

CITY OF MARSHALLTOWN

NOISE PERMIT APPLICATION

Return completed applications to: Police Administration, 909 S 2nd Street, Marshalltown, IA 50158
Questions, please contact: Anna Vaughn, 641-754-5729, avaughn@marshalltown-ia.gov

Applications for a permit for relief from the provisions of Chapter 134 may be made to the Noise Control Office. All permits must be applied for in writing during normal business hours, Monday-Friday, 8 am – 4:30 pm.

PERMIT FEE: \$25 for 24-hours or less \$40 for one to seven days (per day)
Fee may be waived for registered charitable or non-profit organization.

Contact Person	Phone
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Address	Email
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What devices are to be employed:

Nature of sound to be produced or amplified:

Where are they to be employed:

Event Details:

Date	Start Time	End Time	# Persons in Attendance

Have you consulted with neighboring property owners who may be impacted by the noise? Yes No

When a permit is issued, the sound levels listed below shall be the maximum levels permitted. The stated duration for each sound level shall not be exceeded.

Sound Level Limit in dBA	Duration
80	24 hours
83	12 hours
86	6 hours
89	3 hours
90	1.5 hours

I, the undersigned applicant, acknowledge receipt of the requirements relating to operations under this license and will operate pursuant to those requirements per Chapter 134. I have read this statement before signing and the statements made herein are true and may be relied upon in granting this application.

Applicant Signature	Printed Name	Date of Application
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OFFICIAL USE ONLY: LICENSE NUMBER: _____ LICENSE PERIOD: _____



CHAPTER 134: NOISE CONTROL

Section

- 134.001 Purpose, scope and decibel measurement
- 134.002 Definitions
- 134.003 Exceptions to chapter
- 134.004 Noise disturbance prohibited
- 134.005 Maximum permissible sound levels by zoned land use
- 134.006 Noise permits
- 134.007 Motorized vehicles
- 134.008 Powers and duties of noise control office; enforcement
- 134.009 Unlawful use of engine and compression brakes

134.999 Penalty

§ 134.001 PURPOSE, SCOPE AND DECIBEL MEASUREMENT.

- (A) It is the purpose of this chapter to prevent excessive sound which is a serious hazard to the public health and welfare and to the quality of life in the City of Marshalltown.
- (B) This chapter shall apply to the control of all noise originating within the limits of the City of Marshalltown.
- (C) The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreens for the microphone shall be used when required. The measurement shall be an A-weighted, slow response sound level.

(Ord. 14999, passed 7-13-2020)

§ 134.002 DEFINITIONS.

All terminology used in this chapter and not defined in this section shall be in conformance with application publications of the American National Standards Institute (ANSI) or its successor body.

A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(a) or dBA.

CALIBRATION CHECK. Operators of a sound level meter may certify the accuracy of meter by either witnessing the integrity seal on the meter is intact and that the device has a current certificate of calibration from an outside sound meter testing lab; or, using a sound calibrator with the meter before enforcement sampling to verify the device is functioning properly. The sound calibrator emits a test sound at specific dB level(s) to compare sound level meter readings.

DECIBEL (dB). A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound.

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

NOISE. A sound, especially one that is loud or unpleasant or that causes disturbance.

NOISE CONTROL OFFICE. The same as the Marshalltown Police Department and shall have the responsibility of enforcing this chapter.

NOISE DISTURBANCE. Any sound which endangers the welfare, safety or health of a human being, or disturbs a reasonable person of normal sensitivities, or devalues or injures personal or real property by exceeding authorized limits.

PERSON. Any individual, association, partnership, corporation or officer thereof.

REASONABLE OPERATION. Use of construction, power tools, lawn and garden equipment with a legitimate, timely purpose that minimizes disruption to nearby persons; not used to cause annoyance or excessive disruption.

SOUND. A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

SOUND LEVEL METER. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks used to measure sound pressure levels in decibels when properly

calibrated or currently certified to be working correctly and the instrument is of type 2 or better, which complies with American National Standards Institute Standard 1.4-1971 or its successor.

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. Twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty (20) microneutons per square meter ($120 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

(Ord. 14999, passed 7-13-2020)

§ 134.003 EXCEPTIONS TO CHAPTER.

The provisions of this chapter shall not apply to:

- (A) The emission of sound for the purpose of alerting persons to the existence of an emergency vehicle warning devices. Private audible alarms may be tested once per day for a maximum duration of 30 seconds between the hours of 10:00 a.m. and 4:00 p.m. False or overly sensitive audible alarms that cause a noise disturbance are not exempt under provisions of this chapter.
- (B) The emission of sound in the performance of emergency work.
- (C) Activities of temporary duration, permitted by law, and for which a valid noise permit has been issued by the Noise Control Office.
- (D) Reasonable operation of construction equipment, domestic power tools, lawn and garden equipment between 7:00 a.m. to 10:00 p.m.
- (E) Nonprofessional athletic contests on school property, school band practice, and school band performances between 7:00 a.m. to 10:00 p.m.
- (F) Funeral or memorial events of limited duration to include, but not limited to: the playing of trumpets or bagpipes, discharge of blanks during a gun volley salute, etc.
- (G) Rail and air transportation and public mass transportation vehicles.
- (H) The emission of sound in connection with authorized activities conducted on the County Fairgrounds during the annual Central Iowa Fair.
- (I) The emission of sound in the performance of authorized law enforcement or military operations.
- (J) The emission of sound in the discharge of weapons or in fireworks displays approved by the City Council or County Board of Supervisors; or when lawfully allowed by city ordinance.
- (K) The emission of sound in the reasonable operation of snow removal equipment and street cleaning equipment regardless of time of day.
- (L) Organized racing events on the county fairgrounds property in such a manner that the sound level resulting from such operation exceeds 90 dBA for any period of time during such operation. Sound levels which exceed the limits herein described at the real property boundary of the receiving land use shall be deemed a noise disturbance. Said organized racing events must end by 10:30 p.m. and not start before 10:00 a.m.

