

# St. Louis County, Missouri

## Noise Related Ordinance

### CHAPTER 625 - NOISE CONTROL CODE

#### 625.020 – Definitions

For purposes of this chapter the following words and phrases are herein defined:

- (1) *A-weighted sound pressure level*: A weighted sound pressure level as measured with the A-weighting network of a sound level meter. The unit of measurement is dB(A).
- (2) *Ambient noise level*: The A-weighted sound pressure level of all the encompassing noise associated with a given environment, being usually a composite of sounds from many sources.
- (3) *A.N.S.I.*: The American National Standards Institute or its successor bodies.
- (4) *Board*: The Appeal Board established by Section [612.070](#) SLCRO 1974, as amended.
- (5) *Boundary*: The line of demarcation which separates the real property owned by one person from that owned by another person.
- (6) *Commercial land use category*: Any activity which exists on or is applied to land or structures on the land wherein goods, services or commodities are provided, exchanged or purchased and sold at wholesale or retail. The commercial land use category shall include facilities for the repair or servicing of new and used automobiles, trucks, trailers, construction equipment, agricultural equipment and boats, and public or private utility facilities.
- (7) *Construction activity*: Any or all activity necessary or incidental to the erection, demolition, assembling, repairing, altering, installing or equipping of public or private buildings, private or public parks, premises, utility lines, and private or public highways, roads or streets, including land clearing, grading, excavating and filling.
- (8) *Construction device*: Any device used in construction including, but not limited to, any air compressor, pile driver, manual tool, bulldozer, pneumatic hammer, steam shovel, derrick, crane, steam or electric hoist.
- (9) *Daytime hours*: 7:00 o'clock a.m. to 10:00 o'clock p.m., prevailing local time.
- (10) *Director*: The Director of the Department of Community Health and Medical Care or his duly authorized agents.
- (11) *Discrete tone*: A noise measured on a one-third octave band analyzer which is ten (10) decibels greater than each of the adjacent one-third octave bands.
- (12) *Emergency work*: Work necessary to restore property to a safe condition following a public calamity, or work required to protect person or property from an imminent exposure to danger.
- (13) *Emergency signal device*: Any gong, siren, whistle or any air horn or similar device when used on any vehicle designated as an emergency vehicle by ordinance or by Missouri statute, or used in connection with an emergency warning system, or used in connection with a warning system intended to produce a sound signal upon unauthorized entrance by a person into a building or motor vehicle.
- (14) *Heavy industrial land use category*: Any activity which exists on or is applied to land or structures on the land which pertains to the mining or extraction of raw materials from the earth and the processing thereof, salvage yards, junkyards, steel mills, foundries, smelters, automobile, truck construction equipment or agricultural equipment assembly plants, sulphur plants, rubber

reclamation plants, cement plants, sanitary landfills, railroad switching yards, metal fabrication plants and chemical processing plants.

(15) *Impulsive noise*: A noise, containing excursions usually of no more than one second, the A-weighted sound pressure level of which exceeds the ambient noise level by more than twenty (20) dB(A), when measured by the fast meter characteristic of a sound level meter.

(16) *Light industrial land use category*: Any activity which exists on or is applied to land or structures on the land wherein the activities of manufacturing, fabrication, processing or assembly are utilized to produce a semifinished or finished product. The light industrial land use category shall include the warehousing, storing and distributing of semifinished or finished products.

(17) *Motor vehicle*: Any self-propelled vehicle not operated exclusively on rails.

(18) *Nighttime hours*: 10:00 o'clock p.m., to 7:00 o'clock a.m., prevailing local time.

(19) *Perception threshold*: The minimum vibrational motion necessary to cause awareness of the existence of the vibration by direct means, including but not limited to, sensation by touch or visual observations. Any vibration which produces more than five-tenths (0.5) inch/second root mean square vertical velocity shall be deemed sufficient to cause the awareness of the existence of the vibration by direct means.

(20) *Period of measurement*: Any continuous sixty-minute period during which observations of stationary noise sources are made and measurements of noise levels are taken.

(21) *Person*: Any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner, or operator and shall include any municipal corporation or its officers or employees.

(22) *Residential land use category*: Any activity which exists on or is applied to land or structures on the land wherein persons occupy single-family or multiple-family dwellings, or other structures containing units with facilities which are used or are intended to be used for living or sleeping and which may include facilities for cooking and eating. The residential land use category shall include schools, churches, hospitals, libraries, public or private parks and other similar land uses.

(23) *Sound*: An audible oscillation of pressure in air.

(24) *Sound level meter*: Any instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound pressure levels in a specified manner which complies with Type 2 or better standards established in the A.N.S.I. S1.4-1971 "Specification for Sound Level Meters."

(25) *Sound pressure level*: Twenty times the logarithm to the base 10 of the ratio of the root mean square pressure of a sound to the standard reference pressure which is twenty (20) micropascals. The unit of measurement is the decibel (dB).

(26) *Stationary noise source*: Any equipment, motor vehicle, aircraft, or facility, fixed or movable, capable of emitting audible sound.

(27) *Vehicular way*: A paved or unpaved area used by motor vehicles including, but not limited to, roads, streets, highways, alleys and parking lots.

(28) *Vibration*: A spatial oscillation of displacement, velocity or acceleration in a solid material.

### **625.030 - Scope.**

In order to enhance the public health and prevent the entrance of noise pollution and excessive vibration into the atmosphere and environment of St. Louis County, which will tend to interfere with the health and welfare of the citizens of St. Louis County, the provisions of this Code shall

be in effect in all unincorporated parts of St. Louis County and in all cities, towns, and villages within the corporate limits of St. Louis County except in those cities, towns, and villages with a population of seventy-five thousand (75,000) or over having an organized Health Department and which have adopted and are enforcing ordinances and resolutions pertaining to noise pollution and the generation of vibrations which have established standards that are no less stringent than the provisions set forth in this chapter.

**625.040 - Applicability of Standards Established by A.N.S.I.**

Unless otherwise specified herein, or specified in regulations promulgated by the Director under this Code, the acoustical terminology, the reference pressure, instrument specifications, and calibrations and methods for measurement of sound pressure levels shall be in conformance with the definitions and provisions contained in the documents designated as A.N.S.I. S1.1-1971, S.4-1971, S1.11-1966 (R 1971) and S1.13-1971, of which one copy of each document is filed in the office of the Administrative Director of St. Louis County, Missouri.

**625.050 - Permissible Noise Levels—Standards.**

1. No person shall operate or permit to be operated and stationary noise source which emits noise in such a manner that the level of the noise emitted, when measured at any point outside the boundary of the property upon which the stationary noise source is located using the slow meter characteristic and the A-weighting network of the sound level meter, exceeds the levels set forth in Table I below or exceeds the limit set forth in Section 626.050.6. When the noise emitted is measured upon property which is located in a different land use category than the property upon which the stationary noise source is located, the levels applicable to the property where the noise emitted is measured shall be used to determine if a violation exists. If more than one use exists on the property where the noise emitted is measured such that more than one land use category would be applicable to the property, then the levels set forth in the least restrictive applicable land use category of Table I shall be used to determine if a violation exists.
2. If the stationary noise source emits noise containing a discrete tone, the permissible levels shall be 5dB lower than the applicable levels of Table I.
3. If the stationary noise source emits impulsive noise the levels of Table I shall be lowered by 5dB. A violation of this Code shall exist if the level of the impulsive noise emitted exceeds the applicable levels of Table I, as modified by this subsection, when the measurement is made using the fast meter characteristic and the A-weighting network of the sound level meter or if the level of the impulsive noise emitted exceeds the limit set forth in Section 625.0550.6.
4. In the event the stationary noise source emits impulsive noise containing a discrete tone, the modifications of Table I set forth in subsections 2. and 3. herein shall be cumulative.
5. If the ambient noise level exceeds the level of the noise emitted from the stationary noise source for one or more periods of time during the period of measurement, then for any such period of time the level of the noise emitted from the stationary noise source shall be deemed to be lower than the level which is permitted for sixty (60) minutes during the period of measurement in the applicable land use category and for the applicable time of day.
6. If, during the period of measurement, noise shall be emitted from a stationary noise source for periods of time at two (2) or more different levels, a violation of this Code shall exist if the sum of the following fractions  $C1/T1 + C2/T2 + \dots Cn/Tn$  exceeds the unit number 1. For purposes of this calculation  $Cn$  shall equal the actual time period that noise is emitted at each measured noise level and  $Tn$  shall equal the period of time that noise is permitted under Table I to be

