

CHAPTER 99. NOISE REGULATIONS

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§ 99.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-WEIGHTED SOUND LEVEL. The sound level as measured with a sound level meter using the A-weighting network. The standard notation is db(A) or dBA.

AMBIENT SOUND PRESSURE LEVEL. The sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of 90% of the time based on a measurement period of not less than ten minutes or more than 30 minutes.

DECIBEL. Logarithmic and dimensionless unit of measure used in describing the amplitude of sound. DECIBEL is denoted as dB.

EMERGENCY VEHICLE. A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

MOTOR VEHICLE. Any vehicle which is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, utility trailers, towed trailers, campers, "5th-wheel" campers, motorcycles, mini-bikes, go-carts, lawn mowers, 4-wheelers, farm machinery, and racing vehicles.

MOTOR VEHICLE WITH SOUND AMPLIFICATION EQUIPMENT. Any vehicle having thereon or attached thereto any sound amplification equipment.

MUFFLER. An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

NOISE. Any sound which is unwanted or which causes or tends to cause an adverse physiological or psychological effect on human beings.

SOUND. Mechanical energy transmitted by a cyclic series of compressions and rarefaction of molecules of the material or materials through which it passes.

SOUND AMPLIFICATION EQUIPMENT. Any machine or device for the amplification of the human voice, music, or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.

SOUND LEVEL METER. An instrument, including a microphone, amplifier, RMS detector and integrator or time average, output meter and/or visual display and weighing networks, used to measure sound levels. The SOUND LEVEL METER shall conform as a minimum to the requirements of ANSI S 1.4-1971 Type 2 or its successor publication; and to be set to an A-weighted response. An acoustical calibrator accurate to within plus or minus one decibel shall be used to verify the before and after calibration of the SOUND LEVEL METER on each day noise measurements are taken.

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.

SOUND PRESSURE LEVEL. Twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure is denoted “Lp” or “ASPL”.

§99.02 SOUND LEVEL RESTRICTIONS.

Notwithstanding the provisions of §99.07:

(A) No person shall drive, move, operate, cause, or knowingly permit to be driven or moved a motor vehicle or combination of vehicles, within the city limits at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown below.

(B) The standard measurement height shall be not less than four feet above the immediate surrounding surface and the measurement distance not less than 25 feet.

- (1) Motor vehicles with a manufacturer’s gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicle with sound level dB(90);
- (2) Motorcycles with sound level dB(80); and
- (3) Any other motor vehicle or any combination of vehicles towed by any motor vehicle with sound level dB(80).

§99.03 APPLICABILITY.

The foregoing section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this title relating to motor vehicle mufflers for noise control.

§99.04 EXHAUST SYSTEM REQUIREMENTS.

No person shall operate or cause to be operated any motor vehicle within the city limits unless the exhaust system of such vehicle is:

- (A) Free from defects which affect sound reduction;
- (B) Equipped with a muffler or other noise dissipative device;
- (C) Not equipped with any cut-out, by-pass or similar device; and

(D) Not modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by a muffler of the type originally installed on the vehicle.

§99.05 SOUND LEVEL MEASUREMENT.

Sound level measurement shall be made with a sound level meter Type II or better using the “A” weighted scale, in accordance and conforming with the standards promulgated by the American National Standards Institute.

§99.06 RADIOS AND STEREO RECEIVER RESTRICTIONS.

No person shall use, operate or permit the use or operation of any radio receiving set, phonograph, stereo receiver, tape deck, streaming media player, or other machine or device for the production or reproduction of sound between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at 50 feet from such device which is being operated from within or attached to a motor vehicle which is traveling or parked on a public right-of-way.

§99.07 NOISES PROHIBITED.

(A) General prohibitions. In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Canton.

(B) Acts in violation. The following acts are declared to be in violation of this chapter.

(1) Sound equipment prohibited.

(a) Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a motor vehicle with sound amplification equipment in operation.

(b) For the purpose of this division (B)(1), the definitions of this chapter shall apply unless the context clearly indicates or requires a different meaning.

(2) Stereos, radios, television sets, musical instruments, and similar devices.

- (a) Using, operating, or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in division (B)(1) above, in such a manner as to violate this section or cause a noise disturbance.
- (b) The operating of any such device between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at 50 feet from the device when operated within a vehicle parked on a public right-of-way, on private property or when operated from within a private residence.

(3) Maximum permissible sound levels. It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any 10-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at 50 feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District 10:00 p.m. to 7:00 a.m. 7:00 a.m. to 10:00 p.m.

Residential District 55 dB(A) 60 dB(A)

Urban Reserve District 75 dB(A) 55 dB(A)

Central Business District 65 dB(A) 65 dB(A)

General Business District 65 dB(A) 65 dB(A)

Light Industrial District 75 dB(A) 75 dB(A)

Heavy Industrial District 75 dB(A) 75 dB(A)

Planned Development District 55 dB(A) 60 dB(A)

(C) Sound pressure level. It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for 90% of the time in any measurement period, such as the level exceeded for 9 minutes of a 10-minute period.

(D) Special permit. The City Commission may, following a public hearing, issue a special permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a special permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point 50 feet from the source, and continuing out through a radius of 200 feet from the source. Application for a special permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of an amount set by resolution. Application for a special permit shall be

completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event.

(E) Semi-tractors; prohibited noises. It shall be unlawful for any person to make, or cause to be made, loud or disturbing or offensive noises with mechanical devices known as unmuffled dynamic engine braking systems used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger.

§99.08 EXCEPTIONS.

This chapter shall not apply to the operation of emergency vehicles.

§99.99 PENALTY.

(A) Any person violating any provision of this chapter may be punished by a fine of not more than \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(B) Violations of §§ 99.02 through 99.08 are deemed and declared to be a nuisance and as such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction.