

CHAPTER 559

Noise Control

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CROSS REFERENCES

Unnecessary squealing of tires - see TRAF. 331.36
Motor vehicle and motorcycle exhaust - see TRAF. 337.20
Disorderly conduct - see GEN. OFF. 509.03

559.01 DEFINITIONS.

(a) All definitions and terminology used in this chapter, not defined below, shall be in conformance with applicable standards of the American National Standards Institute (ANSI) or its successor body. For the purpose of this chapter, certain words and phrases used herein are defined as follows:

- (1) "Ambient noise level" means the sound pressure level of the all-encompassing noise associated with a given environment, being a composite of many sounds. For the purpose of this chapter, it is the sound pressure level exceeding ninety percent (90%) of the time, based upon a measurement period of not less than ten minutes and excluding the alleged offensive noise.
- (2) "Average sound level" means a sound level typical of the sound levels observed at a certain place during a given period of time averaged by the general rule of combination for sound levels, such general rule being set forth in American National Standards Institute specifications for sound level meters. Average sound level is also called equivalent continuous sound level.
- (3) "A-weighted sound level" means the total sound pressure level in decibels of all sound as measured by a sound level meter with a reference pressure of twenty micropascals using the A-weighting network. The unit of measurement shall be defined as dBA or DB(A).
- (4) "Decibel" means a unit for measuring the intensity of a 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. Decibels is denoted as "dB".
- (5) "Device" means by mechanism which actually produces noise.
- (6) "Emergency vehicle" means any emergency vehicle of municipal or county departments of public utility corporations when identified as such as required by law, the Ohio Director of Transportation or Director of Public Safety of the City of Gahanna and motor vehicles when commandeered by a police officer.
- (7) "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.
- (8) "Land use category" means those land uses as defined and established by

EXHIBIT A

- the Planning and Zoning Code and all subsequent changes and additions.
- (9) "Noise" means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
 - (10) "Maximum peak sound level" means the greatest sound level observed at a certain place during a given period of time.
 - (11) "Person" means the State, any political subdivision, special district, public or private corporation, individual, firm, partnership, association or other entity.
 - (12) "Property boundary or **PROPERTY** line" means the surveyed line along the ground surface, and its vertical extension which separates the real property owned, rented or leased by one or more persons, but not including intrabuilding real property divisions.
 - (13) "Public safety vehicle" means ambulances, motor vehicles, used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State, and the vehicles used by fire departments, including motor vehicles used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the Ohio Director of Highway Safety.
 - (14) "~~Receiving~~ **EMANATING** land" means any real property ~~whether residential, institutional, commercial or manufacturing which receives~~ noise **ORIGINATES** across the boundary **PROPERTY** line.
 - (15) "Director of Public Safety" means the Director of Public Safety of the City of Gahanna or his authorized representative.
 - (16) "Shoreline" means the existing intersection of water with the ground surface or with any shore connected facility.
 - (17) "Sound level meter" means an instrument for measurement of sound levels conforming to American National Standard Institute's Specification for Sound Level Meters.
 - (18) "Sound pressure level" means twenty times the common logarithm of the ratio of the pressure of the sound to a reference level of twenty micropascals.
 - (19) "~~Source of complaint" means site, internal or external, wherein the complainant hears the noise.~~
 - (20) "Stationary noise source" means a machine or device capable of creating a noise level at the property upon which it is regularly located, including, but not limited to standing motor vehicles, industrial and commercial process machinery and equipment, pumps, fans, air conditioning apparatus or refrigeration machines.
 - (2120) "Warning device" means any device which signals an unsafe or potentially dangerous situation.
- (Ord. 0065-2005. Passed 5-2-05.)

559.02 NOISE LEVELS FOR LAND USE DISTRICTS.

(a) The maximum allowable ~~three~~ **TWO (2)** minute average sound level and/or maximum sound level emitted from any stationary noise source, shall not exceed the limits set forth in Table 1 for the respective categories of ~~receiving~~ **EMANATING** land use. The ~~three~~ **TWO (2)** minute average and peak sound levels shall be measured ~~at the source of the complaint~~ **DURING THE PRODUCTION OF NOISE AT OR UP TO FIFTY (50) FEET BEYOND THE PROPERTY LINE OF THE PROPERTY FROM WHICH THE NOISE IS GENERATED.**

TABLE 1

EMANATING		<u>Time</u>	<u>3 2 Minute Average Sound Level (DBA)</u>	<u>Maximum Peak Sound Level (DBA)</u>
<u>Receiving</u>	<u>Land Use Category</u>			
	Institutional	10 p.m. - 7 a.m.	50	55

	7 a.m. - 10 p.m.	60	65
Residential	10 p.m. - 7 a.m.	50	55
	7 a.m. - 10 p.m.	60	65
Commercial	10 p.m. - 7 a.m.	65	70
	7 a.m. - 10 p.m.	70	75
Downtown OLDE	11 p.m. - 7 a.m. (Sun.-Thurs.)	65	70
Creekside	7 a.m. - 11 p.m. (Sun.-Thurs.)	70	75
GAHANNA	12 a.m. - 7 p.m. (Fri.-Sat.)	65	70
MIXED USE	7 a.m. - 12 a.m. (Fri.-Sat.)	70	75
Office, Commerce and Technology	All times	70	75

(b) New Structures and Development. In conjunction with the approval of any development plan, the noise impact of said plan shall be included in the staff review process. Such review shall include but is not limited to air transportation and land transportation noise sources as well as stationary noise sources. Adequate control measures shall be recommended to mitigate the impact of those identified noise sources to effect compliance with this code. This review shall be forwarded to the Planning Commission for their consideration in any approval process for new structures or construction.

(c) Correction for Ambient Conditions. Where the ambient noise level influences a measurement at a property ~~boundary~~ **LINE**, such noise will be accounted for by applying the following correction factors:

TABLE 2

If the ambient noise level is less than the <u>noise source by:</u>	Add the following to <u>the noise limit:</u>
0 - 1 dBA	3 dBA
2 - 3 dBA	2 dBA
4 - 9 dBA	1 dBA

If the ambient noise level is greater than the noise limit, the noise source shall not be allowed to exceed the ambient level.
(Ord. 0152-2009. Passed 9-21-09.)

559.03 PROHIBITED ACTS.

(a) The following acts, and the causing or permitting thereof, are declared to be in violation of this section:

- (1) Unreasonable noise:
 - A. Recklessly causing inconvenience, annoyance or alarm to another by making unreasonable noise.
- (2) Noisy animals or fowl:
 - A. Negligently keeping or harboring any animal or fowl which howls, barks or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood or to be detrimental to the life and health of any individual.
- (3) Unnecessary sounding of horns:
 - A. Sounding of any horn or other signal device on any motor vehicle

- or motorcycle except as a warning of danger.
- (4) Radios, television sets, musical instruments, loudspeakers, loudspeaker systems and similar devices:
 - A. Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, loudspeaker and loudspeaker system, or similar device which in such a manner as to violate dBA levels in Section 559.02.
 - B. Noncommercial public speaking, public assembly or other activities for which a permit has been issued by the Gahanna Police Department shall be exempt from the operation of this provision.
 - (5) Street sales.
 - A. Offering for sale, selling or advertising an object or service within the City, its streets or sidewalks, by shouting or outcry in a louder voice than would be used in ordinary conversation in transacting any business in or about the places herein named.
 - (6) Loading and unloading.
 - A. Loading, unloading, opening, closing or other handling of boxes, crates, containers, materials or objects in such a manner as to violate the provisions of Section 559.02.
 - (7) Powered model vehicle.
 - A. Operating or permitting the operation of powered model vehicles, without a permit issued by the appropriate authority, in such a manner as to violate the provisions of Section 559.02.
 - (8) Stationary nonemergency signalling **SIGNALING** devices.
 - A. Sounding or permitting the sounding of any stationary bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes in such a manner as to violate the provisions of Section 559.02.
 - B. Houses of religious worship shall be exempt from the operation of this provision, as shall other sound sources for which a permit has been issued by the Gahanna Police Department.
 - (9) Emergency signalling **SIGNALING** devices.
 - A. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar device, except for emergency purposes or testing.
 - (10) Domestic power equipment and construction/demolition power equipment.
 - A. Domestic Power Equipment. Operating or permitting the operation of any power equipment used for home or minor building repair or grounds maintenance, including but not limited to any powered saw, sander, drill, grinder, lawn mower or garden equipment, snow blower, or other similar power equipment in such a manner as to create noise across a residential or institutional property boundary in excess of 80 dBA for eight hours, 85 dBA for four hours, 90 dBA for two hours, 95 dBA for one hour, 100 dBA for one-half hours, or 105 dBA for any time between 7:00 a.m. and 10:00 p.m. or in violation of the provisions of Section 559.02 between 10:00 p.m. and 7:00 a.m. Any stationary motor, engine, machinery, pump or power generator shall be sufficiently enclosed or muffled and maintained so as not to violate the provisions of Section 559.02.
 - B. Construction/Demolition Power Equipment. Operating or permitting the operation of any tools or equipment used in the construction, drilling, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances, for which a

building permit is required between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to violate the provisions of Section 559.02 across a residential or institutional property boundary or, for all other times, in such a manner as to create noise across a residential or institutional property boundary in excess of 90 dBA for eight hours, 95 dBA for four hours, 100 dBA for two hours, 105 dBA for one hour, 110 dBA for one-half hour, or 115 dBA for any time.

- C. Any construction or demolition activity contiguous to commercial or manufacturing property boundaries only, or for emergency work of public service utilities or for which a variance has been issued by the Director of Public Safety or his designee shall be exempt from the operation of this provision.
- D. Commercial garbage collection shall not be performed in the City on Sundays or on other days between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 0065-2005. Passed 5-2-05.)

559.04 SPECIAL PROVISIONS (EXEMPTIONS).

(a) The provisions of this chapter shall not apply to the following:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
- (2) Warning devices necessary for the protection of public safety.
- (3) Outdoor gatherings, public dances, shows and sporting and entertainment events lasting no longer than 1:00 a.m., provided these events are conducted pursuant to a permit issued by the Gahanna Police Department.

(b) The provisions of Section 559.02 shall not apply to any activity or conduct not prohibited under Section 559.03. (Ord. 0065-2005. Passed 5-2-05.)

559.05 INSPECTION.

(a) The Director of Public Safety or his designee may inspect upon consent, at any reasonable time and in a reasonable manner, any device or mechanism which creates any disturbing noise, including but not limited to the premises where such device or mechanism is used.

(b) If entry to the premises is denied or refused, the appropriate authority shall obtain an inspection warrant from a court of competent jurisdiction. (Ord. 136-81. Passed 12-15-81.)

559.06 VARIANCE PROCEDURE.

(a) Any person who wishes to engage in conduct prohibited by this chapter not covered by a permit may file an application with the Director of Public Safety for a variance. The applicant shall set forth all actions taken to comply with such provision, the reasons why compliance cannot be achieved, the proposed method of achieving compliance, and the proposed time schedule for its accomplishment. The application shall be accompanied by a fee in the amount of fifty dollars (\$50.00). A separate application shall be filed for each noise source; however, several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application. Upon receipt of such application and fee, the Director shall render a decision within thirty calendar days.

(b) The Director of Public Safety shall evaluate each application for variance from the requirements of this chapter, and may grant a variance subject to such terms, conditions and requirements as it may deem reasonable to achieve. **AN APPROVED APPLICATION FOR VARIANCE MUST BE IN WRITING.**

The terms, conditions and requirements may include, but shall not be limited to, limitation of noise levels and operating hours. In his determination, the Director of Public Safety shall consider the following:

- (1) Magnitude of the nuisance caused by the offensive noise;
 - (2) Uses of the property affected by the offensive noise;
 - (3) Time factors related to study, design, financing and construction of remedial work;
 - (4) Economic factors related to age and usefulness of the noise emitting equipment or structure;
 - (5) Public health, welfare and safety.
- (Ord. 136-81. Passed 12-15-81.)

559.07 ISSUANCE OF ORDERS.

The Director of Public Safety or his designee may issue orders requiring the abatement of all violations of this chapter and the correction of any condition which may result in a violation of this chapter. Failure to act upon such order within the time limit set forth therein may result in revocation of any existing permit issued under this chapter.
(Ord. 136-81. Passed 12-15-81.)

559.08 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.
(Ord. 136-81. Passed 12-15-81.)

559.99 PENALTY.

Any person violating any provision of this chapter shall be guilty of a minor misdemeanor on the first offense, ~~and upon conviction thereof, shall be fined not more than one hundred fifty dollars (\$150.00).~~ On a second or subsequent offense, if less than twelve months have elapsed since the last offense of the same provision, a person is guilty of a misdemeanor of the fourth degree ~~and upon conviction thereof, shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days or both.~~ Each day such violation continues shall constitute a separate offense and shall be punishable as such. **SEE SECTION 501.99 FOR PENALTIES APPLICABLE TO ANY MISDEMEANOR CLASSIFICATION.**
(Ord. 0065-2005. Passed 5-2-05.)