

**130.03 AMPLIFYING DEVICES PROHIBITED ON STREETS****H. CONSTRUCTION EQUIPMENT**

1. Prohibition; definitions. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work such as pile drivers, steam shovels, pneumatic hammers, pumps, or other like equipment is prohibited:
 - a. Between the hours of 11:00 p.m. and 5:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across and at a residential district boundary or within a noise sensitive zone, except for emergency work of individuals, public service utilities, or by special permission issued pursuant to subsection (c).
 - b. At any other time such that the sound level at or across a real property boundary exceeds a reading of 0.79 weighted average dBA for the daily period of operation. Such sound levels shall be measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute.
2. Definitions
 - Noise disturbance as used herein, shall mean any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
 - Noise sensitive zone, as used herein, shall mean existing quiet zones, if any, and those areas containing noise sensitive activities including but not limited to, operations of schools, libraries open to the public, houses of worship, hospitals, and nursing homes.
 - Residential districts, as used herein, shall mean any residential district as set forth in the city's zoning ordinance, as amended, or as may be hereafter amended.
 - Weighted average dBA, as used herein, means the 24-hour energy average of the sound pressure level in decibels (dB), as measured on a sound level meter using the A-weighted network; any readings taken during the period 11:00 p.m. to 5:00 a.m. the following day are increased by ten dBA before averaging the other readings. The A-weighted network (dBA) is recommended by the U.S. Environmental Protection Agency as a means of describing environmental noise because it most closely mimics the human ear by weighting the frequency spectrum to give greater weight to the frequencies between 1,000 and 6,000 hertz (cycles per second).
3. Exception. The City of Auburn, public utilities, and individuals are hereby permitted to operate and use of any of the above construction machinery during the aforesaid prohibited periods of time in the event that such operation or use is required to eliminate or reduce any dangerous or hazardous condition which endangers life or property.

I. FINE

Offenses under this chapter shall be punishable by a fine of up to \$100.00 per occurrence, which shall be payable to the Law Enforcement Continuing Education Fund 225.