emitted at each measured noise level. Provided, however, if: (1) the ambient noise level exceeds the level of noise emitted from the stationary noise source for one or more periods of time during the period of measurement; or, (2) the level of the noise emitted from the stationary noise source is lower than the level of noise which is permitted in Table I for sixty (60) minutes during the period of measurement in the applicable land use category and for the applicable time of day for one or more periods of time during the period of measurement, then for the purpose of the calculation set forth in this subsection, for each such period of time, the term  $C_n$  shall be deemed to be zero (0) and the fraction  $\frac{C_n}{T_n}$  shall be zero (0).

**Table I**

**A. Residential Land Use Category**

<i>Daytime Hours</i>	
<i>T<sub>n</sub>*</i>	<i>(dB(A))**</i>
60	55 or less
30	56-58
15	59-61
8	62-64
4	65-67
2	68-70

0	71 or greater
<i>Nighttime Hours</i>	
60	50 or less
30	51-53
15	54-56
8	57-59
4	60-62
2	63-65
0	66 or greater

\*Total Duration of Time Noise To Be Emitted From Noise Source During Period of Measurement (Minutes).

\*\*A-Weighted Sound Pressure Level.

**B. Commercial Land Use Category**

*Daytime Hours*

<i>Tn*</i>	<i>(dB(A))**</i>
60	65 or less
30	66-68
15	69-71
8	72-74
4	75-77
2	78-80
0	81 or greater
<i>Nighttime Hours</i>	

60	60 or less
30	61-63
15	64-66
8	67-69
4	70-72
2	73-75
0	76 or greater

\*Total Duration of Time Noise To Be Emitted From Noise Source During Period of Measurement (Minutes).

\*\*A-Weighted Sound Pressure Level.

**C. Light Industrial Land Use Category**

All Hours

<i>T<sub>n</sub></i> *	(dB(A))**
60	70 or less
30	71-73
15	74-76
8	77-79
4	80-82
2	83-85
0	86 or greater

\*Total Duration of Time Noise To Be Emitted From Noise Source During Period of Measurement (Minutes).

\*\*A-Weighted Sound Pressure Level.

**D. Heavy Industrial Land Use Category**

*All Hours*

<i>Tn*</i>	<i>(dB(A))**</i>
60	80 or less
30	81-83
15	84-86
8	87-89
4	90-92
2	93-95
0	96 or greater

\*Total Duration of Time Noise To Be Emitted From Noise Source During Period of Measurement (Minutes).

\*\*A-Weighted Sound Pressure Level.

### **625.060 - Vibration Standards**

No person shall cause or allow any operation nor engage in any activity causing vibrations to be generated which are greater than the perception threshold at any point outside of the boundary of the property where the source of the vibrations is located; provided, however, vibrations caused by blasting operations conducted in accordance with the requirements of Chapter 711, SLCRO 1974, as amended, The Explosives Code, shall not be subject to the provisions of this section.

### **625.070 - Exceptions.**

To the extent provided in this section the provisions of this chapter shall not apply to:

- (1) The operation of construction devices, with sound control devices equivalent to or better than the original equipment, used in construction activities during daytime hours.
- (2) The repair, maintenance or construction of public facilities of the state, county or municipal governments, or such public or quasi-public municipal corporations as may be established under the constitution or laws of the State of Missouri.
- (3) Emergency work to repair or maintain private utility facilities.
- (4) Emergency work to repair equipment or facilities damaged or rendered inoperable as a direct result of unavoidable upset conditions providing such occurrence is reported to the Director within twenty-four (24) hours after the occurrence.
- (5) The operation of motor vehicles on a vehicular way with such control devices equivalent to or better than the original equipment.
- (6) The operation of railway equipment and vehicles operated exclusively on rails.
- (7) The inflight operation of aircraft, including the pre-takeoff run-up of aircraft engines; provided, however, with the exception of the pre-takeoff run-up of aircraft engines, the provisions of this chapter shall apply to the run-up of aircraft engines, mounted or unmounted, for maintenance or test purposes during nighttime hours.
- (8) The necessary operation of emergency signal devices.
- (9) Electric power distribution transformers within a distance of fifty (50) feet from the base of the support pole or from the fence line. In addition, electric power distribution transformers shall not be subject to the provisions of Section 625.050.2.
- (10) The operation of lawn care maintenance equipment with sound control devices equivalent to or better than original equipment from 7:00 a.m., prevailing local time to sunset.
- (11) Up to six (6) turkey/meet shoots per group or entity between January 1 and May 31 of each year and eight (8) turkey/meet shoots per group or entity between June 1 and December 31 of each year, so long as:
  - a. A minimum of six (6) weeks is allowed to pass between the end of one series and the start of a second series by the same group or entity; and
  - b. The turkey/meet show is authorized by the issuance of an amusement permit by the St. Louis County Department of Public Works.

### **625.080 - Notice of Violation.**

Whenever the Director determines that a violation of any provision of this Code exists, he shall issue a written notification to the person responsible for the alleged violation. The notification shall set forth the nature of the violation and shall direct that the violation must be abated within the time period specified by the Director, which time period shall not exceed sixty (60) days from the date the notice is sent; provided, however, if the violation cannot be abated within the time period specified by the Director, the Director may extend the time period for compliance for

a reasonable period of time upon submission of an acceptable abatement plan by the person responsible for the violation. In determining whether the abatement plan is acceptable, the Director's consideration shall include, but shall not be limited to:

- (a) the sufficiency of all construction plans to reduce noise or vibration levels; and
- (b) the sufficiency of the design criteria for any equipment changes to reduce noise or vibration levels; and
- (c) the length of time necessary to perform all work to abate the violation.

#### **625.090 - Duties of the Board.**

In addition to any other duties imposed by law or County ordinance, the duties of the Board shall include but shall not be limited to the following:

1. Review appeals from orders of the Director or from any other actions or determinations of the Director hereunder for which provision is made for appeal.
2. Grant, deny or revoke variance applications.
3. File an annual report with the County Council reviewing the activities of the Board together with recommendations concerning fees, variance applications, enforcement and procedures.

#### **625.100 - Board To Consider Appeal.**

1. Any person aggrieved by any decision, ruling or order of the Director may appeal to the Board. Appeals shall be taken within ten (10) days of the time the parties have been notified in writing of the Director's decision, and the appeal shall act as a stay of the decision. Such notice of appeal shall be filed in writing with the Director and directed to the Board specifying the grounds therefor and the relief prayed for. The Director shall forthwith transmit to the Board of papers constituting the record upon which the decision, ruling or order appealed from is taken. The Board, upon hearing such appeal, shall either affirm, modify or set aside the decision, ruling, or order, but no action of the Board may be at variance with any of the provisions of this Code or any other ordinance of St. Louis County. Any final decision of the Board may be appealed by either party to the Circuit Court under provisions of the Missouri Administrative Procedure Act, Chapter 536, RSMo 1969.
2. Fifty dollars (\$50.00) shall accompany each Notice of Appeal which shall be paid to the Director for deposit with the County Treasurer.
3. Notice of a hearing held under Section 625.100 shall be given by the Director to the petitioner in writing at least seven (7) days prior to the date the hearing is set. Service of the notice shall be in accordance with Section 625.120 of this Code.
4. When the Board schedules a matter for hearing under Section 625.100, each party to the proceeding may file written arguments and may appear at the hearing in person or by representative with or without counsel, and may make oral arguments, offer testimony or cross examine witnesses, or take any combination of such actions.
5. The County Council may subpoena and compel the attendance of such witnesses as the Director or the party filing the appeal may designate and may require for examination the production of any books, papers, or records relating to the matter under investigation at the hearing.
6. All hearings held under Section 625.100 shall be held before a majority of all members of the Board and any final order or decision or other final action by the Board shall be approved by at least a majority of the Board's members hearing the matter.
- 7.

