

ORDINANCE No. 11-0-2857

**AN ORDINANCE ENACTING CHAPTER 678 - NOISE OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF JEFFERSON**

WHEREAS, The Council of the Village of Jefferson believes it to be in the best interest of the Village to regulate noise in the Village of Jefferson;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JEFFERSON, COUNTY OF ASHTABULA, AND STATE OF OHIO, THAT:

Section 1: That the Village of Jefferson hereby adopts Chapter 678 – NOISE of the Codified Ordinances of the Village of Jefferson, which reads as follows:

Chapter 678 – NOISE

678.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- 1) "A-weighted sound 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 dB(a) or dBA.
- 2) "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).
- 3) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.
- 4) "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.
- 5) "Motor/engine operated vehicle" means all vehicles that have the ability to move from a stationary location by means of self propulsion.
- 6) "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- 7) "Noise" disturbance" means any sound which endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.
- 8) "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, but not including intrabuilding real property divisions.
- 9) "Receiving property" means any property which is effected by sound originating from outside its boundary lines.
- 10) "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.

- 11) "Sound level" means the weight sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B or C as specified in American National Standards Institute specifications for sound level meter Publication 51.4-1971, or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-weighting shall apply.
- 12) "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.

678.02 NOISE DISTURBANCES PROHIBITED.

Noise disturbances are enforceable when they create a disturbance across a real property boundary line; create a disturbance outside the limits of a vehicle operating on the public right of ways, parks, and parking lots, or create a disturbance outside a business establishment that has public pedestrian access.

Common examples of Noise Disturbances are, but not limited to: Loud Music, Engine Breaks, Animal Sounds, Noisy Mufflers, and Squealing Tires.

Emergency Signaling Devices exemption:

- 1) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device.
- 2) The intended normal use of any warning horn or other auditory signaling device on or in any motor vehicle on any public right-of- way or public space.

This section shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way with a permit issued from the Zoning Department, Mayor, or Village Council.

678.03 MAXIMUM PERMISSIBLE SOUND LEVELS 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 designations category in Table 3.

TABLE 3 SOUND LEVELS BY ZONING DESIGNATIONS		
Zoning designation of receiving land	Maximum number of decibels permitted from 8:00 a.m. to 11:00 p.m. Sunday through Thursday; 8:00 a.m. to 12:00 midnight	Maximum number of decibels from 11:00 p.m. to 8:00 a.m. Sunday night through Thursday morning; 12:00 midnight

	Friday and Saturday	to 8:00 a.m. Saturday and Sunday morning
Residential	55 dBA	50 dBA
Commercial	65 dBA	65 dBA
Industrial	70 dBA	70 dBA

- 1) The sound level limits set forth in Table 3 shall be **actionable** when any one or more of the following occur:
 - (A) The noise at any one point in time exceeds any of the established zone limits in Table 3 by a measured sound level of fifteen dBA; or
 - (B) The noise exceeds any of the established zone limits in Table 3 by a measured sound level of ten dBA for a cumulative total of one minute or more out of any ten minute period; or
 - (C) The noise exceeds any of the established zone limits in Table 3 by a measured sound level of three dBA continually for a period of five minutes, or a total of five minutes out of any ten minute period.
- 2) 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 feet from any large reflecting surfaces.
- 3) For any source of sound which emits a pure tone, cyclically varying sound, or repetitive impulsive sound, the limits set forth in Table 3 shall be reduced by five dBA.
- 4) Any noise which occurs on property which, according to the Jefferson Village Zoning Code, is being used in a legally nonconforming manner, and which noise relates to such use, shall be judged as if the property bore a zoning designation under which the use would be conforming.
- 5) 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.

678.04 MUFFLER REQUIRED

No motorized scooter or similar type of vehicle powered by an internal combustion engine shall be operated in the village unless such vehicle is equipped with a properly installed, unmodified two-stage muffler, in good working order, and in constant operation, and within the range specified by the manufacturer, effective to prevent excessive or unusual noise. All motorcycles and motorized bicycles shall be equipped with mufflers adequate to suppress the noise of the motor and shall be equipped with baffles on the exhaust system. No motorcycle or motorized bicycle shall be equipped or used so as to create unnecessary noise and destroy the peace and quiet of the village.

678.05 Penalties

Whoever violates any provision of Chapter 678 of the Codified Ordinances of the Village of Jefferson, is guilty of one of the following:

- (a) Except as otherwise provided in division (b) or (c) of this section, a minor misdemeanor;
- (b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of any provision of Chapter 678 of the Codified Ordinances of the Village of Jefferson, a misdemeanor of the fourth degree;
- (c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of any provision of Chapter 678 of the Codified Ordinances of the Village of Jefferson, a misdemeanor of the third degree;

Whoever is convicted of or pleads guilty to a misdemeanor or minor misdemeanor shall be sentenced in accordance with §698.02

Section 2: That this Ordinance shall take effect and be in full force at the earliest period allowed by law.

Passed: March 21, 2011

Approved:

Judy Maloney
Mayor, Judy Maloney

Attest:

Patricia A. Fisher
Patricia A. Fisher, Clerk-Treasurer