

### **511.01 DEFINITIONS.**

(a) For the purpose of this chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

(1) Acoustical Terminology, Definitions of: All acoustical terminology shall be that contained in ANSI S1.1 "Acoustical Terminology".

(2) "Ambient" means the all-encompassing sound associated with a given environment without the noise source of interest.

(3) "ANSI" means American National Standards Institute or its successor bodies.

(4) "ARI" means Air-Conditioning and Refrigeration Institute or its successor bodies.

(5) "ASHRAE" means American Society of Heating, Refrigerating and Air- Conditioning Engineers or its successor bodies.

(6) "ASTM" means American Society for Testing Materials or its successor bodies.

(7) "Decibel" means a unit for measuring the volume of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound; abbreviated "dB".

(8) "Director" means the Director of Public Service and Safety.

(9) "Discrete tone" means a sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of the time.

(10) "Fluctuating noise" means a noise whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.

(11) "Intermittent noise" means a noise whose sound pressure level equals the ambient environmental level two or more times during the period of observation. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of one second or more.

(12) "IEC" means International Electrotechnical Commission or its successor bodies.

(13) "ISO" means International Organization for Standardization or its successor bodies. (Ord. 103-82. Passed 9-7-82.)

(14) "Vehicle" means a vehicle as defined in Ohio Revised Code Section 4501.01(A).

(15) "Motor vehicle" means a vehicle as defined in Ohio Revised Code Section 4501.01(B). (Ord. 177-02. Passed 10-21-02.)

(16) "Nonsteady noise" means a noise whose level shifts significantly during the period of observation.

(17) "Period of observation" means the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least ten times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.

(18) "Person" includes all natural and artificial persons, including but not limited to partners, servants, principals, agents, employees, public or private officials, associations, societies, clubs, firms, partnerships, and all bodies politic or corporate.

(19) "SAE" means Society of Automotive Engineers or its successor bodies.

(20) "Sound level (noise level)" means, for air-borne sound, a weighted sound pressure level, obtained by the use of metering characteristics and the A- weighting as specified in the reference standards (ANSI). When the A- weighting is employed, it must be indicated.

(21) "Sound pressure level" means, in decibels, a sound is twenty times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective (rms) pressure is to be understood. The reference sound pressure is 20 uN/m<sup>2</sup>.

(22) "Steady noise" means a noise whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation is a steady noise.

(23) "Zoning District" means those districts established by the Lorain Zoning Regulations in Part Eleven.

(Ord. 103-82. Passed 9-7-82.)

### **511.02 MUSICAL INSTRUMENT OR DEVICE.**

No person shall use or perform any hand organ or other musical instrument or device, for pay or in expectation of payment, in any public way or outdoors public place of the City before 9:00 a.m. or after 11:00 p.m. of any day.

(Ord. 103-82. Passed 9-7-82.)

**511.03 WHISTLES OR THE EQUIVALENT.**

No person shall blow, or cause to be blown, outdoors within the City the steam whistle, or equivalent, of any stationary plant as a signal for commencing or suspending work, or for any other purpose.

This section shall not be construed as forbidding the use of steam whistles, or their equivalent, as alarm signals in case of fire, collision or other imminent danger.

(Ord. 103-82. Passed 9-7-82.)

**511.04 BUILDINGS.**

No person owning, or in possession or control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature substantially raise the ambient noise level of the neighborhood in which such building or premises is situated, or would be dangerous or detrimental to health.

(Ord. 103-82. Passed 9-7-82.)

**511.05 MECHANICAL APPARATUS.**

It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist tractor, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 7:00 p.m. and 7:00 a.m. or on Sundays and holidays except for emergency situations or by special permit issued by the Director upon the specific authorization of Council. (Ord. 134-15. Passed 9-8-15.)

**511.06 MOTOR VEHICLES.**

It shall be unlawful for any person to operate any motor of a motor vehicle of a weight in excess of four tons (8,000 pounds) for a consecutive period longer than two minutes which operation will raise the noise level above the ambient noise level of the neighborhood by more than six decibels, between the hours of 9:30 p.m. and 7:00 a.m., or on Sundays or holidays.

