

CHAPTER 558  
Noise Control

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558.01 DEFINITIONS.

As used in this Chapter:

(A) "*A-Weighted Sounded Level*" 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 dBA.

(B) "*Cyclically Varying Noise*" means any sound which varies in sound level that is obtained repetitively at reasonable uniform intervals of time.

(C) "*Decibel*" means a unit for measuring the volume of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

(D) "*Gross Vehicle Weight Rating*" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the maximum loaded weight of the combination vehicle, shall be used.

(E) "*Impulsive Sound*" means sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

(F) "*Noise*" means an unwanted sound, any sound not occurring in the natural environment, such as sounds emanating from aircraft, highways, industrial, commercial and residential sources, or an erratic, intermittent, or statistically random oscillation.

(G) "*Noise Disturbance*" means any sound which: endangers or injures persons or property, the standard for which shall be as established in Sections 558.03 and 558.04 of this Chapter.

(H) "*Plainly Audible*" means any sound that can be detected by a person using his or her unaided hearing faculties.

(I) "*Receiving Property*" means any property which is affected by sound originating from another location.

(J) "*Repetitive Impulsive Noise*" means any noise which is composed of impulsive noises repeated at sufficiently slow rates so as to cause a sound level meter set at "fast" meter characteristic to show changes in sound.

(K) "*Sound*" means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal or interval forces that cause compression and rarefaction on that medium, and which propagates at finite speed to distant points. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(L) "*Sound Level*" means 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 meter Publication S1.4-1971, or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-Weighting shall apply.

(M) "*Sound Level Meter*" means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of Type Two (2) or better as specified in American National Standards Institute Publication S1.4-1971 or the latest approved revision thereof.

(N) "*Sound Pressure*" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(O) "*Sound Pressure Level*" means twenty (20) times the logarithm of twenty (20) micropascals ( $20 \times 10^{-6}$  N/m<sup>2</sup>). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels.

#### 558.02 NOISE DISTURBANCES PROHIBITED.

In addition to the specific prohibitions outlined in Section 558.03 of this Chapter, no person shall unreasonably make, continue or cause to be made, continued or permitted, any noise disturbance as further provided in Section

509.08(a) and (b). This Section shall not apply to non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way with a permit from the Safety/Service Director.

558.03 MAXIMUM PERMISSIBLE SOUND LEVEL BY ZONING DESIGNATIONS.

(A) No person shall operate, cause to be operated or permit on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the zoning area category in Table 1, except as may otherwise be provided in Section 558.04.

TABLE 1  
SOUND LEVELS BY ZONING AREAS

Zoning Designation of Receiving Property	Maximum Number of Decibels Permitted from 7:00 AM until 9:00 PM. on Receiving Property	Maximum Number of Decibels Permitted from 9:00 PM until 7:00 AM on Receiving Property
Residential	60	50
Commercial	65	65

(B) The sound level limits set forth in Table 1 shall be exceeded when any one or more of the following occur:

- (1) The noise at any one point in time exceeds any of the established zone limits in Table 1 by a measured sound level of fifteen (15) dB; or,
- (2) The noise exceeds any of the established zone limits in Table 1 by a measured sound level of ten (10) dB for a cumulative total of one (1) minute or more out of any ten (10) minute period; or
- (3) The noise exceeds any of the established zone limits in Table 1 by a measured sound level of three (3) dB continually for a period of five (5) minutes, or a total of five (5) minutes out of any ten (10) minute period.

(C) For the purposes of this Section, noise shall be measured at or beyond the property line of the property on which the noise source is located, and shall be made at least ten (10) feet from any large reflecting surfaces.

(D) Any noise which occurs on property which is being used in a legally non-conforming manner, and which noise relates to said use, shall be judged as if the property bore a zoning designation under which the use would be conforming.

(E) If the zoning designation of the property on which the source of the noise is located differs from the zoning designation of the property on which the noise is measured, the maximum permissible noise level of the more restrictive zoning designation shall apply.

(F) Noises such as those of an irregular and intermittent nature shall be restricted as provided herein.

The provisions of this Section shall not apply to the following:

- (1) Activities covered by the following paragraphs of Section 558.04:  
A (Construction); B (Power Tools); C (Emergency Signaling Devices).
- (2) Refuse collection vehicles operated by the City.

