

Chapter 376. Noise

[HISTORY: Adopted by the Council of the City of Easton 12-23-1992 by Ord. No. 3235A;^[1] amended in its entirety 10-10-2007 by Ord. No. 5018 (Art. 13111 of the 1965 Codified Ordinances). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 119.

Alarms — See Ch. 180.

Codes enforcement — See Ch. 245, Art. I.

Fees — See Ch. 285.

Zoning — See Ch. 595.

[1] *Editor's Note: Excessive levels of sound and vibration are detrimental and harmful to the health, safety and welfare of the residents of Easton. The purpose of this chapter is to provide for greater control and more effective regulation of excessive sound and vibration by establishing permissible sound levels; prohibiting noise disturbances and activities that cause noise disturbances; providing for variances and appeals; defining the powers and duties of the Police Department and Bureau of Code Enforcement in the enforcement of this chapter; establishing power of the Zoning Hearing Board to hear appeals and grant variances and providing penalties for violations of this chapter; and providing that the Planning Commission shall consider the noise standards established herein as a condition for the approval of all applications.*

§ 376-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the following meanings unless the context wherein they appear clearly indicates otherwise. All terminology used in this chapter which is not defined below shall be interpreted in conformity with the applicable publications of the American National Standards Institute [ANSI S1.1-1960 (R1971) or its revisions] 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 so read is designated dB(A).

CONSTRUCTION OPERATION

The erection, repair, renovation, demolition or removal of any building or structure and the excavation, filling, grading and regulation of lots in connection therewith.

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).

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

EMERGENCY WORK

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

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.

MOTOR VEHICLE

Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck trailers, semitrailers, campers, go-carts, snowmobiles, amphibious crafts on land, dune buggies, racing vehicles or motorcycles.

MUFFLER or SOUND-DISSIPATIVE DEVICE

A device designed or used for abating the sound of escaping fluids from an engine or machinery system.

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 injures 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.

POWERED MODEL VEHICLE

Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

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 devoted 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 S1.4-

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 specification 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 measured 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

These which have been enacted by City Council in Chapter 595, Zoning, as may be amended from time to time.

§ 376-2. Powers and duties of Police Department, Bureau of Code Enforcement and Lafayette College police officers.

[Amended 2-8-2012 by Ord. No. 5339]

- A. The noise control program established by this chapter shall be administered by the Easton Police Department, Bureau of Code Enforcement and Lafayette College police officers.
- B. The Bureau of Code Enforcement shall have the power to:
 - (1) Review the actions of other departments and request any department or agency responsible for any proposed or final standard, regulation or similar action to consult on the advisability of revising the action if there is reason to believe that the action is not consistent with this chapter.
 - (2) Review public and private projects subject to mandatory review or approval by other departments for compliance with this chapter if such projects are

likely to cause sound or vibration in violation of this chapter. All zoning applications shall be reviewed by the Bureau for compliance with this chapter.

- (3) Enter, upon presentation of a City-issued identification card, badge or other sign of authority, and inspect any private property or place, and inspect any equipment or operation or any report or records of such equipment or operation when such equipment or operation may be reasonably suspect of being the source of a noise disturbance or the cause of excessive vibration. Such entry and inspection may be accomplished at any reasonable time when granted permission by the owner or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this chapter may exist. Such inspections may include administration of any necessary tests.
 - (4) Require the owner or operator of any commercial or industrial activity that may be reasonably suspect of being the source of a noise disturbance or the cause of excessive vibration to establish and maintain records (including time and duration) of equipment operations and other procedures.
 - (5) Require the owner or operator of any noise source(s) to cease operation of that source(s) for a period not to exceed 15 minutes so that the neighborhood residual sound levels may be measured.
 - (6) Develop and promulgate standards, testing methods and procedures.
 - (7) Investigate suspected violations and seek compliance with and enforce § 376-3D.
- C. The Easton Police Department and Lafayette College police officers shall have the power to investigate suspected violations and enforce § 376-3.

§ 376-3. Prohibited acts.

- A. Noise disturbance prohibited. No person shall make, continue or cause to be made or continued any noise disturbance. Noncommercial public speaking and public assembly activities shall be exempt from the operation of this section. Public assembly activities include, but are not limited to, church worship services and sporting events sponsored by an educational institution or nonprofit athletic association.
- B. Enforcement. The Easton Police Department and/or Lafayette College police officers shall have primary responsibility for the enforcement of prohibited acts under § 376-3.
[Amended 2-8-2012 by Ord. No. 5339]
- C. Specific prohibitions. The following acts, and the causing thereof, are declared to be noise disturbances and therefore in violation of this chapter.

- (1) Radios, tape players, television sets, musical instruments, electronic amplification equipment and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment or similar device which produces, reproduces or amplifies sound:
 - (a) At any time of the day in such a manner from any source as to create a noise disturbance across a real property boundary;
 - (b) In such a manner as to create a noise disturbance across any real property boundary when operated in or on a motor vehicle on a public right-of-way or public space;
 - (c) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier; or
 - (d) At such a sound intensity that the sound is audible from a distance of 40 feet in any public area, street or sidewalk of the City, when the sound source is in any public area, street or sidewalk of the City.
- (2) Stationary nonemergency signaling devices. Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place, for more than one minute in any hourly period.
- (3) Emergency signaling devices.
 - (a) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection **C(3)(b)[1]** and **[2]** hereof.
 - (b) Emergency testing.
 - [1] Testing of a stationary emergency signaling device shall occur at the same time of the day each time such a test is performed, but not before 7:00 a.m. or after 10:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.
 - [2] Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 a.m. or after 6:00 p.m. The time limit specified in Subsection **C(3)(b)[1]** hereof shall not apply to such complete system testing.
 - (c) Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within six minutes of activation.

- (4) Loudspeakers/public address systems. Using or operating any loudspeaker, public address system or similar device:
 - (a) Such that sound therefrom creates a noise disturbance across a real property boundary; or
 - (b) Between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.
- (5) Street sales. Offering for sale or selling by shouting or outcry within any residential or commercial area of the City except between the hours of 7:00 a.m. and 10:00 p.m. To the extent that other provisions of the Code of the City of Easton are more restrictive, the more restrictive regulations shall apply.
- (6) Animals and birds. Owning, possessing, harboring or controlling any animal or bird which barks, bays, cries, squawks or makes any other noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person at any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property; provided, however, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird.
- (7) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary. This section shall not apply to municipal or utility services in or about the public right-of-way.
- (8) Vehicle repairs and testing. Repairing, rebuilding or testing any motor vehicle or motorcycle in such a manner as to cause a noise disturbance across a residential real property line.
- (9) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property line.
- (10) Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public right-of-way, without first obtaining a variance issued pursuant to § 376-5B.
- (11) Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(12) Motor vehicle prohibitions.

- (a) Exhaust system. Every motor vehicle shall be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device so as to cause a noise disturbance.
- (b) Standing motor vehicles. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within 150 feet of a residential area.
- (c) Motor vehicle horns and signaling devices. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually driving such vehicle.
- (d) Sound trucks. No person shall operate sound-amplifying equipment mounted on or attached to any motor vehicle:
 - [1] Such that sound therefrom creates a noise disturbance across a real property boundary; or
 - [2] Between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.

D. Specific prohibitions. The following acts, and the causing thereof, are declared to be noise disturbances and therefore in violation of this chapter.

- (1) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work:
 - (a) Between the hours of 10:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work.
 - (b) At any other time such that the sound level at or across a real property boundary exceeds 85 dB(A), unless a variance is obtained pursuant to § 376-5B.
 - (c) This section shall not apply to the use of domestic power tools subject to Subsection C(9) hereof.
- (2) Places of public entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound within any place of public entertainment at a sound level greater than 90 dB(A) as read by the slow response on a sound level meter at any point that is normally occupied by a customer unless a conspicuous and legible sign is located outside such place near each public entrance, stating

"WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT." All places of public entertainment shall also be required to comply with § 376-6A, B and C unless a variance is obtained pursuant to § 376-5B.

(3) Concerts.

(a) Unless a variance is obtained pursuant to § 376-5B, band concerts, block parties, church carnivals, fairs or other similar activities publicly or privately sponsored and presented in any public or private space outdoors:

[1] Shall not produce sound 10 dB(A) in excess of the sound levels set forth in Table 1 of § 376-6A; and

[2] Shall be limited to 10 occasions in a single location within a single calendar year.

(b) All such activities sponsored by the City or its agencies shall be exempt from this section.

(4) Vibration. Unless a variance is obtained pursuant to § 376-5B, operating or permitting the operation of any device that causes vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 50 feet from the source if the source is on a public space or public right-of-way. For the purpose of this section, "vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a person of normal sensitivities to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(5) Tampering. The following acts or the causing thereof are prohibited:

(a) The removal or rendering inoperative by any person other than for purposes of maintenance, repair or replacement of any noise control device or element of design or noise label of any product.