(Ord. 14999, passed 7-13-2020)

§ 134.004 NOISE DISTURBANCE PROHIBITED.

No person shall make, continue, or cause to be made or continued, except as permitted, any noise disturbance as defined in this chapter, or any noise in excess of the limits for such noise established in this chapter.

(Ord. 14999, passed 7-13-2020)

§ 134.005 MAXIMUM PERMISSIBLE SOUND LEVELS BY ZONED LAND USE.

- (A) No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the city heard and measured in the manner prescribed in § 134.001(C) of this chapter, and below, except when done under and in compliance with a permit issued pursuant to this chapter.
- (B) It shall be the duty of persons in a position of ownership, possession or control of premises to prevent such premises from the site of activities producing sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
- (C) It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.
- (D) For the purpose of determining and classifying any sound as excessive or unusually loud, the following test

measurement and requirements are to be applied:

- (1) The sound shall be measured at the edge of the city street or alley right-of-way reasonably appearing to be nearest to the source of the sound, or if in a park zoned area, approximately 50 feet from the source of the sound. When a complaint is received, a measurement may also be taken at a location on the property where the complaining party was disturbed.
- (2) The sound shall be measured on a sound level meter of standard design and quality operated in the "A" slow response weighing scale.
- (3) A sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be excessive and unusually loud and is unlawful:

Neighborhood Zoned Characteristics	Maximum Permitted
Residential:	
Between 7:00 a.m. to 10:00 p.m.	60
Between 10:00 p.m. to 7:00 a.m.	50
Commercial or agricultural	65
Industrial	80
Park	65

(Ord. 14999, passed 7-13-2020)

§ 134.006 NOISE PERMITS.

(A) *Application.* Applications for a permit for relief from the provisions of this chapter may be made to the Noise Control Office, or a duly authorized representative, pursuant to the following procedure:

(1) All permits must be applied for in writing during normal business hours stating what devices are to be employed, where they are to be employed, on what date(s) and at what times of day they are to be used, the nature of the sounds to be produced or amplified and the number of people in attendance, and the persons responsible for the activity. Sufficient lead time must be given to the Noise Control Office to research permit application and consult with neighboring property owners who may be impacted if a noise permit is issued.

(2) Permits granted shall state with reasonable specificity the date(s), location(s), time(s), nature of the sound, devices permitted, number of people in attendance, and the persons responsible for the activity. Permits are not transferable. The permit shall be conspicuously displayed on or near main sound producing object or main entrance.

(3) Permits shall not be arbitrarily or unreasonably withheld nor shall the free expression of ideas or lawful speech be restrained, but sound and noise producing conduct having no communicative value and serving only to unreasonably disturb and disrupt the enjoyment of residences and normal pursuits shall be restrained.

(4) The Noise Control Office may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(5) Approved noise permits may be revoked at any time by Noise Control Office if permittee or guests fail to comply with permit requirements. Permit fees are non-refundable in this case.

(6) Denied permits may be appealed to the City Administrator or designee within 14 calendar days of a permit denial.

(B) *Permit application fees.*

(1) Permit application fee for 24 hours or less is \$25 each.

(2) Permit application fee for one day through seven days is \$40 each date.

(3) The Noise Control Office has discretion to waive or reduce a permit fee for a registered charitable or nonprofit organization.

(C) *Maximum sound levels.*

(1) When a permit has been issued pursuant to this chapter, the sound levels listed in the following table shall be the maximum levels permitted:

Sound Level Limit in dBA	Duration
80	24 hours
83	12 hours
86	6 hours

89	3 hours
90	1.5 hours

(2) The above stated duration for each sound level shall not be exceeded. The sound level shall be measured in the same manner as set out in § 134.005.

(Ord. 14999, passed 7-13-2020)

§ 134.007 MOTORIZED VEHICLES.

(A) No person shall operate the engine providing motive power, or an auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more for a consecutive period longer than 20 minutes while such vehicle is standing and located within 150 feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads.

(B) It shall be unlawful for any person to operate or for the owner to cause or permit to be operated within the public right-of-way in this city, any motor vehicle which emits a noise in excess of the dBA level established in this section.

(1) The maximum allowable noise levels for motor vehicles shall be 75 dBA measured at a distance of 25 feet.

(2) This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter.

(3) No person shall modify the exhaust system of a motor vehicle or any other noise abatement devise of a motor vehicle or operate any such vehicle or devise in this city in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicles as originally manufactured. Muffler cutouts, bypasses, or other devices which increase sound emitted shall be unlawful.

(4) The sound shall be measured on a sound level meter of standard design and quality operated on the "A" slow response weighting scale.

(Ord. 14999, passed 7-13-2020)

§ 134.008 POWERS AND DUTIES OF NOISE CONTROL OFFICE; ENFORCEMENT.

The Noise Control Program established by this chapter shall be implemented, administered, and enforced by the Noise Control Office.

(Ord. 14999, passed 7-13-2020)

§ 134.009 UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES.

The use of any engine brake, compression brake, dynamic braking device, or mechanical exhaust device to brake or slow any motor vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, except for the aversion of imminent danger, is prohibited. Emergency vehicles are exempt from the application of this section.

(Ord. 14999, passed 7-13-2020)

§ 134.999 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.999 of this code of ordinances.

(Ord. 14999, passed 7-13-2020)