, examples of which include explosions, drop forge impacts and the discharge of firearms.

Industrial area means any parcel of land zoned as I-1, I-2 or I-3 under title 21.

Motor carrier vehicle engaged in interstate commerce means any vehicle for which regulations apply pursuant to section 18 of the Federal Noise Control Act of 1972 pertaining to motor carriers engaged in interstate commerce.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails as defined in section 9.04.010, and includes motorcycles or motor-driven cycles as defined in section 9.04.010.

Motorboat means any vessel that operates on water and is propelled by a motor, including but not limited to boats, barges, amphibious craft, water ski towing devices and hovercraft, but excluding vessels engaged in international commerce.

Motorcycle means an unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including but not limited to motor scooters and minibikes.

Muffler and sound-dissipative device mean a device for abating the sound of escaping gases of an internal combustion engine.

Noise means any sound that annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound that endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

Noise-sensitive zone means any area designated pursuant to section 15.70.040.A.7 for the purpose of ensuring exceptional quiet.

Powered model vehicle means any self-propelled airborne, waterborne or landborne plane, vessel or vehicle that is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, public use easement or similar place owned or controlled by a governmental entity.

Public space means any real property or structures thereon owned or controlled by a governmental entity.

Pure tone means any sound that 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 in 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

Real property boundary means an imaginary line along the ground surface and its vertical extension that separates the real property owned or leased by one person from that owned or leased by another person.

Residential area means any parcel of land zoned as R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-O, D-2 or D-3, PLI, U or W under title 21, or any area of land used as single- or multiple-family dwellings, hospitals, nursing homes, homes for the aged, schools and similar institutions.

RMS sound pressure means the square root of the time averaged square of the sound pressure, denoted P_{rms} .

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

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 S1.4-1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A weighting shall apply.

Sound level meter means an instrument that includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20 micronewtons per square meter). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by direct means such as but not limited to sensation by touch or visual observation of moving objects.

Weekday means any day Monday through Friday that is not a legal state holiday.

B. All terminology used in this chapter and not defined in subsection A of this section or in chapter 15.05 shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

15.70.040 Powers and duties of department of health and human services.

A. The noise control program established by this chapter shall be administered by the department of health and human services, which shall have in addition to any other authority vested in it the following powers:

1. The department may conduct or cause to be conducted research, monitoring and other studies related to sound and vibration.
2. The department may coordinate the noise and vibration control activities of all municipal departments, cooperate where practicable with all appropriate state and federal agencies and enter into contracts for the provision of technical services.
3. The department may request any other department or agency responsible for a proposed or final standard, regulation or similar action to consult on the advisability of

revising the action if there is reason to believe that the action is not inconsistent with this chapter.

4. The department may review public and private projects subject to mandatory review or approval by other departments for compliance with this chapter if such projects are likely to cause sound or vibration in violation of this chapter.

5. The department and the police department may, except as otherwise prohibited by law, stop any motor vehicle, motorcycle or motorboat operated on a public right-of-way, public space or public waterway reasonably suspected of violating any provision of this chapter and issue a notice of violation or compliance order after the motor vehicle, motorcycle or motorboat is inspected or tested on-site as the department and the police department may require.

6. The department may develop and recommend to the assembly provisions regulating the use and operation of any product, including the description of maximum sound emission levels of such product; provisions prohibiting the sale of products that do not meet specified sound emission levels, if the sound level of the product is not regulated by the United States Environmental Protection Agency under section 6 of the Noise Control Act of 1972; and provisions identical to any regulations promulgated by the United States Environmental Protection Agency under section 6 of the Noise Control Act of 1972.

7. The department may prepare recommendations to be approved by the assembly for the designation of noise-sensitive zones containing noise-sensitive activities. Existing areas posted as quiet zones shall be considered noise-sensitive zones until otherwise designated.

B. In order to implement and enforce this chapter effectively, the department shall within a reasonable time carry out the following duties:

1. The department shall develop and promulgate standards, testing methods and procedures.

2. The department shall investigate and pursue possible violations of this chapter.

3. The department shall delegate functions, where appropriate, under this chapter to personnel within the department as deemed necessary by the director and to other municipal departments subject to the approval of the mayor.

4. The department shall study existing transportation systems within the community, such as truck routes, determine areas with sensitivity to sound and vibration caused by transportation, recommend changes or modifications to the transportation systems to minimize the impact of sound and vibration on residential areas and noise-sensitive zones, and assist in or review the total transportation planning of the community, including planning for new roads and highways, bus routes, airports and other systems for public transportation to ensure that the impact of sound and vibration received adequate consideration.

