

ORDINANCE 2007- 18

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LOGANSPOORT, INDIANA PROHIBITING THE GENERATION OF EXCESSIVE NOISE

WHEREAS, excessive levels of noise are detrimental to the health and welfare of the citizenry, and it should be the policy of the City of Logansport, Indiana to prohibit unnecessary, excessive, and offensive noise from all sources within the jurisdiction of the City of Logansport; and

WHEREAS, it is deemed necessary by the Common Council of the City of Logansport to enact an ordinance providing for noise control from all sources.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Logansport, Indiana:

SECTION 1: USE OF LOUDSPEAKERS, RADIOS, AND THE LIKE. It shall be unlawful for any person to use or operate any piano, phonograph, radio, loudspeaker, or any other similar instrument, or sound-producing or sound-amplifying device in such a manner or with such volume as to annoy or disturb persons in its vicinity.

SECTION 2: APPLICATION TO MOTOR VEHICLES. This ordinance shall apply to the control of all noise caused by motor vehicles and originating within the limits of the City.

SECTION 3: DEFINITIONS. For the purpose of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning (See Appendix A for more concise scientific definitions):

A-WEIGHTED SOUND LEVEL. The loudness of a sound measured through a filtering device intended to simulate human hearing. The level so read is designated db(A) or dBA.

COMMERCIAL ZONE. Zones PR, LB-1, B-2, B-3, and B-4 as established in the City zoning code.

DECIBEL (dB). A unit for measuring the sound pressure level of a sound.

FREQUENCY. An objective way to describe the pitch of sound.

HERTZ (Hz). A unit for measuring the frequency of a sound (sometimes called cycles per second).

INDUSTRIAL ZONE. Zones I-1 and I-2 as established in the City zoning code.

LIGHT-MOTOR VEHICLES. Any motorized vehicle, including automobiles, vans, motorcycles, motor-driven cycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go carts, minibikes, trail bikes, and trucks with gross vehicular weight of less than 8,000 pounds.

MODIFIED AND DEFECTIVE EXHAUST SYSTEMS. An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise as their original devices, or in which devices have been added to the original noise abatement devices such that noise levels are increased.

NOISE. Any sound.

OCTAVE BAND. A way to divide the entire frequency range of sound into sections for more accurate measurements.

PERSON. Any individual, association, partnership, firm, corporation, company or organization of any kind.

PLAINLY AUDIBLE. Any noise for which the information content is unambiguously communicated to the listener, including understandable spoken speech, comprehension of whether a voice is raised (agitated) or normal or comprehensible musical rhythms.

RESIDENTIAL ZONES. Zones R-1, R-2, R-3, and R-4 as established in the City zoning code.

SOUND LEVEL METER. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on a db(A) scale.

SOUND PRESSURE LEVEL. An objective way to describe the loudness of a sound.

TRAFFIC NOISE. Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this section shall be defined in conformance with applicable publications of the American National standards Institute (ANSI) or its successor body.

SECTION 4: RESTRICTIONS.

- (A) **General prohibitions.** No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions listed in the following subsections.
- (B) **Specific Restrictions.** The following acts are declared to be unlawful:

 - (1) **Radios, television sets, musical instruments, tape or record players, amplifiers and similar devices:** operating or permitting the use or operation of any such device between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible across property boundaries or through partitions common to two or more persons within a building.
 - (2) **Domestic power tools:** operating or permitting the use or operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, snow blower, or similar device used outdoors between the hours of 9:00 p.m. and 7:00 a.m. in such a manner that will disturb or annoy any reasonable person nearby.
 - (3) **Construction:** operating or permitting the operation of any tool or equipment used in construction, drilling or demolition between the hours of 9:00 p.m. and 7:00 a.m. in such a manner that will disturb or annoy any reasonable person nearby.
 - (4) **Horns and signaling devices:** operating a horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.
 - (5) **Participation in noisy parties or gatherings:** participation in any party or gathering between the hours of 9:00 p.m. and 7:00 a.m. giving rise to noise that is plainly audible across property boundaries or between partitions common to two or more persons within a building.
 - (6) **Animals:** harboring or keeping any animal which by causing frequent or long continued noise shall disturb or annoy any reasonable person nearby.

SECTION 5: QUANTITATIVE LIMITS.

(A) Motor vehicles.

- (1) It shall be unlawful for any person to cause the sound pressure level of the noise emitted during the operation of a light motor vehicle to exceed 80 dBA within the corporate limits of the City. The sound pressure level measurement shall be made at a distance of not less than 15 feet from the noise source.**
- (2) It shall be unlawful for any person to operate a light motor vehicle which causes excessive noise as a result of a defective or modified exhaust system or as a result of an unnecessary rapid acceleration, deceleration, engine revving or tire squealing.**

(B) Stationary source (See Appendix B for octave-band breakdowns of the dBA limits for Each zone.)

- (1) It shall be unlawful for any person to cause the sound pressure level to exceed the limits listed below at any point on the boundary of the property where the person is located.**
 - (a) If a person is located within a residential zone: 55 dBA between the hours of 7:00 p.m. and 7:00 a.m.**
 - (b) If the person is located within a commercial zone: 64 dBA at all times.**
 - (c) If the person is located within an industrial zone: 66 dBA at all times.**
- (2) If the property boundary lies between two zones, the lower limit shall apply regardless of the zone in which the person creating the noise is located.**
- (3) In addition to the above, no person within a residential or a commercial zone shall make or cause to be made any earthshaking vibrations perceptible without the aid of instruments beyond the property boundary of the vibration source. No person within an industrial zone shall make or cause to be made any earthshaking vibrations perceptible without the aid of instruments beyond the zone boundary of the zone in which the vibration source is located.**

SECTION 6: EXEMPTIONS AND PERMITS.

