

## **NOTICE**

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This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

CHAPTER 433  
Light Motor Vehicle Noise Control

433.01 Definitions	433.04 Severability Clause
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#### 433.01 DEFINITIONS

##### Terminology:

All terminology used in this Ordinance, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body and are on file in the Office of the Clerk of Council and the Montgomery County Law Library. The Clerk of Council shall have copies available for distribution at cost.

- (a) A-weighted Sound Level. This means 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) or dBA.
- (b) Noise level. This shall refer to the A-weighted sound level produced by a light motor vehicle.
- (c) Person. This means 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.
- (d) Sound Level Meter. This means an instrument which includes a microphone, amplifier, root-mean-square (RMS) detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standard ANSI S1.4 1971 or its successor.
- (e) Sound Pressure Level. This means 20 times the logarithm to the base 10 of the ratio of the root-mean-square (RMS) sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.
- (f) Noise. This means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (g) Light Motor Vehicle. For the purpose of this Chapter, Light Motor Vehicle shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter or truck with gross vehicular weight of less than 10,000 pounds.

- (h) Modified Exhaust System. It is an exhaust system in which:
- 1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noises, or
  - 2) The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or
  - 3) Devices have been added to the original noise abatement devices, such that noise levels are increased.

#### 433.02 80 dBA Noise Limit

(a) It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA in any area within the corporate limits of Kettering. Measurements shall be made from a distance of no less than fifteen (15) feet from the noise source in accordance with procedures outlined in the Code of Recommended Practices on file in the Office of the Clerk of Council and the Montgomery County Law Library. The Clerk of Council shall have copies available for distribution at cost. (Ord. 2942-81. Passed 3/3/81.)

(b) This Ordinance shall not apply to Public Service vehicles nor Public Safety Vehicles.

#### 433.04<sup>.03</sup> Excessive Noise

In addition to the prohibition provided for in §433.02, it shall be unlawful for any person to operate a light motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal. At the request of the operator of the light motor vehicle, the officer may administer a stationary motor vehicle noise test as outlined in the Code of Recommended Practices on file with the Clerk of Council. The stationary motor vehicle noise test can provide information as to the extent of defectiveness of the exhaust system or as to whether excessive noise levels were caused by improper operation of the light motor vehicle.

#### 433.04 Severability Clause

If any sections, subsections, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such ruling or holding shall not effect the continued effectiveness, validity or enforcement of the remaining portions.

#### 433.99 Penalty

Whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in §408.01 of the Codified Ordinances. (Ord. No. 2847. Passed 5-22-79.)