

CHAPTER 507 Anti-Noise Law

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CROSS REFERENCES

Disturbing the peace - see GEN. OFF. 509.03

507.01. Declaration of policy.

It is hereby declared to be the public policy of the City to reduce the ambient noise level in the City, so as to preserve, protect and promote the public health, welfare and the peace and quiet of the inhabitants of the City, foster the convenience and comfort of its inhabitants and facilitate the enjoyment of the natural attractions of the City.

(1952 Code § 17-15-101; Ord. 3-75)

507.02. Definitions.

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

- (a) "Acceleration" means the time rate of change of velocity.
- (b) "Ambient noise" means the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources.
- (c) "ANSI" means American National Standards Institute or its successor bodies.
- (d) "Construction noise" means the noise emanating from construction activities as described in Sections 507.11 and 507.17.
- (e) "Critical construction equipment" means construction equipment required to operate twenty-four hours a day to protect the health and safety of the public and the workmen.
- (f) "Cycle" means the complete sequence of values of a periodic quantity that occur during a period and is referred to as cycles per second or Hertz.
- (g) "dbA" means the A weighted sound pressure level obtained by the use of metering characteristics in the A weighting network specified in ANSI S1.4 - 1971 or later approved revision thereof.
- (h) "Decibel (db)" means a unit of measure, on a logarithmic scale to the base ten, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which for the purposes of this Code, shall be twenty micronewtons per square meter (MN/m²).
- (i) "Displacement" means the magnitude of the motion.
- (j) "Emergency work" means work made necessary to restore property to a safe condition following a

public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility services or protecting them from imminent danger.

(k) "Fixed 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: air conditioning and refrigeration apparatus, industrial and commercial process machinery, fan, etc.

(l) "Impulsive sound" means a noise characterized by brief excursions of sound pressure, significantly exceeding the ambient noise, the duration of a single impulse of which is less than 1 sec. and which requires for accurate measurements a specific designed instrumentation.

(m) "Impulsive vibration" means vibration resulting from an impact source, e.g., blasting or pile driving.

(n) "Motor vehicle" includes but is not limited to automobiles, trucks, motorcycles, minibikes, go-carts and snowmobiles.

(o) "Noise" means any undesired sound.

(p) "Noise level". For the purposes of this chapter, the terms "noise level" and "sound level" where used are synonymous.

(q) "Particle velocity" means the time rate of change of displacement.

(r) "Person" means any person, person's firm, association, copartnership, joint venture, corporation or any entity public or private in nature.

(s) "Sound" means an oscillation in pressure in air.

(t) "Sound analyzer" means a device for measuring a specific band pressure level or pressure spectrum level of a sound as a function of frequency.

(u) "Sound level" means in decibels, a weighted sound pressure level, measured by the use of metering characteristics and frequency weightings specified in ANSI S1.4 - 1971 "Specification for Sound Level Meters".

(v) "Sound level meter" means an instrument including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of noise and sound levels in a specified manner. The meter must satisfy the applicable requirements for Type 2 sound level meter as defined in ANSI S1.4 - 1971 or the most recent revision.

(w) "Sound pressure level" means in decibels, twenty times the logarithm to the base ten of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which for the purposes of this chapter shall be twenty micronewtons per square meter (20 MN/m²).

(x) "Steady state vibration" means continuous earthborne oscillations.

(y) "Unnecessary, excessive or offensive noise" means any offensive sound or noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others; or a noise level which exceeds the fixed source noise level for the zone by 10 dbA or more, when measured at the nearest property line. (See Section 507.14.)

(z) "Zoning districts" means those zoning districts established by the Toledo Zoning Ordinance. (1952 Code § 17-15-102; Ord. 3-75)

507.03. Excessive and unnecessary noise prohibited.

No person shall make, continue or cause to be made or continued any unnecessary, excessive or any offensive noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City.

