



CODE OF THE VILLAGE OF ANGOLA

Chapter 150 NOISE

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[HISTORY: Adopted by the Board of Trustees of the Village of Angola as Ch. 68 of the 1974 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Amusements – See Ch. 54.
Animals – See Ch. 58.
Excavations – See Ch. 91.

Peddling and soliciting – See Ch. 163.
Zoning – See Ch. 245.

- § 150-13. Train horns and whistles.
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Article I General Provisions

- § 150-1. Title.

This chapter shall be known and may be cited as the “Village of Angola Noise Law.”

§ 150-2. Purpose.

The purpose of this chapter is to prevent the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use and which are a detriment to public health, peace, welfare, or good order.

§ 150-3. Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

A-BAND LEVEL – The total sound level of all noise, as measured with a sound-level meter using the A-weighting network. The unit is dBA.

AMBIENT NOISE – The all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

BAND-PRESSURE LEVEL – The sound-pressure level for the sound contained within the restricted band.

COMMERCIAL PURPOSE – The use, operation, or maintenance of any sound-amplifying equipment for the purpose of advertising any business or any goods or any services, or for the purpose of attracting the attention of the public to or advertising for, or soliciting patronage or customers to or for, any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

CYCLE – The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (Db) – A unit of level which denotes the ratio between two quantities which are proportional to power; the numbers of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio.

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

FREQUENCY – The reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

MICROBAR – A unit of pressure commonly used in acoustics, equal to one dyne per square centimeter.

MOTOR VEHICLES – Include but shall not be limited to minibikes and go-carts.

NONCOMMERCIAL PURPOSE – The use, operation, or maintenance of any sound equipment for other than a commercial purpose. Noncommercial purpose shall mean and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

PERIOD – The smallest increment of time for which the function repeats itself.

PERIODIC QUANTITY – Oscillating quantity, the values of which recur for equal increments of time.

SOUND-AMPLIFYING EQUIPMENT – Any machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

SOUND ANALYZER – A device for measuring the band-pressure level or pressure-spectrum level of a sound as a function of frequency.

SOUND-LEVEL METER – An instrument, including a microphone, an amplifier, an output meter, and frequency-weighting networks for the measurement of noise and sound levels in a specified manner.

SOUND-PRESSURE LEVEL – Twenty times the logarithm to the base 10 of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

SOUND TRUCK – Any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound-amplifying equipment.

SPECTRUM – A description of its resolution into components, each of a different frequency.

§ 150-4. Decibel measurement criteria.

Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound pressure of 0.0002 microbars, as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, or as measured with a sound-level meter using the A-weighting.

Article II
Special Noise Sources

§ 150-5. Radios, television sets, and similar devices.

- A. Use restricted. It shall be unlawful for any person within any residential zone of the Village to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day) in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.
- B. Prima facie violation. Any noise exceeding the ambient noise level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment)

By more than five decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.

§ 150-6. Hawkers and peddlers.

It shall be unlawful for any person within the Village to sell anything by outcry within any area of the Village zoned for residential use. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

§ 150-7. Drums or other instruments.

It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the Village. This section shall not apply to any person who is a participant in a school band or duly authorized parade or who has been otherwise duly authorized to engage in such conduct.

§ 150-8. Animals and fowl.

It shall be unlawful for any person to keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person, any animal or fowl otherwise permitted to be kept which, by any sound, cry, or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood.

§ 150-9. Machinery, equipment, fans, and air-conditioning.

It shall be unlawful for any person to operate machinery, equipment, pump, fan, air-conditioning apparatus, or similar mechanical device in any manner so as to create any noise level at the property line of any property to exceed the ambient noise level by more than five decibels, based on a reference sound pressure of 0.0002 microbars, as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, and for the combined frequency bands, A-band.

§ 150-10. Construction activities.

It shall be unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction-type device, except to perform emergency work, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

§ 150-11. Vehicle repairs.

It shall be unlawful for any person within any residential area of the Village to repair, rebuild, or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.

§ 150-12. Operation of motor vehicles.

It shall be unlawful for any person to operate any motor vehicle in such a manner as to cause the tires thereon to emit a squealing noise so that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.