This section shall not apply to buses operated for the transportation of passengers while standing in established bus terminals, bus turnarounds, bus parking lots and bus storage yards.

(Ord. 103-82. Passed 9-7-82.)

**511.07 POWER EQUIPMENT.**

(a) No person shall use, operate, sell or lease, or offer for sale or lease, any powered equipment or powered hand tools that produces a maximum noise level exceeding the following noise levels at a distance of fifty feet under the test procedures established by Section [511.12](#)

<u>Type of Equipment</u>	<u>Noise Limit</u>
(1) Construction and industrial machinery, such as crawlertractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-high- way trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic powered equipment, etc., but not including pile drivers.	
Manufactured after January 1, 1973	88 dB(A)
Manufactured after January 1, 1975	86 dB(A)
(2) Agricultural tractors and equipment.	
Manufactured after January 1, 1973	88 dB(A)
Manufactured after January 1, 1975	86 dB(A)
(3) Powered commercial equipment of 20 HP or less intended for infrequent use in a residential area, such as chain saws, pavement breakers, log chippers, powered hand tools, etc.	
Manufactured after January 1, 1973	88 dB(A)

Manufactured after January 1, 1975

86  
dB(A)

(4) Powered equipment intended for repetitive use in residential areas. Such equipment includes lawn mowers, small lawn and garden tools, riding tractors, snow removal equipment.

Manufactured after January 1, 1972

88  
dB(A)

Manufactured after January 1, 1973

86  
dB(A)

(Ord. 103-82. Passed 9-7-82.)

**511.08 ZONING DISTRICT PROPERTY USE.**

Any property use established in a Zoning District as defined and designated under the provisions of the Lorain Zoning Ordinance shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.

(Ord. 103-82. Passed 9-7-82.)

**511.09 NOISE LEVEL MEASUREMENTS.**

Noise levels shall be measured in terms of the sound pressure level in octave-frequency bands using equipment which meets the requirements established by this chapter. Noises such as those of an irregular and intermittent nature shall be restricted as provided for hereinafter.

(Ord. 103-82. Passed 9-7-82.)

**511.10 MANUFACTURING ZONING DISTRICT REGULATIONS.**

In Manufacturing Zoning Districts, inclusive, at no point on the boundary of a Residence, Retail or Commercial Zoning District shall the sound pressure level of any individual operation or plant, or the combined operations of any person, firm or corporation, exceed the decibel levels in the designated octave bands shown below for the Zoning Districts indicated as measured under the test procedures established by Section [511.13](#)

Octave Band Center Frequency (Hz)	Maximum Sound Pressure Levels (dB)	
	Residence	Retail and Commercial
		<b>DAYTIME</b>
31.5	77	84
63	76	83
125	70	77
250	62	69
500	56	63
1000	50	57
2000	44	51
4000	39	46
8000	37	44
A-scale levels (for monitoring purposes )	60 dB(A)	67 dB(A)
		<b>NIGHTTIME</b>
31.5	67	74
63	66	73
125	60	67
250	52	59
500	46	53
1000	40	47
2000	34	41
4000	29	36
8000	27	34

A-scale levels (for monitoring purposes)	50 dB(A)	57 dB(A)
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In Retail and Commercial Zoning Districts, all activities involving the production, processing, cleaning, servicing, testing, repair of materials, goods or products, or any property use shall conform with the performance standards stated above, provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place.

In Residential Zoning Districts, any property use shall conform with the performance standards stated above for Residence District boundaries, provided that performance standards shall in every case be applied at the boundaries of the lot on which such use is established.

The maximum sound pressure levels established in this section to be applied to the boundaries of a lot shall not apply to construction sites. Construction sites noise levels shall be regulated by Sections [511.07\(a\)\(1\)](#) and [511.05](#).

(Ord. 103-82. Passed 9-7-82.)

#### **511.11 HORNS AND AUDIBLE SIGNALS.**

No person shall sound any horn or audible signal device of any motor vehicle or vehicle of any kind while not in motion, nor shall such horn or signal device be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.