(1952 Code § 17-15-103; Ord. 3-75)

507.04. Musical instruments, radios, etc.

No person shall operate or cause or permit to be operated any musical instrument, radio, phonograph, television set or any other instrument or device capable of producing noise, in such a manner or with such volume as to create unnecessary, excessive or offensive noise which annoys or disturbs the peace, quiet, comfort or repose of the neighboring inhabitants, particularly between the hours of 9:00 p.m. and 7:00 a.m.

(1952 Code § 17-15-104; Ord. 3-75)

507.05. Swimming pools.

No person shall make, continue or cause to be made or continued at any swimming pool, unnecessary, excessive or offensive noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, particularly between the hours of 9:00 p.m. and 7:00 a.m.

(1952 Code § 17-15-105; Ord. 3-75)

507.06. Animals.

No owner, keeper or harbinger of any animal shall permit or suffer such animal to continuously or frequently bark, howl or emit other audible sounds which create unreasonable, excessive or offensive noise to the annoyance or discomfort of any person of ordinary sensibilities in the vicinity of such animal.

(1952 Code § 17-15-106; Ord. 545-77)

507.07. Schools, hospitals and churches.

No person shall create any unnecessary, excessive or offensive noise on any street, sidewalk or property adjacent to any school, institution of learning or church while any of the same is in use, or adjacent to any hospital at any time, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, institution of learning, church or hospital.

(1952 Code § 17-15-107; Ord. 3-75)

507.08. Loading and unloading.

No person shall create loud and excessive noise in connection with loading or unloading any vehicle, or the opening and/or destruction of bales, boxes, crates and containers. If any noise for any duration is 7 dbA over the fixed source noise level for the zone, when measured at the property line of the property affected by the noise emission, between the hours of 9:00 p.m. and 7:00 a.m., then this in itself would declare the noise unnecessary and excessive. (See Section 507.14.)

(1952 Code § 17-15-108; Ord. 3-75)

507.09. Homeowners' outdoor equipment.

(a) No person shall operate engine or motor-powered lawn or maintenance tools intended for use in residential areas, typically capable of being used by homeowners (such as power mowers, garden tools, riding tractors, power saws, edgers, etc.) which create a noise that exceeds the fixed source noise level for the zone at the property line of the property affected by the noise emission except between the hours of 8:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on weekends and legal holidays. (See Section 507.14.)

(b) Homeowners' outdoor equipment must have mufflers where applicable and in good working condition.

(c) Snow blowers and snow plows are exempted from the time requirements of this section when removing snow and ice.

(1952 Code § 17-15-109; Ord. 3-75)

507.10. Vehicle and nonstationary source repairs.

No person within any residential area shall repair, rebuild or test any motor vehicle or nonstationary source in such a manner as to cause unnecessary, excessive or offensive noise. If the noise is 7 dbA over the fixed source noise level for more than five minutes out of sixty minutes, then this in itself would declare the noise loud and excessive. (See Section 507.14.)

(1952 Code § 17-15-110; Ord. 3-75)

507.11. Construction.

(a) No person shall 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 10:00 p.m. and 6:00 a.m., within a residential area or within 500 feet of a school or hospital, except for temporary conditions approved by the Director of Pollution Control.

(b) No person shall perform any construction or repair work on any structure or building, or perform any excavation or road work, which work entails the use of any power-operated construction-type device in such a manner that the noise created thereby substantially exceeds the noise customarily and necessarily attendant to the reasonable and efficient performance of such equipment.

(c) No sound level produced by any piece of construction equipment manufactured twenty-four months after the effective date of this section, with the exception of impulsive sound, and critical construction equipment shall exceed 90 dbA when measured at the property line or at a distance of not less than fifty feet from the equipment when operating at the boundary line of the construction project within a residential area or within 500 feet of a school or hospital. Impulse-related activities such as pile driving type equipment, pavement breaker type equipment other than hand-held, and blasting will be regulated by Section 507.17.

(1952 Code § 17-15-111; Ord. 3-75)

507.12. Exemptions.

The following uses and activities shall be exempt from noise level regulations:

(a) Noises of safety signals, warning devices and emergency pressure relief valves.