§ 150-13. Train horns and whistles.

It shall be unlawful for any person to operate or sound, or cause to be operated or sounded (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day), a train horn or train whistle which creates a noise in excess of 89 dBA at any place or point 300 feet or more distant from the source of such sound.

§ 150-14. Schools, hospitals and churches.

It shall be unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church which the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets, sidewalks or public places indicating the presence of a school, church, or hospital.

§ 150-15. Additional regulations.

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include but not be limited to the following:

- A. The volume of the noise.
- B. The intensity of the noise.
- C. Whether the nature of the noise is usual or unusual.
- D. Whether the origin of the noise is natural or unnatural.
- E. The volume and intensity of the background noise, if any.
- F. The proximity of the noise to residential sleeping facilities.

- G. The nature and zoning of the area within which the noise emanates.
- H. The density of the inhabitation of the area within which the noise emanates.
- I. The time of the day or night the noise occurs.
- J. The duration of the noise.
- K. Whether the noise is recurrent, intermittent, or constant.
- L. Whether the noise is produced by a commercial or noncommercial activity.

Article III
Sound-Amplifying Equipment

§ 150-16. Registration required.

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate within the Village a loudspeaker or sound-amplifying equipment, in a fixed or movable position or mounted upon any sound truck, for the purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place, or public property without first filing a registration statement and obtaining approval thereof as set forth in this article.

§ 150-17. Registration requirements and duties.

- A. Registration statements; filing. Every user of sound-amplifying equipment shall file a registration statement with the Village Clerk 21 days prior to the date on which the sound-amplifying equipment is intended to be used (but the Clerk, in his discretion, may waive the time period), which statement shall contain the following information:
 - (1) The name, address and telephone number of both the owner and user of the sound-amplifying equipment.
 - (2) The maximum sound-producing power of the sound-amplifying equipment, which shall include the wattage to be used, the volume, in decibels, of sound which will be produced, and the approximate distance for which sound will be audible from the sound-amplifying equipment.
 - (3) The license and motor number if a sound truck is to be used.
 - (4) A general description of the sound-amplifying equipment which is to be used.
 - (5) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.
- B. Registration statements; approval. The Village Clerk shall return to the applicant an approved certified copy of the registration statement, unless he finds that:

- (1) The conditions of the motor vehicle movement are such that use of the equipment would constitute a detriment to traffic safety;
 - (2) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
 - (3) The registration statement reveals that the applicant would not be able to comply with the provisions of this chapter.
- C. Registration statement; disapproval. In the event that the registration statement is disapproved, the Village Clerk shall endorse upon the statement his reasons for disapproval and return it forthwith to applicant. The applicant may, within five days thereafter, appeal to the Board of Trustees, which may, after a public hearing thereon held after five days' public notice, either approve or disapprove the application.

§ 150-18. Fees.

Prior to the issuance of the registration statement, a fee in the amount of \$25 per day, any portion thereof, shall be paid to the Village if the loudspeaker or sound-amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound-amplifying equipment for noncommercial purposes.

§ 150-19. Regulations.

The commercial and noncommercial use of sound-amplifying equipment shall be subject to the following regulations:

- A. The only sound permitted should be either music or human speech, or both.
- B. The operation of sound-amplifying equipment shall only occur between the hours of 8:00 a.m. and 10:00 p.m. each day, except on Sundays and legal holidays. No operation of sound-amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound-amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 a.m. and 10:00 p.m.
- C. No sound emanating from sound-amplifying equipment shall exceed 15 dBA above the ambient, as measured at any property line.
- D. It shall be unlawful to operate any sound-amplifying equipment within 200 feet of churches, schools, hospitals, or City or County buildings.
- E. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

Article IV
Penalties

§ 150-20. Penalties for offenses.

- A. Any person violating any provision of this chapter shall be subject to a fine or penalty not to exceed \$250 or imprisonment for not to exceed 15 days, or both.¹
- B. In all cases, the Board of Trustees may enforce obedience to this chapter by injunction.

1. Editor's Note: Amended at the time of adoption of Code (see Ch. 1, General Provisions, Art. III).