5. The department shall make recommendations for modifications or amendments to this chapter to ensure consistency with all state and federal laws and regulations.

6. The department shall develop a generalized sound exposure map of the municipality, a long-term plan for achieving quiet in the municipality, and, subject to the approval of the assembly, integrate this plan into the planning process of the municipality.

7. The department shall administer noise program grants or other funds and gifts from public and private sources, including the state and federal governments.

8. The department shall evaluate and report to the mayor and assembly annually on the effectiveness of the municipal noise control program and make recommendations for any legislative or budgetary changes necessary to improve the program. The first such evaluation and report under this subsection shall be submitted to the assembly not later than July 15, 1979.

9. The department shall conduct programs of public education regarding the causes, effects and general methods of abatement and control of noise and vibration, the actions prohibited by this chapter and the procedures for reporting violations, and the participation of public interest groups in related public information efforts.

15.70.050 Governmental compliance.

A. All municipal departments and agencies shall to the fullest extent consistent with other law carry out their programs in such manner as to further the policy of this chapter.

B. All municipal departments and agencies shall cooperate with the department of health and human services to the fullest extent in enforcing this chapter.

C. All municipal departments and agencies shall comply with federal and state laws and regulations and the provisions and intent of this chapter respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

D. Any written contract, agreement, purchase order or other instrument whereby the municipality is committed to the expenditure of \$5,000.00 or more in return for goods or services shall contain provisions requiring compliance with this chapter in a form approved by the municipal attorney.

E. The director shall recommend to the mayor and the assembly that the municipality procure and use in preference to any other product any product that the administrator of the United States Environmental Protection Agency has certified as a low noise emission product pursuant to section 15 of the Noise Control Act of 1972 and determined suitable for use as a substitute; provided, however, that such certified product is reasonably available and has a procurement cost not more than 125 percent of the least expensive type of product for which it is certified as a substitute.

15.70.060 Prohibited acts and conditions.

A. No person shall unreasonably make, continue or cause to be made or continued any noise disturbance except noncommercial public speaking or public assembly activities conducted on any public space or public right-of-way.

B. The following acts and conditions and the causing thereof are declared to be in violation of this chapter:

1. *Aircraft and airport operations.* No person shall operate aircraft engines while the aircraft is on the ground or operate an airport facility in such a manner as to cause a noise disturbance across a residential real property boundary, on a public space or within a noise-sensitive zone. The department shall consult with the airport proprietor to recommend changes in airport operations to minimize any noise disturbance that the airport owner may have authority to control in its capacity as proprietor. Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft that are in all respects conducted in accordance with or pursuant to applicable federal laws or regulations, including but not limited to takeoff, landing or overflight procedures.

2. *Animals.* No person shall own, possess or harbor any animal that frequently or for continued duration makes sounds common to its species in violation of the provisions of title 17, except for sounds created in a public zoo.

3. *Construction.* No person shall operate or cause the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work:

a. So that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise-sensitive zone between the hours of 10:00 p.m. and 6:00 a.m. during the construction season, between the hours of 10:00 p.m. and 7:00 a.m. during other months, or at any time on Sundays or state holidays;

b. So that the sound level therefrom exceeds an Leq of 80 dB(A) at or within a residential real property boundary or within a noise-sensitive zone during any one hour of the daily period from 6:00 a.m. to 10:00 p.m. during the construction season or from 7:00 a.m. to 10:00 p.m. during other months; or

c. So that the sound level therefrom exceeds an Leq of 80 dB(A) at or within a commercial or industrial real property boundary during any one hour of the daily period from 6:00 a.m. to 10:00 p.m. during the construction season or from 7:00 a.m. to 10:00 p.m. during other months.

The restrictions of subsection B.3 of this section do not apply to emergency work of public service utilities as provided in section 15.70.020.B, the use of domestic power tools as permitted in subsection B.4 of this section or construction work for which a permit has been issued pursuant to section 15.70.070.A.

4. *Domestic power tools.* No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower or similar device used in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

5. *Emergency signaling devices.* No person shall intentionally sound or permit 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 this subsection. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed but not before 7:00 a.m. or after 10:00 p.m. Any such testing shall only use the minimum cycle test time. In no case shall such test time exceed 60 seconds. 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 or before 7:00 a.m. or after 10:00 p.m. unless otherwise specifically required by statute or ordinance. The 60-second time limit specified in this subsection shall not apply to such complete system testing. No person shall sound or permit the sound of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within ten minutes of activation.

