

**RESOLUTION NO. 106-2000**

**RESOLUTION ADOPTING NOISE REGULATIONS**

**WHEREAS**, Harrison Township Trustees recognize a problem with excessive noise in the township, and

**WHEREAS**, the township has the authority under Section 505.172 of the ORC to adopt regulations to control excessive noise.

**WHEREAS**, the Trustees desire to support this levy.

**NOW, THEREFORE BE IT RESOLVED** by the Trustees of Harrison Township to adopt the attached regulations entitled Harrison Township Noise Regulations Adopted Pursuant to Section 505.172 ORC to be effective immediately or the earliest date law will permit.

**HARRISON TOWNSHIP  
BOARD OF TRUSTEES**

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George W. Curry, President

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Alan F. Pippenger, Vice President

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Robert T. Douglass, Trustee

I hereby certify that the Harrison Township Board of Trustees adopted **Resolution No. 106-2000** on their meeting on **October 25, 2000**

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Linda Pickard, Clerk

## **Harrison Township Noise Regulations** **Adopted pursuant to Section 505.172 ORC**

Whereas the trustees of Harrison Township have determined there to be a pressing need to control noise within the township as permitted by Section 505.172 ORC.

Now therefore be it resolved by the trustees of Harrison Township to enact this resolution with the following provisions to control noise with the township pursuant to Section 505.172 ORC.

A. No Person shall make, continue or cause to be made or continued any unreasonably loud, disturbing, and unnecessary noise, which either annoys, disturbs, injures, or endangers the comfort and repose, health, peace, or safety to others within the township as authorized by section 505.172 ORC.

B. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this resolution:

1. Horns; signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, trolley coach, or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

2. Radios; phonographs, stereo systems, "Boom boxes" etc. . The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument phonograph, machine or device in such a manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

4. Yelling; shouting. Yelling, shouting, hooting, whistling, singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in area zoned for residential use.

5. Animals; birds. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.

6. Steam whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper township authorities.

7. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, lawn mower, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

8. Loading; unloading; opening boxes. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

9. Construction or repairing of buildings and streets. The erection (including excavating), demolition, alteration, or repair of any building or street other than between the hours of 6:00 a.m. and 9:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety except as specifically permitted by the township.

10. Hawkers; peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

11. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale.

12. Pile drivers; hammers. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, power shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud and unusual noise except as specifically permitted by the township as being in the best interest of the public.

13. Blowers. The operating of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

#### C. Sound Amplification Systems in Motor Vehicles:

1. No person shall operate a motor vehicle on a street or highway if the sound from any sound amplifying equipment located inside of, outside of but attached to, or held by a person inside, the motor vehicle, is discernible at a distance of twenty-five feet or more from the vehicle.

2. This section does not apply to any of the following circumstances;
- (a) The sound amplifying equipment if the motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle operating, or traffic safety condition.
  - (b) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.
  - (c) The motor vehicle is owned and operated by the state, a political subdivision, or a public utility.
  - (d) The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits.
  - (e) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal or state law.

### Penalties

Violation of this resolution is a minor misdemeanor and is punishable by a fine of \$100 for each offense per Section 505.172(d) ORC. Fines are payable to Vandalia Municipal Court. Fines collected under this section are to be paid into the township General Fund.

### Appeal

Any one charged under the provisions of this resolution may appeal the charge by arranging a hearing with the Lt. responsible for supervising the Harrison Township Sheriffs substation. Such an appeal must be filed within 36 hours of the date of the incident. Any action associated with non-payment of the fine will be delayed for 48 hours from the date of the appeal decision

# ARTICLE 44

## NOISE

### SECTION 4401 METHOD OF MEASUREMENT

For the purposes of enforcing the provisions of these regulations, noise shall be measured in dba using a sound level meter, with the measurements taken at the most noisy point within the receiving property.

- A. A dba is the sound pressure in decibels measured using the "A" weighting network on the sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.
- B. A sound level meter is a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1. 4-1971.
- C. The receiving property is real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

### SECTION 4402 EXEMPTIONS

- A. The following shall be exempt from the provisions of Section 4403, Table I, between the hours of 7:00 A.M. and 10:00 P.M. only:
  - 1. Sounds created by the discharge of firearms on authorized shooting ranges.
  - 2. Sounds created by blasting.
  - 3. Sounds created by the installation of utility services.
  - 4. Sounds originating from temporary construction sites as a result of construction activity.

5. Sounds created by firearms in the course of hunting.  
B. The following shall be exempt from the provisions of Section 4403, Tables I and II, at all times.

1. Sounds created by motor vehicles operated on public roads and highways.
2. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
3. Sounds created by surface carriers engaged in interstate commerce by railroad.
4. Sounds created by warning devices not operating continuously for more than five (5) minutes, or bells, chimes, and carillons.
5. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
6. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community.
7. Sounds created by the repair of essential utility services.
8. Sounds originating from officially sanctioned parades and other public events.
9. Sounds emitted from venting at industrial process facilities during startup only, provided that the startup operation is performed during daytime hours whenever possible.

**SECTION 4403**

**MAXIMUM PERMISSIBLE NOISE LEVELS**

- A. No person shall cause or permit noise to intrude into the property of another person that exceeds the levels listed in:
1. Table I, between the hours of 7:00 A.M. and 10:00 P.M.

2. Table II, between the hours of 10:00 P.M. and 7:00 A.M.

B. Between the hours of 7:00 A.M. and 10:00 P.M., the noise in Table I may be exceeded by no more than:

1. 5 dba for a total of 15 minutes in any one (1) hour period.
2. 10 dba for a total of 5 minutes in any one (1) hour period, or
3. 15 dba for a total of 30 seconds in any one (1) hour period.

C. Between the hours of 10:00 P.M. and 7:00 A.M., the noise limits in Table II may be exceeded by no more than:

1. 5 dba for a total of 10 minutes in any one (1) hour period, or
2. 10 dba for a total of 3 minutes in any one (1) hour period.

D. Impulsive sound (such as sounds with a duration of less than 1 second, such as from gunfire or punch presses) shall not exceed the levels of Table I (daytime) or Table II (nighttime) by more than 5 dba, as measured with the sound level meter on the slow response setting.

1. Table I - Daytime Noise Limits

Receiving Property

Noise Source	Residential	Business	Industrial
Business	60 dba	60 dba	65 dba
Industrial	60 dab	65 dba	70 dba

2. Table II - Nighttime Noise Limits

Receiving Property

Noise Source	Residential	Business	Industrial
Business	50 dba	60 dba	65 dba
Industrial	50 dba	65 dba	70 dba

**SECTION 4404**      **DEFINITIONS APPLICABLE TO TABLES I AND II**

- A.    **Residential** - Shall include all residential zoning districts comprising A, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and OR-1.
- B.    **Business** - Shall include all business zoning districts comprising O-2, B-1, B-2, B-3, and B-4.
- C.    **Industrial** - Shall include all industrial zoning districts comprising I-1, I-2, and I-3; and OSI-1 and OSI-2.