The decision of the Board shall be in writing served and filed within fifteen (15) days after hearing and shall contain a brief statement of facts found to be true, the determination of the issues presented, and the order of the Board. A copy of the decision shall be served by the Director on the petitioner and to every person who has appeared as a party in person or by counsel at the hearing. Service shall be in accordance with Section 625.120 of this Code.

8. Upon application by the petitioner, at least five (5) days prior to the date of the hearing held under Section 625.100, the Chairman or any two (2) members of the Board may grant a continuance of the hearing. A continuance may be granted without a meeting of the Board and without prior notice.

9. A summary record of the hearing held under Section 625.100 shall be kept by the Director and shall be made available to any party to the proceeding. Any party to the hearing may at his expense take and record a verbatim record of the proceedings.

10. The decision of the Board shall be effective ten (10) days after service on the petitioner unless otherwise provided by the Board.

### **625.110 - Variances.**

1. The Board may grant individual variances beyond the sound pressure levels or vibration level limitations prescribed in this Code whenever it finds, upon presentation of adequate proof, that compliance with any provision of this Code will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without sufficient corresponding benefit or advantage to the people; except that no variance shall be granted where the effect of the variance will permit the continuance of a health hazard; and except, also that any variance so granted shall not be construed as to relieve the person who received the variance from any liability imposed by other law for the commission or maintenance of a nuisance.

2. In determining under what conditions and to what extent a variance may be granted, the Board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by the noise and vibrations emitted by the applicant.

3. Variances shall be granted for such periods of time and under such terms and conditions as shall be specified by the Board in its order. The variance may be extended by affirmative action of the Board.

4. Any person seeking a variance shall do so by filing a petition for variance with the Director. The Director shall promptly investigate the petition and make a written recommendation to the Board as to the disposition thereof. Upon receiving the recommendation of the Director, the Board shall hold a public hearing in accordance with the procedures set forth in this section.

5.

(a) Notice of public hearing shall be given by the Director to the petitioner in writing at least thirty (30) days prior to the date the hearing is set. Service of the notice shall be made in accordance with Section 625.120 of this Code.

(b) Notice of public hearing shall also be given by public advertisements setting forth the date, time and place of hearing. The Director shall include in such notice the name of the petitioner for the variance, the location of the premises for which the variance is sought, a brief description of the variance requested and the recommendation of the Director. The notice shall be published in a newspaper of general circulation in St. Louis County. Such publication shall take place for two (2) days within a four-day period, and the second day

of publication shall be at least thirty (30) days prior to the date the hearing is set. The cost of publication shall be borne by the petitioner, and shall be in addition to any charges imposed upon the petitioner under subsection 15 herein.

(c) The Director shall send a copy of the notice of public hearing to all persons who are not parties to the proceeding who have filed a written request for notification with the Director.

6. The Director shall maintain a copy of the recommendation at the offices of the Department of Community Health and Medical Care, and said recommendation shall be available for public inspection.

7. The County Council may subpoena and compel the attendance of such witnesses as the Director or the party requesting the variance may designate and may require for examination the production of any books, papers or records relating to the matter under investigation at the hearing.

8. All hearings shall be held before a majority of all the members of the Board, and any final order or decision or other final action by the Board shall be approved by at least a majority of the members of the Board hearing the matter.

9. At any public hearing, the Board shall maintain a record of the name and address of each witness appearing and all testimony taken before the Board shall be under oath and recorded stenographically. Copies of the transcript so recorded may be obtained by any member of the public or any party to the hearing upon payment of the usual charges therefor.

10. Upon application by the petitioner, at least five (5) days prior to the date of the hearing, the Chairman or any two (2) members of the Board may grant a continuance of the hearing. A continuance may be granted without a meeting of the Board and without prior notice. Notice of a public hearing for which a continuance has been granted shall be given in accordance with the provisions of subsection 5.