6. *Explosives, firearms and similar devices.* No person shall use or fire explosives, firearms or similar devices that create impulsive sound so as to create a noise disturbance across a real property boundary or on a public right-of-way except as otherwise permitted by the terms of a permit issued to the owner or operator of a shooting range or user of explosives or similar devices pursuant to section 15.70.070.A. Such permit need not be obtained for licensed game-hunting activities on property where such activities are

authorized by federal or state laws or for military personnel and components engaged in authorized military training exercises on federal property.

7. *Loading and unloading.* No person shall load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise-sensitive zone.

8. *Loudspeakers and public address systems.* No person shall use or operate for any commercial or noncommercial purpose any loudspeaker, public address system or similar device so that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise-sensitive zone.

9. *Operation of motorboats.* No person shall operate or permit the operation of any motorboat in any lake, river, stream or other waterway in such a manner as to exceed a sound level of 80 dB(A) at 50 feet (15 meters) or the nearest shoreline.

10. *Motor vehicle or motorboat repairs and testing.* No person shall repair, rebuild, modify, idle, run, accelerate or test any motor vehicle or any auxiliary equipment attached to such vehicle, motorboat or aircraft in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise-sensitive zone.

11. *Noise-sensitive zones.* No person shall create or cause the creation of any sound within any noise-sensitive zone designated pursuant to section 15.70.040.A.7 so as to disrupt the activities normally conducted within the zone, provided that conspicuous signs are displayed indicating the presence of the zone. No person shall create or cause the creation of any sound within any noise-sensitive zone designated pursuant to section 15.70.040.A.7 containing a hospital, nursing home or similar activity so as to interfere with the functions of such activity or disturb or annoy the patients in the activity, provided that conspicuous signs are displayed indicating the presence of the zone.

12. *Places of public entertainment.* No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device that produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 90 dB(A) as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place near each public entrance stating, "Warning: Sound Levels Within May Cause Permanent Hearing Impairment."

13. *Powered model vehicles.* No person shall operate or permit the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space or within a noise-sensitive zone. Maximum sound levels for residential property or in a public space during the permitted period of operation shall conform to those set forth for residential land use in table 1 of section 15.70.080.A and shall be measured at a distance of 50 feet (15 meters) from any point on the path of the vehicle. Maximum sound levels for noise-sensitive zones during the permitted period of operation shall be governed by subsection B.11 of this section.

14. *Public service utilities.* No person shall operate or permit the operation of public service utility generation, transmission or distribution sites, facilities or substations thereof providing electrical power or natural gas in such a manner as to create a sound level that exceeds at or within a residential real property boundary or within a noise-sensitive zone an Leq of 65 dB(A) during any one hour of operation; provided, however,

that such sites, facilities or substations were in use and operation on or before January 1, 1979.

15. *Radios, televisions, musical instruments and similar devices.* Except as otherwise permitted for noncommercial spoken language in subsection B.8 of this section, no person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device that produces, reproduces or amplifies sound:

a. Between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise-sensitive zone, except for activities open to the public and for which a permit has been issued by the department as provided in section 15.70.070.A;

b. In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device when operated in or on a boat on public waters; or

c. In such a manner as to create a noise disturbance to any person other than the operator of the device when operated on a common carrier by any passenger.

16. *Stationary nonemergency signaling devices.* No person shall sound or permit the sounding of any electronically amplified signal from any stationary siren, whistle or similar device intended primarily for nonemergency purposes from any place in such a manner as to create a noise disturbance across a residential real property boundary or within a noise-sensitive zone.

17. *Street sales.* No person shall offer for sale or sell anything by shouting or outcry within any residential or commercial area of the municipality except between the hours of 7:00 a.m. and 10:00 p.m.

18. *Tampering with noise control device or sound monitoring equipment.* No person shall remove or render inoperative for purposes other than maintenance, repair or replacement any noise control device or element of design or noise label of any product manufactured to meet specific noise emission limits under federal or state law. No person shall move or render inaccurate or inoperative any sound monitoring instrument or device positioned by or for the department when such device or the immediate area is clearly labeled in accordance with department regulations to warn of the potential illegality. No person shall use a product manufactured to meet specific noise emission limits under federal or state law that has had a noise control device or element of design or noise label removed or rendered inoperative with knowledge that such action has occurred.

19. *Vibration.* No person shall operate or cause the operation of any device that produces low-frequency, inaudible sound that creates vibration above the vibration perception threshold of any individual within a residential real property boundary or within a noise-sensitive zone between the hours of 10:00 p.m. and 7:00 a.m. the following day.

15.70.070 Noise permits.

A. *Generally.* The department shall have the authority consistent with this section to grant permits that may be requested pursuant to sections 15.70.060.B.3, pertaining to construction, 15.70.060.B.6, pertaining to explosives, firearms and similar devices, 15.70.060.B.15(a), pertaining to public events, 15.70.090.E, pertaining to snow removal equipment off public rights-of-way, and 15.70.090.G, pertaining to motor vehicle racing events.

B. *Application.* Any person seeking a noise permit shall file with the department an application containing information that demonstrates that bringing the source of sound or activity for which

the permit or variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, the community or other persons. Any person seeking a noise permit shall file application with the director at least 20 days prior to the commencement of the noise for which the permit is requested. The director shall have authority to waive, consistent with administratively established criteria, the 20-day time requirement in order to expedite issuance of permits. Notice of an application for a permit shall be published within ten days from the date of application, and no permit may be issued without such notice prior to issuance; provided, however, that notice by publication shall not be required in order to issue a short-term permit having a duration of 21 consecutive calendar days or less unless the director determines that there is a substantial potential for impact on the public. Any individual who claims to be adversely affected by allowance of the permit may file a statement with the department containing any information to support his claim. Upon the written request of any affected person, the applicant or the director, an administrative hearing shall be held pursuant to chapter 3.60 to consider evidence relative to the criteria set forth in subsection C of this section.

C. *Criteria for approval.* In determining whether to grant or deny the application for a permit, the director or hearing officer shall balance the hardship on the applicant, the community and other persons of not granting the permit against the adverse impact on health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impacts of granting the permit. Applicants may be required to either measure or allow the department to measure the sound level of or the vibration from any source in accordance with the methods and procedures and at such locations and times as the department may reasonably prescribe, to furnish reports of the results of such measurements to the department and to require the measurements to be conducted in the presence of the department enforcement officers. Applicants for a permit and persons contesting a permit may be required to submit any other information the department may reasonably require. In granting or denying an application, the director shall keep on public file a copy of the decision and the reasons for denying or granting the permit. No permit shall be granted for any source of sound or activity that violates or would violate any provision of federal or state law or any provision of any other chapter of this title or this Code.

D. *Conditions.* Permits shall be granted by notice to the applicant containing all necessary conditions, including as part of any permit a time limit on the permitted activity. The permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of a permit shall terminate the permit and subject the person holding it to those provisions of this title regulating the source of sound for which the permit was granted.

E. *Extensions.* Application for extension of time limits specified in permits or for modification of other substantial conditions shall be treated like applications for initial permits under subsection C of this section.

F. *Duration.* No permit shall be granted pursuant to this section for an initial period longer than one year.

15.70.080 Property line noise emission standards.

A. Except as otherwise provided in subsections B and C of this section, no person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level that exceeds the limits set forth for the receiving land use category in table 1 when measured at or within the property boundary of the receiving land use.

TABLE 1. SOUND LEVELS BY RECEIVING LAND USE

| <u>Receiving Land Use Category</u> | <u>Time</u> | <u>Sound Level Limit (dB(A))</u> |
|------------------------------------|------------------------|----------------------------------|
| Residential area | 7:00 a.m.--10:00 p.m. | 60 |
| | 10:00 p.m.-- 7:00 a.m. | 50 |
| Commercial area | 7:00 a.m.--10:00 p.m. | 70 |
| | 10:00 p.m.-- 7:00 a.m. | 60 |
| Industrial area | At all times | 80 |

B. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level measured at any location on a boundary between two receiving land use categories that exceeds the arithmetic mean of the respective sound level limits set forth for such receiving land use categories in table 1.

C. The provisions of subsections A and B of this section shall not apply to the unamplified human voice and activities covered by sections 15.70.060.B.1, pertaining to aircraft and airport operations, 15.70.060.B.3, pertaining to construction, 15.70.060.B.4, pertaining to domestic power tools, 15.70.060.B.5, pertaining to emergency signaling devices, 15.70.060.B.6, pertaining to explosives, firearms and similar devices, 15.70.060.B.9, pertaining to motorboats, 15.70.060.B.14, pertaining to public service utilities, 15.70.060.B.16, pertaining to stationary nonemergency signaling devices, 15.70.090.A, pertaining to motor vehicles operating on public rights-of-way, 15.70.090.D, pertaining to refuse collection vehicles, and 15.70.090.E, pertaining to snow removal vehicles on public rights-of-way.

