

531.03 SPECIFIC PROHIBITIONS.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

531.03 SPECIFIC PROHIBITIONS.

CHAPTER 531 Noise Control

531.01 DEFINITIONS.

The following defined words and/or phrases shall have the meanings set forth herein.

(a) "Weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated as dB(a) or dBA.

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

(c) "Cyclically varying noise" means any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.

(d) "Demolition" means any dismantling or intentional destruction or removal of structures, utilities, public or private right of way surfaces, or similar property.

(e) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.

(f) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(g) "Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

(h) "Motor vehicle" means every vehicle defined as a motor vehicle in the Ohio Revised Code.

(i) "Motorcycle" means every vehicle defined as a motorcycle in the Ohio Revised Code.

(j) "Motorized bicycle" means every vehicle defined as a motorized bicycle in the Ohio Revised Code. (Ord. 69-91. Passed 7-23-91.)

(k) "Noise" means any sound which annoys or disturbs a reasonable person of ordinary sensibilities, or which causes or tends to cause an adverse psychological or physiological effect on humans, or which exceeds the decibel readings under maximum permissible sound levels as set forth at Section 531.04 of this Code.

(l) "Noise Disturbances" means any sound which:

(1) Endangers or injures the safety or health of humans or animals; or

(2) Annoys or disturbs a reasonable person of ordinary sensibilities; or

(3) Endangers or injures personal or real property; or

(4) Exceeds the decibel readings under maximum permissible sound levels as set forth at Section 531.04 of this Code.

(Ord. 34-21. Passed 7-13-21.)

(m) "Person" 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.

(n) "Place of public entertainment" means any commercial facility open to the general public for purpose of entertainment.

(o) "Powered model vehicle" means any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle, which is not designated to carry persons, including but not limited to, any model airplane, boat, car or rocket.

(p) "Public right of way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a government entity.

(q) "Pure tone" means any sound which can be distinctly heard as a single pitch or set of single pitches. For the purposes of measurement, a pure tone shall exist of the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one third octave bands by 5dB for frequencies of 500 Hz and above, by 8 dB for frequencies between 160 and 400 Hz and by 15 dB for frequencies less than or equal to 125 Hz.

(r) "Real property boundary" means an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person.

(s) "Repetitive impulsive noise" means any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at fast meter characteristic will

show changes in sound.

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

(u) "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 meters Publication 51.4-1971, or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-Weighting shall apply.

(v) "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 or better as specified in American National Standards Institute Publication 51.4-1971 or the latest approved revision thereof.

(Ord. 69-91. Passed 7-23-91.)

531.02 NOISE DISTURBANCES PROHIBITED.

In addition to the specific prohibition outlined in this chapter, no person shall unreasonably make, continue or cause to be made, continued or permitted, any noise. This section shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right of way.

(Ord. 89-07. Passed 12-27-07.)

531.03 SPECIFIC PROHIBITIONS.

The following acts, and the causing or permitting thereof, are declared to be in violation of this chapter.

(a) Air Conditioners. Maintaining any refrigeration machinery or air conditioning, consisting of air compressors or rotating or reciprocating machinery in such a manner as to create noise disturbance across a real property boundary.

(b) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 9:00 p.m. and 7:00 a.m., such that the sound therefrom creates a noise disturbance across a real property boundary, except for emergency work of public service utilities or by special variance. This subsection shall not apply to the use of domestic power tools subject to subsection (c) hereof.

(c) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower or similar device used outdoors, other than powered snow removal equipment, outdoors between the hours of 9:00 p.m. and 7:00 a.m.; or on Sunday before the hour of 9:00 a.m.

(d) Emergency Signaling Devices. The intentional sounding or permitting the sounding outdoors of any fire, burglar, civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, 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, whichever shall occur later. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty seconds. Testing of the complete emergency signaling system, 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 minutes.

Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within two minutes of activation, or within a reasonable time after notification of activation.

(e) Motor Vehicle Horns. The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right of way or public space, except as a warning of danger.

(f) Loading and Unloading. Loading, unloading, opening, closing or other 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. in such a manner as to cause a noise disturbance across a real property boundary.

(g) Loudspeaker/Public Address System. Using, operating, or permitting for any noncommercial purpose any loudspeaker, public address system, mobile sound vehicle, or similar device between the hours of 9:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across a real property boundary.

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 any commercial purpose, without first obtaining a special variance.