(Ord. 177-02. Passed 10-21-02.)

#### **511.12 TEST PROCEDURES FOR EQUIPMENT AND POWERED HAND TOOLS.**

Test procedures to determine whether maximum noise emitted by equipment or powered hand tools, used, operated, sold or leased, or offered for sale or lease, meet the noise limits stated in Section [511.07](#) shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc., including SAE Standard J952, SAE Recommended Practice J184; and such other and further standards as may be propounded in the Code of Recommended Practices of the Department of Environmental Control.

(Ord. 103-82. Passed 9-7-82.)

#### **511.13 TEST PROCEDURES FOR MOTOR VEHICLES.**

Test procedures to determine whether maximum noise levels emitted by property uses on motor vehicles, as stated in Section [511.06](#), along property lines and zoning district boundaries meet the noise limits stated in Section [511.10](#) shall be substantial conformity with ANSI Standard S1.4-1961 or IEC Standard 123-1961; ANSI Standard S1-12-1967; ANSI Standard S1.11-1966; IEC Standard 179-1965; IEC Standard 225-1966; SAE Recommended Practice J184; and such other and further standards as may be propounded in the Code of Recommended Practices of the Department of Environmental Control.

(Ord. 103-82. Passed 9-7-82.)

#### **511.14 INJUNCTIONS.**

Any emission of 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 administrative proceedings, fines and penalties herein provided. The Director is empowered to secure the institution of legal proceedings for the abatement of prosecution of emissions or noise which cause injury, detriment, nuisance or annoyance to the public or endanger the health, comfort, safety or welfare of the public, or cause or have a natural tendency to cause injury or damage to the public or property. Such legal proceedings may be in addition to the administrative proceedings, fines and penalties herein provided.

(Ord. 103-82. Passed 9-7-82.)

#### **511.15 CAUSES OF ACTION.**

Nothing in this chapter shall be construed to impair any cause of action or legal remedy therefore, of any person or the public for injury or damage arising from the emission or release into the atmosphere from any source whatever of noise in such place or manner, or at such levels, so as to constitute a common law nuisance.

(Ord. 103-82. Passed 9-7-82.)

#### **511.16 VEHICLE SOUND DEVICES.**

No person shall operate any 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 a 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.

(Ord. 177-02. Passed 10-21-02.)

**511.99 PENALTY.**

(a) Any person found guilty of violating any provision of this chapter shall be deemed guilty of a misdemeanor of the third degree, and upon a first offense for violation of Section [511.16](#), shall be fined not less than three hundred dollars (\$300.00). In addition, upon a first and any subsequent offense, the sound device used in commission of a violation of Section [511.99](#) shall be removed and impounded and shall be deemed forfeited unless the fine is paid in full not later than ninety days after its imposition.

(b) Whoever violates Section [511.16](#) upon a second offense within five (5) years shall be fined not less than four hundred dollars (\$400.00).

(c) Whoever violates Section [511.16](#) upon a third and subsequent offense(s) within five (5) years shall be fined not less than five hundred dollars (\$500.00).

(d) In addition to any other method of enforcement provided for in this chapter, Section [511.16](#) may be enforced by the issuance of an Ohio uniform traffic ticket in compliance with the "Ohio Traffic Rules" promulgated by the Ohio Supreme Court pursuant to Ohio R.C. 2935.17 and 2937.46.

(e) Pursuant to the seizure and forfeiture provisions contained herein, a police officer shall, at the time of issuing a citation for a violation of Section [511.16](#), impound any sound device used in the commission of the violation and charge for the removal.

(f) The Police Department may tow and impound a vehicle for not more than five (5) working days to permit the Police Department or its agent 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.

(g) The Police Department may dispose of any impounded sound device or, following the procedure 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.

(h) The seized sound device shall remain in the custody of the police and the Law Director shall institute forfeiture proceedings. If the sound device is sold by the Lorain Police Department, all proceeds of the sale shall be retained by the City of Lorain.

(Ord. 122-09. Passed 9-8-09.)