15.70.090 Motor vehicle noise emission standards.

A. No person shall operate or cause to be operated a motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in table 2 when measured at 50 feet or more or an equivalent sound level at some other convenient distance according to testing procedures established pursuant to section 15.70.040.B.1.

TABLE 2. MOTOR VEHICLE NOISE EMISSION STANDARDS

| Vehicle Class | In Speed Zones 35 mph or Less (dB(A)) | In Speed Zones Over 35 mph (dB(A)) | Stationary Run-up (dB(A)) |
|---------------------------------------------------------------------------------------|---------------------------------------|------------------------------------|---------------------------|
| Motor vehicle of GVWR or GCWR of 10,000 pounds or more engaged in interstate commerce | 86 | 90 | 88 |
| All other motor vehicles of GVWR or GCWR of 10,000 pounds or more | 86 | 90 | -- |
| Any motorcycle | 76 | 80 | -- |
| Any other motor vehicle and any combination of vehicles towed by such motor vehicle | 76 | 80 | -- |

B. No person shall operate or cause or allow to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound-dissipative device in good working order and in constant operation. No person shall remove or render inoperative or cause or allow to be removed or rendered inoperative other than for purposes of maintenance, repair or replacement any muffler or sound-dissipative device on a motor vehicle or motorcycle.

C. No person shall sound any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger or as otherwise specifically required by federal or state law or title 9. No person shall sound any horn or other auditory signaling device that produces a sound level in excess of 90 dB(A) at 100 feet (30.5 meters).

D. No person shall on or after January 1, 1979, operate or permit the operation of the compacting mechanism of any motor vehicle that compacts refuse and creates during the compacting cycle a sound level in excess of 86 dB(A) at 50 feet (15 meters) or more from any point on the vehicle. Between the hours of 10:00 p.m. and 7:00 a.m. the following day, in a noise-sensitive zone, no person shall collect refuse with a refuse collection vehicle or operate or permit the operation of the compacting mechanism of a vehicle that compacts refuse. Between the hours of 10:00 p.m. and 7:00 a.m. the following day, no person shall collect refuse with a refuse collection vehicle or operate or permit the operation of the compacting mechanism of a vehicle that compacts refuse in such a manner as to create a noise disturbance across a residential real property boundary.

E. No person shall operate or permit the operation of any motor vehicle operating for the purpose of removing snow if at any time the motor vehicle produces a sound level in excess of the level set forth in table 2 at a distance of 50 feet (15 meters) or more from any point on the vehicle. As provided in section 15.70.080.C, such motor vehicles are exempt from complying with the sound levels set forth in table 1 when operating on public rights-of-way. Such motor vehicles operating off a public right-of-way for the purpose of removing snow may be exempt from complying with the sound levels of table 1 when operating in compliance with the terms and conditions of a permit issued pursuant to section 15.70.070.A.

F. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating in excess of 10,000 pounds or any auxiliary equipment attached to such a vehicle for a period longer than ten minutes in any hour while the vehicle is stationary for reasons other than traffic congestion on private property or a public right-of-way or public space within 150 feet (46 meters) of a residential area or designated noise-sensitive zone between the hours of 10:00 p.m. and 7:00 a.m. the following day.

G. Except as permitted in section 15.70.070.A for motor vehicle racing events, no person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in table 3 at a distance of 50 feet (15 meters) or more from the path of the vehicle when operated on a public space or at or across the boundary of private property when operated on private property. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

TABLE 3. RECREATIONAL VEHICLE NOISE EMISSION STANDARDS

| <u>Vehicle Type</u> | <u>Sound Level Limit dB(A)</u> |
|---------------------|--------------------------------|
| Snowmobile | 76 |
| Motorcycle | 76 |
| Any other vehicle | 76 |

15.70.095 Electronically amplified sound systems in motor vehicles.

A. *Prohibited noise.* Notwithstanding any other provisions of this Code, with the exception of this chapter, no person operating in or in control of a parked or moving motor vehicle shall operate or permit the operation of an electronically amplified sound system in or on the motor vehicle so as to produce sound that is clearly audible more than 50 feet (15 meters) from the motor vehicle or in violation of the provisions in section 15.70.060.