11. At any public hearing held by the Board the burden of proof shall be on the person petitioning for the variance. Each party to the proceeding may appear at the hearing in person or by representative, with or without counsel, and may make oral arguments, offer testimony or cross-examine witnesses, or take any combination of such actions. In addition any party to the proceeding or any person who may be directly affected by the subject matter thereof may submit, within seven (7) days subsequent to the hearings, written arguments setting forth their views.

12. The decision of the Board shall be in writing and filed within twenty-one (21) days after hearing and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Board. The decision of the Board shall be effective ten (10) days after service on the petitioner unless otherwise provided by the Board. The decision shall include a certification that the public hearing was held in accordance with the notice requirements of subsection 5. Any final decision of the Board may be appealed by either party to the Circuit Court under provisions of the Missouri Administrative Procedure Act, RSMo Chapter 536.

13. A copy of the decision shall be served by the Director on the petitioner and to every person who has appeared as a party in person or by counsel at the hearing. Service shall be in accordance with Section 612.120 of this Code. In addition, any person making written request therefor shall be sent a copy of the decision of the Board.

14. Upon failure to comply with the terms and conditions of any variances specified by the Board, the variance may be revoked or modified by the Board after a public hearing held in accordance with the provisions set forth in this section. Notice shall be served upon the person to

whom the variance was granted and all persons who have filed with the Director a written request for notification.

15. One hundred fifty dollars (\$150.00) shall accompany each request for variance, which shall be paid to the Director for deposit with the County Treasurer.

**625.120 - Service of Notice**

1. Service of any written notice required by this Code shall be made in person or by registered or certified mail directed to the petitioner, his agent or attorney of record at the last known address, such service to be effective upon the date of service shown on the postal return receipt in the event of service by registered or certified mail.

2. Service of any written notice required by this Code to be made on the Board of Directors shall be by registered or certified mail addressed to the Director of the Division of Environmental Protection, 111 South Meramee, Clayton, Missouri 63105.

**625.130 - Disclosure of Secret Processes and Production Levels Prohibited.**

Information concerning secret processes or production levels which may be required, ascertained or discovered by the Director shall not be disclosed by the Director, except that the information may be disclosed by the Director if he is subpoenaed for the information or if in the course of a court proceeding or hearing the information is relevant to the proceeding or hearing.

**625.140 - Disclosure of Secret Processes—Penalty.**

Any person who knowingly discloses any secret process or production level in violation of the provisions of Section 625.130 of this Code shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for a term of one (1) year or by both such fine and imprisonment. Each disclosure shall constitute a separate offense.

**625.150 - Regulations for Measurement Procedures.**

The Director may, after public notice and opportunity for public hearing, promulgate regulations pertaining to the manner in which the measurement of sound pressure levels or vibration levels shall be performed. In determining the procedures to be used for the measurement of sound pressure levels or vibration levels the Director shall take into consideration the testing and measurement procedures of the A.N.S.I.

**625.160 - Enforcement, by Whom.**

The Director shall enforce the provisions of this Code.

**625.170 - Right of Entry.**

The Director, upon presentation of proper credentials, may enter at all reasonable times, upon any private or public property for the purpose of inspecting and investigating any condition or equipment he shall have cause to believe to be a source of noise exceeding the maximum levels or source of vibration exceeding the maximum level permitted by the provisions of this Code. If entry is refused, the Director shall notify the County Counselor of such fact and request that a warrant to search the premises believed to be in violation be obtained from the appropriate Magistrate.

**625.180 - Penalties for Violation.**

1. Any person convicted of violating any provision of this Code shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for a term not to exceed one (1) year or both such fine and imprisonment.
2. The County Counselor shall be empowered to seek equitable relief in the Circuit Court to require the person in violation of the provisions of this Code to comply with the standards set forth in this Code.
3. Each day upon which any violation of this Code takes place shall constitute a separate offense.

**625.190 - Construction.**

This Code shall be liberally construed for the protection of health, safety and welfare of the people of St. Louis County.

**625.200 - Conflicting Laws**

Nothing herein contained shall be deemed to amend or nullify any provision of any other ordinance of St. Louis County, Missouri.