#### 558.04 SPECIFIC PROHIBITIONS, RESTRICTIONS AND EXEMPTIONS.

##### (A) Construction.

It is prohibited to operate or permit the operation of any tools or equipment in construction, drilling, building or demolition work between the hours of 9:00 p.m. and 7:00 a.m., or on Sundays or Holidays, except for emergency work of public service utilities or by special variance. During the permitted period of operation, maximum sound level in residential areas for construction activities with a valid permit shall not exceed eighty-eight (88) dB measured at a distance of fifty (50) feet from the vehicle or other noise source.

##### (B) Power Tools.

It is prohibited to operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower or other similar device for non-commercial use other than powered snow removal equipment, outdoors between the hours of 9:00 p.m. and 7:00 a.m. or on Saturday, Sunday or Holidays before the hour of 9:00 a.m. During the permitted period of operation, maximum sound levels in residential areas shall not exceed eighty-eight (88) dB measured at a distance of fifty (50) feet from the noise source

##### (C) Emergency Signaling Devices.

- (1) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren's whistle or similar stationary emergency signaling device, except for emergency purposes or for testing is prohibited except as provided in this Section. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or after 9:00 p.m., or the closing time of a commercial establishment. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds. Testing of the complete emergency signaling system,

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including the functioning of the signaling device and the personnel response to the signaling device, shall not occur before 7:00 a.m. or after 9:00 p.m. In no case shall such test exceed ten (10) minutes.

- (2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm is prohibited unless such alarm is automatically terminated within two (2) minutes of activation, or within a reasonable time after notification of activation.
- (3) The repeated or continual sounding of any horn or other auditory signaling device on or in any motor vehicle or watercraft except as a warning of danger is prohibited.

(D) Air Conditioners and Heat Pumps.

Air conditioners and heat pumps shall comply with the maximum sound levels set forth in Section 558.03 Table 1 provided, however, that noise from air conditioning units shall be measured at either the property line or fifteen (15) feet from the sound source whichever is the greater distance.

(E) Loudspeakers/Public Address Systems.

- (1) Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public space for commercial purpose is prohibited.
- (2) Using, operating or permitting for any non-commercial purpose any loudspeaker, public address system, mobile sound vehicle or similar device between the hours of 10:00 p.m. and 10:00 a.m. so as to create a noise disturbance across a residential real property boundary is prohibited.

(F) Powered Model Vehicles or Go-Carts.

Operation of powered model vehicles or go-carts in a public space shall not produce sound so as to be plainly audible at twenty-five (25) feet from such device between the hours of 7:00 a.m. and 9:00 p.m. and/or from fifty (50) feet from 9:00 p.m. until 7:00 a.m.

(G) Playing of Sound Devices.

- (1) It is prohibited to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device which produces, reproduces or amplifies sound from a stationary source so as to be plainly audible at fifty (50) feet from such device from 7:00 a.m. until 9:00 p.m. and from twenty-five (25) feet from 9:00 p.m. until 7:00 a.m.
- (2) It is prohibited to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device

which produces, reproduces or amplifies sound from a moving source so as to be plainly audible at fifty (50) feet from such device from 7:00 a.m. until 9:00 p.m. and from twenty-five (25) feet from 9:00 p.m. until 7:00 a.m.

(H) Animals.

Any person harboring or keeping any animal which disturbs the peace and quiet or endangers the repose or health of persons by frequent or habitual barking, howling or yelping is causing a public nuisance and is in violation of this Section. On complaint of any person or police officer, a citation may be issued. (Ord. 57-87. Passed 6-22-87).

(I) Motor Vehicles.

(1) Operating or permitting the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of seven thousand (7,000) pounds or any auxiliary equipment attached to such vehicle, for a period longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, between the hours of 9:00 p.m. and 7:00 a.m. is prohibited. This Section shall not apply to public utilities vehicles, municipal service vehicles or buses operated as common carriers.

(2) Sound from a moving vehicular source located within the public right-of-way exceeding eighty (80) decibels is prohibited, except that sound from a vehicle with a manufacturer's gross weight rating of ten thousand pounds and above operated on a prescribed truck route at all times or elsewhere within the City during the hours of 7:00 a.m. to 6:00 p.m. on Monday through Saturday may exceed eighty (80) dB but shall not exceed eighty-eight (88) dB. Such sound shall be measured at a distance of at least twenty-five (25) feet from a vehicle located within the public right-of-way. This shall apply to all licensed motor vehicles, whether publicly or privately owned.

(3) The use or operation of truck engine brakes at any time within the City Limits is prohibited.

