

ARTICLE VIII

Noise

[Adopted 9-19-2011 by Ord. No. 505]**§ 333-33. Definitions.**

As used in this article, unless the context otherwise clearly indicates, the words and phrases used in this article are defined as follows:

"A" BAND LEVEL — The total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the dB(A).

AMBIENT NOISE — The all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

BAND-PRESSURE LEVEL — Band-pressure level of a sound for a specified frequency band shall mean the sound-pressure level for the sound contained within the restricted band.

COMMERCIAL PURPOSE — Includes the use, operation, or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

CYCLE — The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL — A unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio.

EMERGENCY WORK — Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

FREQUENCY — Frequency of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

MICROBAR — A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

MOTOR VEHICLE — Any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts, and any other vehicle which is self-propelled.

NONCOMMERCIAL PURPOSE — The use, operation, or maintenance of any sound equipment for other than a commercial purpose. "Noncommercial purpose" shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

PERIOD — The smallest increment of time for which the function repeats itself.

PERIODIC QUANTITY — Oscillating quantity, the values of which recur for equal increments of time.

SOUND ANALYZER — A device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

SOUND TRUCK — Any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound-amplifying equipment.

SOUND-AMPLIFYING EQUIPMENT — Any machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this article, shall not include warning devices or authorized emergency vehicles or horns or other warning devices on any vehicle used for traffic safety purposes.

SOUND-LEVEL METER — An instrument including a microphone, an amplifier, an output meter, and frequency-weighting networks for the measurement of noise and sound levels in a specified manner.

SOUND-PRESSURE LEVEL — Sound-pressure level in decibels of a sound shall mean 20 times the logarithm to the base 10 of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

SPECTRUM — A description of its resolution into components, each of a different frequency.

§ 333-34. Decibel measurement criteria.

Any decibel measurement made pursuant to the provisions of this article shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 or as measured with a sound level meter using the "A" weighting.

§ 333-35. Schools, hospitals and churches.

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of learning, or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital.

§ 333-36. Noise sources; levels; hours.

A. Radio, television sets, and similar devices.

- (1) Use restricted. It shall be unlawful for any person within any residential zone of the City to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound (between the hours of 10:00 p.m. of one day 7:00 a.m. of the following day) in such a manner as to disturb the peace, quiet and comfort of

neighboring residents or any reasonable person of normal sensitiveness residing in the area.

- (2) Prima facie violation. Any noise exceeding the ambient noise level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.
- B. Animals. No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or habitual howling, barking, meowing, squawking or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any reasonable person.
- C. Machines, equipment, fans and air conditioning. It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air-conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five decibels based on a reference sound pressure of 0.0002 microbars as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 for the combined frequency bands, "A" band.
- D. Continuous sources of sound.
 - (1) The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating or repairing vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the City, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise. Sound pressure level shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four feet above the immediate surrounding surface on a sound level meter of standard design and operated on the "A" weighting network. [Amended 1-9-2017 by Ord. No. 530]

| Districts/Time | Residential [dB(A)] | Commercial [dB(A)] | Industrial [dB(A)] |
|---|------------------------|-----------------------|-----------------------|
| 12:00 p.m. (noon) to 11:00 p.m. (Friday and Saturday) | 55 | 85 | 80 |
| 11:00 p.m. to 12:00 p.m. (noon) (Friday and Saturday) | 55 | 55 | 80 |

| Table A | | | |
|---|--------------------------------|-------------------------------|-------------------------------|
| Sound Pressure Level Limit | | | |
| Districts/Time | Residential [dB(A)] | Commercial [dB(A)] | Industrial [dB(A)] |
| 12:00 a.m. (midnight) to 7:00 a.m. (Sunday to Friday) | 45 | 55 | 75 |
| 7:00 a.m. to 12:00 a.m. (midnight) (Sunday to Friday) | 55 | 60 | 80 |

- (2) The sound pressure level limits, and provisions hereof, applicable to commercial districts shall also apply to any parcel of land zoned agricultural district under the zoning ordinances of the City.

E. The provisions of this section shall not apply to:

- (1) Any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school;
- (2) The loading or unloading of any trucks;
- (3) Domestic power equipment;
- (4) Commercial power equipment; or
- (5) Motor vehicles operating on public rights-of-way but shall apply to motor vehicles parked on public rights-of-way.

F. Construction.

- (1) Except as otherwise provided in this article, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of 9:00 p.m. of one day and 6:00 a.m. of the following day.
- (2) Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit.
- (3) Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

G. Hours of operation. No person shall operate or permit to be operated on private property or on the public way within any residential or commercial district(s) any power equipment rated five horsepower or less and used from home or building repair or grounds maintenance between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day or operate or permit to be operated between the hours of 7:00 a.m. and 10:00 p.m. any such power equipment which emits a noise sound pressure level in excess of 80 decibels in the "A" weighting network dB(A). Such power equipment shall

include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for homes or building repair or grounds maintenance. Noise sound pressure levels shall be measured at a distance of 25 feet from the noise source.

- H. Power tools. No person shall operate on any property within a residential or commercial district or on any public way within a residential or commercial district, any power equipment rated more than five horsepower, excluding construction equipment used for construction activities, such as but not limited to chain saws, pavement breakers, log chippers, riding tractors, powered hand tools, between the hours of 10:00 p.m. of one day and 7:00 a.m. on the next day. No person shall operate within residential, commercial or industrial noise districts between the hours of 7:00 a.m. and 10:00 p.m. any power tool which emits a noise level in excess of 80 decibels, in the "A" weighting network dB(A). Noise sound pressure levels shall be measured at a distance of 25 feet from the noise source.
- I. Additional regulations.
- (1) It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
 - (2) The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:
 - (a) The volume of the noise;
 - (b) The intensity of the noise;
 - (c) Whether the nature of the noise is usual or unusual;
 - (d) Whether the origin of the noise is natural or unnatural;
 - (e) The volume and intensity of the background noise, if any;
 - (f) The proximity of the noise to residential sleeping facilities;
 - (g) The nature and zoning of the area within which the noise emanates;
 - (h) The time of the day or night the noise occurs;
 - (i) The duration of the noise;
 - (j) Whether the noise is recurrent, intermittent or constant; and
 - (k) Whether the noise is produced by a commercial or noncommercial activity.

§ 333-37. Owner responsibility.

It shall be unlawful for any person who is the owner, occupant, or is in control of, any premises to permit any noise prohibited under any section of this article to be created on, or emanate from, such premises.

§ 333-38. Exclusions.

- A. This article shall not apply to any persons engaged in the removal of snow from public or private property used for routes of vehicular travel or parking or pedestrian travel.
- B. This article shall not apply to publicly sanctioned events such as the Musky Festival, Fall Fest, Relay for Life, etc.

§ 333-39. Forfeiture.

- A. Violations shall result in the following forfeitures:
 - (1) First offense: \$100, plus applicable court costs, plus the costs of prosecution, including reasonable attorney's fees.
 - (2) Second offense: \$200, plus applicable court costs, plus the costs of prosecution, including reasonable attorney's fees.
 - (3) Third and subsequent offenses: \$500, plus applicable court costs, plus the costs of prosecution, including reasonable attorney's fees.
- B. Any and all changes in the forfeiture and/or bond for a violation of this article shall be set by a majority vote of the Common Council of the City of Hayward.