(b) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or

acting in time of emergency.

(c) Noises resulting from emergency work.

(d) Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the City authorized this responsibility by Council.

(e) Noises resulting from sports events authorized by the Board of Education, private schools, colleges or universities.

(1952 Code § 17-15-112; Ord. 3-75)

507.13. Motor vehicles.

(a) No person shall operate within the speed limits specified in this section a motor vehicle of a type subject to registration at any time or under any condition of load, acceleration or deceleration in such manner as to exceed the following noise limits for the category of motor vehicle, based on a distance of not less than fifty feet from the center line of travel:

Type of Vehicle Noise Limit in relation to Posted Speed Limit

- (1) Trucks and buses 35 MPH or less Over 35 MPH
 - Any motor vehicle with a manufacturer's GVW rating of 10,000 lbs. or more
 - Before January 1, 1976 88 dbA 90 dbA
 - After January 1, 1976 86 dbA 90 dbA

(2) Passenger cars, light trucks and buses under 10,000 lbs. 76 dbA 82 dbA

(3) Motorcycles 82 dbA 86 dbA

(4) Noise from snowmobiles, minibikes, go-carts and other off-highway vehicles must not exceed 82 dbA when measured at a distance of not less than fifty feet.

(b) No person in charge or control of any vehicle shall:

(1) Make, with such vehicle, or any device connected therewith, any excessive noise to annoy the public or unnecessarily race his motor while running idle, or open the muffler on any vehicle, upon the streets of the City.

(2) Sound any horn or signal device on any vehicle for any unnecessary and excessive period of time, except as a danger signal.

(3) Operate any vehicle in a manner, such as by rapid acceleration, turning, backing or starting and stopping the vehicle, so as to cause unreasonable or excessive noise from the contact of any tire of the vehicle upon the surface where the vehicle is being operated.

(1952 Code § 17-15-113; Ord. 3-75)

507.14. Fixed source noise levels.

(a) Except as provided for in subsection (b) hereof, in Zoning Districts RS-12, RS-9, RS-6, RD-6, RM-12, RM-24, RM-36, RMH, CN, CO, CS, CM, CR, CD, IL, IG, IP, POS, and IC, no person shall operate any fixed machinery or equipment, or similar mechanical device in any manner so as to create any noise which would cause the noise level measured at the property line of the property affected by the noise emission to exceed the applicable fixed noise level in this section. Noise limits shall not exceed the following:

Zoning District	Sound Level	Time Period	dba
RS-12, RS-9, RS-6, RD-6, RM-12, POS, IC	70 dbA	10 p.m. - 7 a.m.	55
		7 a.m. - 10 p.m.	60
RM-24, RM-36, RMH	70 dbA	10 p.m. - 7 a.m.	60
		7 a.m. - 10 p.m.	65
CN, CO, CS, CM, CR, CD, IP	70 dbA	10 p.m. - 7 a.m.	65
		7 a.m. - 10 p.m.	70
IL	70 dbA	Any time	70
IG	75 dbA	Any time	75

unless such person has filed an application for variance in accordance with the provisions of Section 507.19. If the measurement location is on a boundary between two zoning districts, the lower sound level shall

vertical, longitudinal or transverse.

(b) Impulsive vibration shall not exceed 0.4 inches per second peak particle velocity, or its equivalent in displacement or acceleration, on any one of the three mutually perpendicular components of motion except blasting or pile driving, which shall not exceed 2.0 inches per second peak particle velocity.

(c) All vibration recordings shall be made on the ground adjacent to the closest structure neither contractor-owned nor leased.

(d) Traffic shall be excluded from this section.

(1952 Code § 17-15-117; Ord. 3-75)

507.18. Inspections.

(a) The Director of Pollution Control or other member of the Agency may enter at any reasonable time, with reasonable notice, into or upon any private or public property, except the administrative offices of any person, for the purposes of inspection and investigation of any condition or equipment which the Director shall have reasonable cause to believe to be causing unnecessary noise in violation of this chapter.