- (A) The provisions of this ordinance shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of work to prevent to alleviate physical or property damage threatened or caused by a public calamity or other emergency.**

- (B) The provisions of this chapter shall not apply to any industry existing in the City one year prior to the passage of this ordinance and located in an area zoned for heavy industry.
- (C) The provisions of the Ordinance shall not apply to noise generated by the use of facilities contained within public parks or on property owned by a school corporation for the purpose for which those facilities were designed so long as that use is within the hours permitted by and the rules and regulations adopted by the Parks Department, the school, the school corporation, or other governing body.
- (D) The Board of Public Works and Safety shall have the authority to issue permits for:
 - (1) Holidays, celebrations, concerts, parades, or other special events (public or personal).
 - (2) Persons who demonstrate that bringing the source of sound or activity for which the permit is sought into compliance with the provisions of this ordinance would constitute an unreasonable hardship on the applicant, the community, or other persons, and that the adverse impact on the health, safety, and welfare of persons affected by the permit has been outweighed by such hardship. Permits may contain any conditions (including a time limit) that are necessary to limit the adverse impact of the activity.
- (E) Noncompliance with any condition of a permit issued by the Board of Public Works and Safety shall terminate the permit and subject the person holding it to the provisions of this ordinance.
- (F) The Board of Public Works and Safety may issue guidelines defining the procedures to be followed in applying for a permit and the specific criteria to be considered in deciding whether to issue a permit.

SECTION 7: VIOLATION; EVIDENCE OF NOISE LEVEL.

- (A) In any criminal prosecution for a violation of this ordinance, the court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment. A person shall be found guilty of violation of this section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.
- (C) It shall be unlawful for any person to violate the provisions of Sections 2 through 7. Whenever any police officer makes an arrest for violation of Sections 2 through 7 he shall record the name, address, operator's license number, and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the City police a citation for a violation of Sections 2 through 7.

SECTION 8: PENALTY; PAYMENT OF FINES.

- (A) Any person found in violation of any provision of this ordinance shall be fined not less than \$150 for the first offense; not less than \$250 for subsequent offences. All attorney fees for the adjudication or collection will be an additional fee, along with a \$25 administration fee to the Logansport Clerk-Treasurer. All funds, excluding attorney fees and administration fees, will be placed in the General Fund account.
- (B) Each day that a violation is in effect shall constitute a separate offense.
- (C) During any trial concerning the provisions of this ordinance, the court may admit evidence of the sound pressure level as tested by a sound level meter which meets or exceeds ANSI specifications for type II equipment.

INTRODUCED, FILED AND APPROVED on first reading by a vote of 7 in favor and 0 opposed on the 2nd day of July, 2007.

DULY PASSED, ORDAINED AND ADOPTED this 16th day of July, 2007, by the Common Council of the City of Logansport, Cass County, Indiana by a vote of 6 in favor and 0 opposed.

Common Council of the City of
Logansport, Indiana

By: Kerry Worthington
Kerry Worthington, President

ATTEST:

Ruth Ellen Bland
Ruth Ellen Bland, Clerk-Treasurer

Submitted to, approved by, and signed by me, the Mayor of the City of Logansport, Indiana this 16th day of July, 2007.

Michael E. Fincher
Michael E. Fincher, Mayor

APPENDIX A: SCIENTIFIC DEFINITIONS

The concise, scientific definitions of the terms used in this chapter shall be:

A-WEIGHTED SOUND LEVEL. The sound pressure level of a sound measured through an A-weighted filter network. The level read is designated db(A) or dBA.

DECIBEL (Db). The unit used for comparing the sound pressure level of a sound to the sound pressure level of a reference sound having a sound pressure of 20 micropascals.

FREQUENCY. The number of periodic oscillations, vibrations, or waves per unit time (usually one second).

HERTZ (Hz). The unit used for measuring the frequency of a sound. The number of Hertz is the number of cycles per second of a periodic sound pressure wave.

OCTAVE BAND. A portion of the entire sound frequency spectrum contained between two frequencies a and b such that $a = 2b$.

SOUND PRESSURE LEVEL. Twenty times the logarithm (base 10) of the ratio of the measured sound pressure to a reference of 20 micropascals. The sound pressure level is expressed in decibels (dB).

$$SPL = 20 \text{ LOG}_{10} \frac{\text{sound pressure a}}{\text{sound pressure b}}$$

sound pressure a = measured sound pressure

sound pressure b = reference sound pressure
(20 micropascals)

APPENDIX B: dBA LIMITS

The octave-band breakdowns of the dBA limits used in Ordinance 2007-18 shall be:

(A) For a residential zone: (55 dBA)

Octave-Band Center Frequency (hz)	Maximum Boundary SPL (dB)
31.5	72
63	71
125	65
250	57
500	51
1000	45
2000	39
4000	34
8000	32

(B) For a commercial zone (64 dBA)

Octave-Band Center Frequency (hz)	Maximum Boundary SPL (dB)
31.5	79
63	78
125	73
250	67
500	61
1000	55
2000	50
4000	46
8000	43

(C) For an industrial zone (66 dBA)

Octave-Band Center Frequency (hz)	Maximum Boundary SPL (dB)
31.5	80
63	79
125	74
250	69
500	63
1000	57
2000	52
4000	48
8000	45