

COUNCIL BILL NO. 1893
INTRODUCED BY EDWARD WALSH
ORDINANCE NO. 1794

AN ORDINANCE

AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS TO ADD A PART 8 PROHIBITING UNNECESSARY NOISE; DEFINING THE UNIT FOR MEASURING THE SOUND PRESSURE LEVEL; PROHIBITING NOISE LEVELS IN A RESIDENTIAL AREA IN EXCESS OF 100 dB(A) MEASURED AT A DISTANCE OF 50 FEET FROM THE SOURCE AND IMPOSING A MANDATORY FINE OF \$150 UPON CONVICTION FOR A FIRST TIME VIOLATION WITH A MANDATORY \$300 FINE UPON CONVICTION OF ANY VIOLATION CONSTITUTING A SECOND OR FURTHER OFFENSE.

NOW, THEREFORE, BE IT ORDNANIED AND ENACTED by the Council of the City of DuBois, in Council assembled, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1. DEFINITIONS.

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 dB(A).

DECIBEL (dB)

A unit for measuring the sound pressure level, 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 micropascals (micronewtons per square meter).

EXTRANEIOUS SOUND

A sound which is neither part of the neighborhood residual sound nor comes from the source under investigation.

IMPULSIVE SOUND

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

NEIGHBORHOOD RESIDUAL SOUND LEVEL

That measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous and transient sounds and the sound from the source of interest.

NOISE

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE

Any sound which:

- A. Endangers or injures the safety of health or humans or animals;
- B. Annoys or disturbs a reasonable person of normal sensitivities; or
- C. Endangers or injuries personal or real property.

PERSON

Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. "Person" includes the owner or operator of the noise disturbance source, the owner, tenant or manager of real property from which the noise disturbance emanates and any other individual responsible for producing the noise disturbance or allowing such disturbance to occur.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE

Any real property or structures thereon which are owned or controlled by a governmental entity.

PURE TONE

Any sound which can be heard as a single pitch or a string of single pitches.

REAL PROPERTY BOUNDARY

Either:

- A. The imaginary line, including its vertical extension, that separates one parcel of real property from another;
- B. The vertical and horizontal boundaries of a dwelling unit that is one in a multidwelling unit building; or
- C. The vertical and horizontal boundaries of a dwelling unit or commercial unit of a mixed residential-business use building.

REAL PROPERTY

All land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas to public right-of-way.

SOUND

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 characteristics of such sound, including duration, intensity and frequency.

SOUND LEVEL

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 S 1.4-1971, or the latest revision thereof.) If the frequency weighting employed is not indicated, the A- weighting shall apply.

SOUND LEVEL METER

An instrument used to measure sound level and which conforms to Type 1 or Type 2 standards as specified in ANSI specifications S1.4-1971.

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.

SOUND PRESSURE LEVEL

The level of a sound measure in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

TRANSIENT SOUND

A sound whose level does not remain constant during measurement.

VIBRATION

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

WEEKDAY

Any day, Monday through Friday, which is not a legal holiday.

ZONING CLASSIFICATIONS

Those which have been enacted by the City Council of the City of DuBois in Chapter 27 of the Code of Ordinances of the City of DuBois, as many be amended from time to time.

SECTION 2.

- (a) No person shall unnecessarily and repeatedly sound the horn of any vehicle or use any loud signaling device thereon except an emergency vehicle or a vehicle on emergency business.
- (b) No person shall operate or cause to be operated, any audio amplification or reproduction device, including but not limited to an oversized hand carried radio, cassette, compact disc player, or one that is installed in or audio powered by a vehicle, on a city street or sidewalk, in a city park, on a public conveyance, or in any other public property which generates an A-weighted sound level in excess of 100 dB (A) in a residential area measured at, or adjusted to, a distance of 50 feet from the source. If an A-weighted sound device is not present, a violation has occurred if the disturbance is audible to an officer standing in excess of 100 feet away from the source of the disturbance. The subsection shall not apply to audio amplification devices used for open air musical concerts or any other private or public events.
- (c) No person shall operate, or cause to be operated any audio amplification system on public or private property, which generates an A-weighted sound level in excess of 100 dB (A) in residential area measured at, or adjusted to, a distance of 100 feet beyond the boundary of the property in which the audio amplification or reproduction system is located.
- (d) Sound levels under subsections (b) and (c) hereof shall be measured with a sound level measuring device, wither Type I or Type II as defined by the American National Standards Institute Specifications.

SECTION 3.

A person operating an audio amplification or reproduction device shall be exempt from this section provided that:

- (1) The device is being operated to request assistance or warn of a hazardous situation; or
- (2) The device is an authorized emergency vehicle or a vehicle operated by gas, electric, communications or water utility; or
- (3) The device is being used in connection with a parade, political activity, amusement activity or a community event that is being conducted under any permit issued by the City and is otherwise in compliance with the applicable sections of the City of DuBois Code of Ordinances provided that the recommended sound level in the applicable subsection is not exceeded between the hours of 11:00 p.m. and 7:00 a.m.

SECTION 4.

Upon conviction of a violation of subsection (b), a mandatory fine of \$150.00 for the first time violation shall be imposed and a mandatory \$300.00 fine shall be imposed upon conviction of any second offense or any further offense.

SECTION 5.


Prior to the effective date of this legislation, the Chief of Police of the City of DuBois shall develop a comprehensive noise education program for the purpose of informing, educating and soliciting voluntary cooperation in noise reduction.

SECTION 6.

The within Ordinance shall be effective upon final enactment hereof.

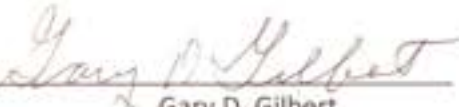
SECTION 7.

All other parts of Chapter 6 not in conflict herewith be and the same are herewith reaffirmed and re-ratified as if set forth at length herein. All parts of Chapter 6 in conflict herewith are hereby repealed.

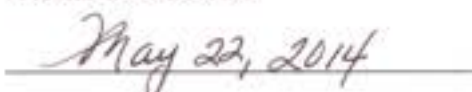
ATTEST:


 City Manager

By



 Gary D. Gilbert

 Mayor and President of Council
PASSED BY COUNCIL:


 May 22, 2014

Approved:

