

CITY CODE REGULATING NOISE DECIBELS

JOHNSON CITY

11-503. Maximum permitted sound levels in residential zones.

(1) Except as allowed in § 11-504 below, no person, regardless of location, shall operate or cause to be operated any source of sound in such a manner as to create a sound level which, at its peak, exceeds the limits set forth in this section when measured at a height of five (5) feet above the ground at or beyond the property line of a residence. Physical features which are commonly associated with property boundaries such as back of curb, edge of driveway or parking lot, hedges, perimeter landscape strips or buffers or fences are presumed to be at a point which is at or beyond the property line.

(2) Sound which originates from a dwelling unit in a duplex or other multi-family housing unit may be measured within an adjacent intrabuilding dwelling or from any point at least twenty-five (25) feet from the unit from which the noise originates.

(3) The following standards shall govern the allowable noise levels in any residential zoning district. Unless exempt per § 11-506 or allowed by special permit as defined in § 11-507, no noise shall exceed the limits specified below:

(a) Nighttime - 55 dBA between 11:00 PM and 7:00 AM.

(b) Daytime - 75 dBA between 7:00 AM and 11:00 PM. (Ord. #3251, Oct. 1994, as amended by Ord. #3600, July 1998)

11-504. Maximum permitted sound levels for motor vehicles.

(1) It shall be unlawful for any person to operate or cause to be operated a public or private motor vehicle, motorcycle or combination of vehicles at any time in such a manner that the sound level of the vehicle exceeds the levels set forth in Table 1 below:

TABLE 1
MAXIMUM MOTOR VEHICLE SOUND LEVEL (dBA)

Vehicle class	Speed limit 35 mph or less	Speed limit over 35 mph
Any motor vehicle with a gross vehicle weight rating (GVWR) of less than 10,000 pounds	81	85
Any motor vehicle with a GVWR of more than 10,000 pounds	89	94
Motorcycles	81 85	76
Any other motor vehicle or any combination of vehicles towed by any motor vehicle		80

(2) Sound levels are to be measured at a distance of at least fifty (50) feet from the noise source and at a height of at least four (4) feet above the surrounding surface. (Ord. #3251, Oct. 1994)

11-505. Nuisance noises expressly prohibited. To the extent that they exceed the sound levels set forth in § 11-503 or § 11-504, the following specific acts are declared to be in violation of this chapter:

- (1) Animals. The keeping of any animal, bird or fowl which makes frequent or long, continued noise;
- (2) Noise sensitive zone. The creation of any excessive noise heard within any school, public building, church or any hospital, or the grounds thereof, while in use, which interferes with the workings of such institution;
- (3) Loudspeakers, etc. The use of any loudspeaker, drum, or other device for the purpose of attracting attention to any performance or sale or display of merchandise. (Ord. #3251, Oct. 1994)

11-506. Exceptions. The following are exempt from the sound level limits specified in § 11-503 and § 11-504 of this code:

- (1) Any vehicle or employee of the city, while engaged upon public business;
- (2) Construction operations between the hours of 7:00 AM and 9:00 PM for which building permits have been issued or construction operations for which no permit is required, provided that all construction equipment is operated according to manufacturer's specifications and mufflers are maintained in proper working order;
- (3) Excavations or repairs of bridges, streets, highways, sidewalks, utilities, or other public works by or on behalf of the city, county, state, or utility company, during the night, when the public welfare and convenience renders it impossible to perform such work during the day;
- (4) Domestic power tools, lawn mowers, and agricultural equipment, between the hours of 7:00 AM and 9:00 PM provided it is properly operated with all manufacturer's standard noise-reducing equipment in place and in proper operating condition;
- (5) Safety signals and alarm devices and the authorized testing of such equipment;
- (6) Noises from nonamplified church bells and chimes;
- (7) Noises resulting from a parade, scheduled outdoor athletic event, fireworks display, or any event which has been sanctioned by the city.
- (8) Noises resulting from a street fair or block party between the hours of 7:00 A.M. and 11:00 P.M.
- (9) Noise(s) from trains and other associated railroad rolling stock when operated in proper repair and manner;
- (10) Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution. (Ord. #3251, Oct. 1994)