(J) Watercraft.

No watercraft utilizing an exhaust system shall be operated within the navigable portions of the Rocky River or its channels or on that portion of Lake Erie within the jurisdiction of the City of Rocky River at a sound level greater than set forth in Section 1547.31 of the Ohio Revised Code.

(K) Powered Snow Removal Equipment.

Powered snow removal equipment shall not exceed eighty-eight (88) dB. Trucks with snowplow equipment must meet the regulation stated above in Section 558.04(I).

(L) Vehicle or Motorboat Repairs and Testing.

Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, motor bicycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary is prohibited.

(M) Loading and Unloading

Loading, unloading, opening, closing or handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9:00 p.m. and 7:00 a.m. or after 9:00 p.m. and before 10:00 a.m. on Sundays or Holidays is prohibited.

(Ord. No. 37-02. Passed 3/25/02.)

**558.05 INSPECTIONS BY LAW ENFORCEMENT, OFFICERS AND/OR SAFETY/SERVICE DIRECTOR: STATIONARY TEST.**

Any City law enforcement officer, and/or Safety/Service Director, in addition to any other authority vested in him, has the power, upon presentation of proper credentials, to enter and inspect any dwelling, multi-family dwelling, building, structure or premises within the City as may be necessary to enforce the provisions of this Chapter, provided permission is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused, or is otherwise unobtainable, a search warrant must be obtained upon the showing of probable cause to believe that a violation of this Chapter may exist, before such entry or inspection is made.

**558.06 SPECIAL EXEMPTIONS.**

(A) The Safety/Service Director shall have the authority, consistent with this Section, to grant special exemptions to the provisions of this Chapter. The Director may establish application forms and procedures for processing requests for special exemptions.

(B) Any person seeking a special exemption pursuant to this Section shall file an application with the Director, or his designated representative in the manner and format established by the Director. The application shall contain information which demonstrates that bringing the source 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, and that the granting of the exemption will not adversely impact adjoining properties.

(C) In determining whether to grant or deny the application, the Director shall balance the hardship to the applicant, the community and other persons of not granting the special exemption against the potential adverse impacts on other

properties or persons. The Director shall grant special exemptions only when there is sufficient evidence and justification to warrant suspension of the normal noise standards.

#### 558.07 ABATEMENT ORDERS

(A) Any noise from any source in excess of the limitations established in or pursuant to this Chapter shall be deemed and is hereby declared to be a public nuisance, and may be subject to summary abatement procedures. Such abatement may be in addition to the fines and penalties herein provided. The Mayor or his designated representative is empowered to secure the institution of legal proceedings for the summary abatement by a restraining order or injunction issued by a Court of competent jurisdiction of noise which causes injury, detriment, nuisance or annoyance to the public or endangers the health, comfort, safety or welfare of the public, or causes or has a natural tendency to cause injury or damage to the public or property.

(B) In lieu of issuing a Notice of Violation as provided for in Section 558.08, any City Law enforcement officer or Building Inspector may issue an order requiring the immediate abatement of any source of sound alleged to be violation of this Chapter.

#### 558.08 NOTICE OF VIOLATION.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to this Chapter, violation of any provisions of this Chapter shall be cause for a notice of violation to be issued by any City law enforcement officer.

#### 558.09 OTHER REMEDIES.

No provision of this Chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person, or the public for injury or damage arising from a violation of this Chapter or from other law.

#### 558.10 STOPPING AND TESTING OF MOTOR VEHICLES BY LAW ENFORCEMENT OFFICERS.

Any law enforcement officer shall, in addition to any other authority vested in him, have the power to stop and test any motor vehicle or motorcycle operated on a public right-of-way or public space, reasonably suspected of violating any provision of this Chapter, and issue a notice of violation.

**558.11 EXCEPTIONS.**

The provisions of this Chapter shall not apply to the following:

(A) The emission of sound for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work.

(B) Organized school related programs, activities or events, or parades or other public programs, activities or events authorized by the Mayor or his designated representative.

**558.12 APPLICABILITY.**

Nothing in this Chapter shall be construed to permit conduct prohibited by any other statute, ordinance or regulation or to prohibit the enforcement thereof.

**558.13 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.

**558.99 PENALTY.**

Whoever violates any provision of this Chapter is guilty of a minor misdemeanor; and, on each subsequent offense is guilty of a misdemeanor of the fourth degree.

(Ord. No. 112-01. Passed 9/24/01.)