B. *Conflicting provisions.* If this section is determined to be in conflict with any other section of this Code, with the exception of this chapter, this section shall take precedence.

C. *Penalty.* Any person violating the provisions of this section shall pay a civil penalty of \$100.00 for the first violation or date of violation, \$300.00 for the second violation within six months of the first violation, and \$1,000.00 and forfeiture of the sound system or components of the sound system up to \$1,000.00 in value, for the third violation within one year of the first violation. The civil penalties for violations will be assessed through the administrative hearings officer as provided for in chapter 14.20.

D. *Enforcement.* Any authorized police officer shall issue a citation for any violation under this section, except they may arrest for instances when the alleged violator refuses to provide the officer with such person's name and address and any proof thereof as may be reasonably available to the alleged violator.

15.70.100 Hazardous noise emission standards.

A. Except as otherwise provided in subsection B of this section, the director shall order an immediate halt to any sound that exposes, where such sound levels are received, any person to continuous sound levels in excess of those shown in table 4 or to impulsive sound levels in excess of those shown in table 5. As soon as reasonably possible following issuance of such an order, the municipal attorney shall apply to the Superior Court, Third Judicial District, or other court having jurisdiction, for an injunction to replace the order.

B. No order pursuant to subsection A of this section shall be issued if the only persons exposed to sound levels in excess of those listed in tables 4 and 5 are exposed as a result of trespass, invitation upon private property by the person causing or permitting the sound, or employment by a contractor or the person causing or permitting the sound. In determining continuous sound levels shown in table 4, equal energy time-intensity tradeoff shall be used if the sound level varies, and the energy equivalent over 24 hours shall be found.

TABLE 4. HAZARDOUS CONTINUOUS NOISE EMISSION LEVELS

| <u>Sound Level Limit dB(A)</u> | <u>Duration</u> |
|--------------------------------|-----------------|
| 90 | 24 hours |
| 93 | 12 hours |
| 96 | 6 hours |
| 99 | 3 hours |
| 102 | 1.5 hours |
| 105 | 45 minutes |
| 108 | 22 minutes |

TABLE 5. HAZARDOUS IMPULSIVE NOISE EMISSION LEVELS

| <u>Sound Level Limit</u> | <u>Number of Impulses dB(A) per 24-hour Period</u> |
|--------------------------|----------------------------------------------------|
| 145 | 1 |
| 135 | 10 |
| 125 | 100 |

CHAPTER 17 ANIMALS

17.10.015 Animals creating disturbance or nuisance.

A. It shall be unlawful for any owner or custodian of a dog or cat to permit it to make chronic animal noise.

1. The animal care and control center may, upon receiving a complaint alleging chronic animal noise, issue a written notice to comply to the animal owner or custodian. The notice shall contain:

- a. The definition of chronic animal noise.
- b. The nature and times of the complaint.
- c. Penalties for violation.
- d. Means and methods of curtailing chronic animal noise.
- e. Time permitted to comply with the notice.

2. If the violation continues after the time permitted by the notice to comply, a NOV may be issued in accordance with section 4 below.

3. An animal owner issued three or more NOV's within one year period may be required to forfeit an animal to the municipality, except as provided below. The chief animal control officer may elect to make the animal available for adoption to a person other than the owner, custodian, or person residing on the owner or custodian's premises.

- a. A forfeiture order shall not be sought against an owner who has taken verifiable steps to correct the problem prior to receipt of a third NOV within the one year period. Verifiable steps include, but are not limited to, debarking of the cited animal, acquisition and use of a barking control device, or structural modification of the

property where the animal is kept so as to reduce noise. To the extent that such efforts are not successful, the owner may be subject to additional citations and fines as provided in Chapter 17.70 .

4. NOV's for chronic animal noise shall only be issued after receipt of a. or b. below, and completion of an investigation by animal control:
 - a. A written statement to the animal care and control center, signed by two or more persons living at different addresses, both in the immediate neighborhood of the animal making the chronic animal noise, one of whom must be both the statement preparer and the original complainant; or
 - b. A written statement to the animal care and control center, signed by one person living in the immediate neighborhood of the chronic animal noise, where additional date and time specific evidence is provided.
- B. No owner or custodian of an animal shall permit the animal's feces to be left on public or other person's private property.
- C. No owner or custodian of an animal shall permit it to upset garbage on public or private property.