(b) The removing or rendering inaccurate or inoperative any sound monitoring instrument or device positioned by the Bureau of Code Enforcement, provided such device or the immediate area is clearly labeled, in accordance with noise control regulations, to warn of the potential illegality.

(c) The use of a product which has had a noise control device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.

§ 376-4. Hearing Board.

A. The Zoning Hearing Board shall serve as the appeal board for the resolution of differences between the Easton Police Department, Bureau of Code Enforcement

and/or the Lafayette College police officers and persons aggrieved by the application of this chapter, pursuant to the same terms, compensation and rules as are otherwise established in the Planning and Zoning Code.^[1]

[Amended 2-8-2012 by Ord. No. 5339]

[1] *Editor's Note: See Ch. 595, Zoning.*

B. The Zoning Hearing Board shall:

- (1) Hear appeals from and grant relief by variance or by extension in time to comply to any person aggrieved by the application of this chapter. Any relief granted by the Board shall be limited to and consistent with the provisions of § 376-5.
- (2) Make such findings of fact as may be required by the application of this chapter.

§ 376-5. Exceptions, variances and extensions.

A. Exceptions. The provisions of this chapter shall not apply to:

- (1) Emergencies. The emission of sound for the purpose of alerting persons to the existence of an emergency or from the performance of emergency work.
- (2) Municipal and utility services. The emission of sound resulting from the repair or replacement of any municipal or utility installation(s) in or about the public right-of-way.
- (3) Places of religious worship. The sounding or permitting the sounding of any stationary bell or chime used in conjunction with places of religious worship.
- (4) Aircraft and airport operations. Normal aircraft and airport operations.
- (5) Interstate railway locomotives and cars. The conduct of interstate railway transportation.

B. Variances.

- (1) The Hearing Board shall have the authority, consistent with this section, to grant variances which may be requested.
- (2) Any person seeking a variance pursuant to this section shall file an application with the Hearing Board. The application shall contain information which demonstrates that bringing the sources of sound or activity for which the special variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. The procedure shall be the same as is otherwise established in the Planning and Zoning Code for the advertisement, conduct of hearings and notification of the hearing to neighboring property owners relative to variances. The fee for such application shall be specified in Chapter 285, Fees.

[Amended 2-11-2009 by Ord. No. 5173]

- (3) In determining whether to grant or deny the application, the Hearing Board shall balance the hardship to the applicant, the community and other persons of not granting the variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, any other adverse impacts of granting the variance and the ability of the applicant to apply best practical noise control measures. Applicants for variances and persons contesting special variances may be required to submit any information the Hearing Board may reasonably require. In granting or denying an application, the Hearing Board shall place with the City Clerk a copy of the decision and the reasons for denying or granting the variance.
- (4) Variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the variance was granted. Variances may be granted for a period of one year. The person obtaining the variance may reapply for additional variance periods under terms set forth by the applicant and the Hearing Board.

C. Extension for time to comply.

- (1) Any person seeking an extension in time in which to comply with the provisions of this chapter shall file an application with the Hearing Board. The application shall contain information which demonstrates that bringing the source of sound or activity for which the extension is sought into compliance with this chapter prior to the date requested in the application would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The procedure for the advertisement, conduct of hearings and notification of hearings to adjoining property owners shall be the same as is otherwise established in the Planning and Zoning Code relating to variances.
- (2) In determining whether to grant or deny the application, the Hearing Board shall balance the hardship to the applicant, the community and other persons of not granting the extension in time to comply against the adverse impact on health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impacts of granting the extension. Applicants for extension(s) in time to comply and persons contesting extension(s) may be required to submit any information the Hearing Board may reasonably require. In granting or denying an application, the Hearing Board shall place with the City Clerk a copy of the decision and the reasons for denying or granting the extension(s) in time to comply.
- (3) Extension(s) in time to comply shall be granted to the applicant containing all necessary conditions, including a schedule for achieving compliance. The extension(s) in time to comply shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the

extension(s) shall terminate the extension(s) and subject the person holding it to those provisions of this chapter for which the extension(s) was granted.

- (4) Application for extension of time limits specified in extension(s) in time to comply or for modification of other substantial conditions shall be treated like applications for initial variances under Subsection **B(2)** hereof, except that the Hearing Board shall find that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

- D. Appeals. Appeals of an adverse decision of the Hearing Board by aggrieved parties shall be made within 30 days of the Board's decision to the Court of Common Pleas of Northampton County. The decision of the Hearing Board shall remain in force until such time as a judicial order of a court of competent jurisdiction supersedes the decision of the Hearing Board.

§ 376-6. Sound levels by receiving land use.

- A. Maximum permissible sound levels by receiving land use. Unless a variance is obtained pursuant to § **376-5B**, no person shall operate or cause to be operated on public or private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the receiving land use category in Table 1 when measured at or within the property boundary of the receiving land use. Any noise source that produces sound in excess of those levels shall constitute a noise disturbance.

Table 1

Permissible Maximum Sound Levels by Receiving Land Use

| Receiving Land Use | Sound Level Limit | |
|---|-------------------------|-------------------------|
| | dB(A) | |
| | 7:00 a.m. to 10:00 p.m. | 10:00 p.m. to 7:00 a.m. |
| Residential (College Hill, West Ward, South Side) | 57 | 52 |
| Parks and Institutional and Governmental (INS 1, INS 2, RC) | 67 | 62 |
| Business (Downtown, SE Overlay) | 67 | 62 |
| Industrial (AR) | 77 | 77 |

- B. Excessive neighborhood residual sound levels. In the event that the background sound levels in an area of suspected noise disturbance exceed the levels set forth in Table 1 above, an intrusive noise source which causes a 10 dB(A) increase in sound level above that background level shall constitute a noise disturbance.

- C. Correction for character of sound. For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in Subsection **A** hereof shall be reduced 5 dB(A).
- D. As part of its review process relating to every application before it, the Planning Commission shall ascertain whether the proposed subdivision, land development, etc., shall exceed the maximum sound levels allowed by Table 1. The applicant may be required to present competent evidence, in the form of an audiological or related expert opinion report, to verify that the levels shall not be exceeded. No proposal may be approved if it will exceed the maximum levels or if a variance is not first obtained from the Zoning Hearing Board, as provided herein.

§ 376-7. Enforcement.

A. Violations and penalties.

- (1) Any person violating any provisions of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days, or both. Each day during which any person violates any provision of this chapter shall constitute a separate offense.
- (2) This chapter and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law.

B. Notice of violation. In lieu of issuing a citation as provided in Subsection **C** hereof, the Bureau of Code Enforcement, Easton Police Department or Lafayette College police officers may issue an order requiring abatement of any source or vibration alleged to be in violation of this chapter within a reasonable time period not to exceed 30 days.

[Amended 2-8-2012 by Ord. No. 5339]

C. Except where a person is acting in good faith to comply with a notice of violation issued pursuant to Subsection **B** hereof, violation of any part of this chapter shall be cause for a citation to be issued by the Bureau of Code Enforcement, Easton Police Department or Lafayette College police officers.

[Amended 2-8-2012 by Ord. No. 5339]

D. Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

E. Immediate threats to the health and welfare.

- (1) The Bureau of Code Enforcement shall order an immediate halt to any sound which exposes any person, except those excluded pursuant to Subsection **E(2)** hereof to continuous sound levels in excess of those shown in Table 2. If, following the issuance of such an order, the order is not obeyed, the

Bureau of Code Enforcement may apply to the appropriate court for an injunction to enforce the order or may undertake any and all lawful action to effect an immediate halt to continuous sound levels in excess of those shown in Table 2.

- (2) No order pursuant to Subsection **E(1)** hereof shall be issued if the only persons exposed to sound levels in excess of those listed in Table 2 are exposed as a result of:
 - (a) Trespass;
 - (b) Invitation upon private property by the person causing or permitting the sound; or
 - (c) Employment by the person or a contractor of the person causing or permitting the sound.
- (3) Any person subject to an order issued pursuant to Subsection **E(1)** hereof shall comply with such order until:
 - (a) The sound is brought into compliance with the order, as determined by the Bureau of Code Enforcement; or
 - (b) A judicial order has superseded the Bureau's order.

Table 2

Continuous Sound Levels Which Pose an Immediate Threat to Health and Welfare

(measured at receiver)

| Sound Level Limit | Duration |
|--------------------------|-----------------|
| dB(A) | (hours) |
| 85 | 8 |
| 90 | 4 |
| 95 | 2 |
| 100 | 1 |
| 105 | 1/2 |
| 110 | 1/4 |

§ 376-8. Conflict.

Where there is a conflict between this chapter and other ordinances of the City, the more restrictive or stringent ordinance shall apply.