(b) The Director or other member of the Agency may inspect at any reasonable time and in a reasonable manner, with reasonable notice, any record relating to the use of equipment which creates or may create unnecessary noise.

(c) No person shall refuse entry, nor obstruct, delay, prevent or in any way interfere with the Director or other member of the Agency while carrying out an inspection, or in the performance of their duties. Should such right of entry be unreasonably denied, then the Director is authorized to obtain a search warrant.

(1952 Code § 17-15-118; Ord. 3-75)

507.19. Variances.

(a) The Director of Pollution Control may grant individual variances beyond the limitation prescribed by this chapter, whenever it is found, upon presentation of adequate proof, that compliance with any section of this chapter, or with any regulation or order of the Director in respect to this chapter would impose unreasonable hardship. In granting a variance, the Director may impose such conditions as the policies of this chapter may require.

(b) Any variance granted pursuant to this section shall be granted for such period of time, not exceeding one year, as shall be specified by the Director at the time of the grant of such variance and upon the conditions that the person who receives such variance shall make such periodic progress reports as the Director shall specify. Such variance may be extended for periods up to six months by affirmative action of the Director, but only if satisfactory progress has been shown. The Director may, in the case of construction, grant a variance for the duration of the project and a contract letting agency, public or private, may apply for this variance.

(c) If requested by the petitioner or if deemed desirable by the Director, a public hearing shall be held prior to the issuance of any variance for the purpose of allowing any person to present evidence with respect to the requested variance. Notice of such hearing shall be promulgated by the Director in the form of a news release at least ten days prior to the hearing.

(d) The petition shall be accompanied by a fee of twenty-five dollars (\$25.00).

(e) Governmental agencies are exempted from the payment of fees.

(1952 Code § 17-15-119; Ord. 3-75)

507.20. Test procedures.

(a) Test procedures to determine whether maximum noise levels are exceeded in Sections 507.08 to 507.10, 507.14 and 507.16 shall be in substantial conformity with ANSI Standard S1.4 - 1971; ANSI Standard S1.12 - 1967; ANSI Standard S1.11 - 1966; ANSI S1.5 - 1963; IEC Standard 179-1965; IEC Standard 255-1966; SAE Recommended Practice J184; and such others that may be approved by the Federal Government, State Government and/or the Toledo Pollution Control Agency.

(b) Test procedures to determine whether maximum noise emitted by motor vehicles in use to meet the noise limits stated in Section 507.13 shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc., including SAE Standard J986a; SAE Standard J366b; Recommended Practice J184; and such others that may be approved by the Federal Government, State Government and/or the Toledo Pollution Control Agency.

(c) Test procedures to determine whether maximum noise emitted by engine-powered equipment in use to meet the noise limits stated in Sections 507.11 and 507.15 shall be in substantial conformity with Standards and Recommended Practice established by the Society of Automotive Engineers, Inc., including SAE

Standard J952b; SAE Recommended Practice J184; and such others that may be approved by the Federal Government, State Government and/or the Toledo Pollution Control Agency.

(1952 Code § 17-15-120; Ord. 3-75)

507.21. Disclaimer.

The noise levels as established by this chapter will be pre-empted by federal requirements as promulgated by the provisions of the Federal Noise Control Act if the two laws are in conflict with each other.

(1952 Code § 17-15-123; Ord. 3-75)

507.22. Appeals.

Any person who is the subject of a final order by the Director of the Pollution Control Agency and who has not been criminally charged under the provisions of this chapter shall have the right to a review of such order by the Pollution Control Appeals Board, provided that the jurisdictional requirements have been satisfied.

(1952 Code § 17-15-124; Ord. 3-75)

507.23. Loud sound amplification systems prohibited; seizure.

(EDITOR'S NOTE: Former Section 507.23 was repealed by Ordinance 191-03, passed March 4, 2003.)

507.99. Penalty.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Citations shall be issued to a person, firm or corporation and/or an individual present at the time of the alleged offense.

(1952 Code § 17-15-121; Ord. 3-75)