(h) Places of Public Entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any enclosed place of public entertainment at a sound level greater than ninety-five dBA as read with a slow response on a sound level meter at any point which is normally occupied by a customer unless a conspicuous and legible sign is located inside such place near each public entrance, stating "SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT".

(i) Powered Model Vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a real property boundary or in a public space between the hours of 9:00 p.m. and 7:00 a.m.

(j) Radios, Television Sets, Musical Instruments, and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance across a real property boundary, or in such a manner as to create a continuing noise disturbance at fifty feet from such device, when operated in or on a motor vehicle, motorcycle, or motorized bicycle on a public right of way or public space.

(k) Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, motorized bicycle or motor boat in such a manner as to cause a noise disturbance across a real property boundary.

(Ord. 69-91. Passed 7-23-91.)

531.04 MAXIMUM PERMISSIBLE SOUND LEVELS.

(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 across a real property line, or if the source of noise is from property inhabited by multiple families, then across an imaginary line separating one person's area from another without first obtaining a special variance.

(1) Maximum number of decibels permitted from 7:00 am until 9:00 pm - Sixty (60).

(2) Maximum number of decibels permitted from 9:00 pm until 7:00 am - Forty (40).

(3) Maximum number of decibels permitted for a motor vehicle across a real property

boundary for a period not to exceed ten (10) minutes - Eighty-Five (85).

(b) No person shall operate, cause to be operated, or permit to be operated on any public property any source of sound in such a manner as to create a sound level which exceeds the limits set forth above without first obtaining a special variance.

(c) The sound level limits set forth above shall be exceeded when the noise at any one point in time exceeds any of the above by Five (5) decibels if continuing for more than five (5) minutes.

(Ord. 34-21. Passed 7-13-21.)

531.05 SPECIAL VARIANCES.

(a) The Director of Public Safety, or his designated representative, shall have the authority, consistent with this chapter, to grant special variances in writing.

(b) The special variance shall specify the times, location, maximum decibels and names of those given the special variance.

(Ord. 69-91. Passed 7-23-91.)

531.06 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, emergency vehicle or 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 representatives.

(c) Farm machinery within an Agricultural District as defined in Ohio R.C. Chapter 929.

(Ord. 69-91. Passed 7-23-91.)

531.07 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.

(Ord. 69-91. Passed 7-23-91.)

531.08 VEHICLE SOUND DEVICES.

(a) No person shall operate any motor vehicle radio, music player or audio system in such a manner as to disturb the peace, quiet and comfort of other persons. The operation of any such sound device at any time in such manner as to be plainly audible at a distance of 50 feet from any vehicle in which it is located shall be prima facie evidence of a violation. Any person charged hereunder shall be advised by the arresting officer concerning the forfeiture provisions for second and subsequent offenses. The officer shall request the violator to sign an acknowledgement that he has been advised concerning forfeiture. If the violator refuses to sign, the officer shall make a written statement that the violator was advised concerning the forfeiture provisions of this offense.

(b) Any person found guilty of violation this section shall be deemed guilty of a misdemeanor of the fourth degree.

(c) Forfeiture of sound devices.

(1) Upon a second and subsequent offense(s), the sound device used in commission of a violation of this section is hereby declared to be contraband and shall be seized and disposed of in accordance with Section 2933.43 of the Ohio Revised Code.

(2) Pursuant to the seizure and forfeiture provision herein, a police officer shall, at the time of issuing a citation for a violation of this section, impound any sound device used in commission of the violation.

(3) The Police Department may impound a vehicle for not more than five (5) working days to permit the Police Department or its agents to remove a sound device if the vehicle is owned by the

person charged with the violation and the sound device may not be easily removed from the vehicle. Upon removal of the sound device, an impounded vehicle shall be returned to its owner upon payment of the reasonable costs of impounding the vehicle and removing the sound device.

(4) The Police Department may dispose of any impounded sound device or, following the procedures for an abandoned vehicle pursuant to Ohio R.C. 4513.61 and 4513.62, any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action. The seized sound device shall remain in the custody of the police and the Prosecutor shall institute forfeiture proceedings. If the sound device is sold by the Police Department, all proceeds of the sale shall be retained by the City of Sheffield Lake.

(Ord. 28-04. Passed 6-22-04.)

531.99 PENALTY.

Any person violating this chapter shall be guilty of a misdemeanor of the fourth degree.
(Ord. 69-91. Passed 7-23-91.)

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