

TITLE III COMMUNITY PROTECTION

CHAPTER 14 NOISE AND NOISE LIMITS

3-14-1 Definitions

3-14-2 Noise Prohibitions and Limited Sources

3-14-3 Enforcements

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3-14-1 Definitions. For use in this chapter, the following terms are defined.

1. 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 dBA.
2. Commercial or Commercial District – Any property which is zoned for any commercial use as defined in the Zoning Ordinance.
3. Construction equipment – The implements used in an operation or activity, or everything except personnel needed to build, to repair or to erect.
4. Decibel – A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro pascals (20 micronewtons per square meter).
5. Exhaust System – The device or combination of devices that collects the exhaust from the engine or motor, delivers the exhaust to the atmosphere and reduces the noise emissions. “Exhaust system” includes manifold or headers, exhaust pipe, muffler, and tail pipe.
6. Farm Equipment – The implements used in an operation or activity, or everything except personnel needed for cultivation or production of crops of any nature or raising of any type of animal embraced within the term “livestock”.
7. Gross Vehicle Weight Rating – The value specified by the manufacturer as the recommended maximum weighted load of a single motor vehicle. When trailers and tractors are separable, the gross combination weight rating is the value specified by the manufacturer as the recommended maximum loaded weight of the combined vehicle.
8. Industrial or Industrial District – Any property zoned for any industrial use as defined in the Zoning Ordinance.
9. Motor Vehicle – Every vehicle which is self-propelled.
10. Noise Disturbance – For purpose of this chapter, means any transmission of sound across a real property boundary from a source specifically limited by this chapter, which exceeds the sound level limits set forth in Table 1 entitled Maximum Permissible Sound Levels From Limited Sources by Receiving Land Use.
11. Real Property Boundary – An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

12. Receiving Land Use – For purposes of this chapter, the use or occupancy of the property which receives the transmission of sound.
13. Residential or Residential District – Any property on which is located a building or structure used wholly or partially for living or sleeping purposes. This definition does not include park custodial residences or school or college dormitories.
14. Sound – On oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces which cause compression and rarefaction of that medium. The description of sound may include any characteristic of sound, including duration, density and frequency.
15. Sound Level – The weighted sound pressure level contained by the use of the sound level meter and A-weighting network, such as a, b, or c as specified in American National Standards Institute Specifications for Sound Level Meters, ANSI S1.4-1971. If the frequency weighting employed is not indicated, the A-weighting shall apply.
16. Sound Level Meter – An instrument used to measure sound pressure.
17. Sound Pressure – The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.
18. Used or Occupied – For purposes of this chapter, where either word appears, shall be deemed to include the words, “intended, designed or arranged to be used or occupied.

Table 1

Maximum Permissible Sound Levels From Limited Sources by Receiving Land Use

Zoning Category of Receiving Land Use	Legal Time	Sound Level Limit (dBA)
Residence District	7:00 a.m. to 10:00 p.m.	60
	10 p.m. to 7:00 a.m.	50
Commercial District	At all times	65
Industrial District	At all times	75

3-14-2 Noise Prohibitions and Limited Sound Sources. The following sound sources are limited by this chapter.

1. No person shall perform, create, cause or permit a radio, television set, musical instrument or any other device to produce, reproduce or amplify sound to create a noise which is audible at a distance of 200 feet from such device when operated on or in a motor vehicle.
2. No person shall operate a motor vehicle radio or other equipment to emit sound through a motor vehicle radio or other sound system if the sound emitted is plainly audible for more than 200 feet from the vehicle.

3. Every motor vehicle must at all times be equipped with a muffler and exhaust system in good working order and in constant operation to prevent excessive noise or annoying smoke.
4. The following constitutes evidence of rebuttal presumption of a violation of this section:
 - a. The use of a muffler cutout, bypass, non-original equipment exhaust system without a muffler or other similar device upon a motor vehicle upon a street;
 - b. Equipment marked with either “off road use” or “not for street use”;
 - c. Excessive revving and/or acceleration which can be heard at a distance of at least 200 feet; or
 - d. The operation of a vehicle making excessive noise so as to be audible at a distance of at least 200 feet from the motor vehicle.
5. Animals and Birds. No person shall own, possess or harbor any animal or bird which frequently or for continued duration emits sounds native to the species which are a noise disturbance.
6. Radio, televisions, phonographs, etc. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound at a sound level which creates a noise disturbance. Church or clock carillons, bells or chimes, parades or processions (provided the conditions of the permit are met), mobile radio or telephone signal devices and sanctioned racing events are all excepted from the provisions of this subsection.
7. Lawn Equipment. No person shall use or operate or permit the use or operation of a power lawn mower, power trimmer, leaf blower, leaf vacuum, garden tiller or other gasoline or electric-powered device intended for mowing, trimming or working on a lawn or garden between the hours of 10:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter. No person shall use or operate or permit the use or operation of a gasoline-powered lawn or garden equipment which does not have a muffler if such use or operation creates a noise disturbance as defined by this chapter.
8. Chain Saws. No person shall use or operate or permit the use or operation of a power chain saw between the hours of 10:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.
9. Official vehicles. Governmental, Sheriff’s Department, Fire Department equipment, public utility company equipment, railroad company equipment, solid waste collection equipment and emergency vehicles such as ambulances and helicopters are exempt from the provisions of this chapter.
10. Construction Equipment. The operation of construction equipment between the hours of 7:00 a.m. to 10:00 p.m. shall not be subject to the limitation set out in Table 1 of this chapter. However, no person shall use or operate or permit the use or operation of construction

equipment between the hours of 10:00 p.m. and 7:00 a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.

11. Exempt Equipment. Persons operating the following equipment are exempt from the provisions of this chapter: farm equipment, snow blowers and snowplows.
12. Portland Cement Concrete Joint Sawing Equipment. A contractor performing duties in connection with an approved subdivision plan or a City of Coggon public improvement project may perform necessary joint sawing of pavement upon approval of the Director of Public Works and shall be exempt from this chapter.

3-14-3 Enforcement.

1. The provisions of this chapter which prohibit the making, continuing, or causing the making or continuance of a noise disturbance shall be enforced only upon receipt of a complaint made or filed with City officials by a person disturbed by such noise disturbance with the exception of violations of Section 3.14.2. (1), (2), (3) and (4). Certification by an official charged with enforcement of the provisions of this chapter that such complaint was made shall be sufficient to establish a rebuttal presumption that a violation of this statute has occurred.
2. Linn County Sheriff's Office may enforce violations of Section 3.14.2. (1), (2), (3) and (4) of this chapter without necessity of such complaint. Violations will be subject to a municipal infraction.

3-14-4 Permits to Exceed Limits.

1. The City Council on written application for good cause shown, may grant a special permit to exceed the sound and/or time limits established in Section 3.14.2 for specific activities generally or for limited times and/or dates provided that the sound level does not exceed 75 dBA at the receiving land use.