

FIRST READING: 3.12.18
SECOND READING: 3-26-18
THIRD READING: 4.9.18

ORDINANCE NO. 16-18

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 558.04 ENTITLED "SPECIFIC PROHIBITIONS, RESTRICTIONS AND EXEMPTIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend Section 558.04 of our Codified Ordinances regarding noise prohibitions; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Section 558.04 of the Codified Ordinances of the City of Rocky River concerning the hours for noise prohibitions be amended, as further described in the attached Exhibit "A"; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 558.04 entitled "Specific Prohibitions, Restrictions and Exemptions" of the Codified Ordinances of the City of Rocky River be amended as further described in the attached Exhibit "A".

PASSED: April 9th, 2018

JAMES W. MORAN Thomas J. Hunt
President of Council President Pro-Tem

PRESENTED
TO MAYOR: April 9th, 2018 APPROVED: April 9th, 2018

ATTEST:

Anson G. Pease
SUSAN G. PEASE
Clerk of Council

PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 9th day of April, 2018.

\\pinnerA\backup\Ordinances\C over Ordinance for Section 558.04

City of Rocky River } ss
County of Cuyahoga }
THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 16-18 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 4th DAY OF April, 2018 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW, THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 16-18

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 9th DAY OF April, 2018.

Anson G. Pease
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

Anson G. Pease
Clerk of Council of the City of Rocky River, Ohio

558.04 SPECIFIC PROHIBITIONS, RESTRICTIONS AND EXEMPTIONS.

(a) Construction. It is prohibited to operate or permit the operation of any tools or equipment in construction, drilling, building or demolition work between the hours of 9:00 p.m. and 7:00 a.m., or on Sundays or Holidays, except for emergency work of public service utilities or by special variance. During the permitted period of operation, maximum sound level in residential areas for construction activities with a valid permit shall not exceed eighty-eight (88) dB measured at a distance of fifty (50) feet from the vehicle or other noise source.

(b) Power Tools. It is prohibited to operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower or other similar device for non-commercial use other than powered snow removal equipment, outdoors between the hours of 9:00 p.m. and 7:00 a.m. or on Saturday, Sunday or Holidays before the hour of 9:00 a.m. During the permitted period of operation, maximum sound levels in residential areas shall not exceed eighty-eight (88) dB measured at a distance of fifty (50) feet from the noise source

(c) Emergency Signaling Devices.

(1) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren's whistle or similar stationary emergency signaling device, except for emergency purposes or for testing is prohibited except as provided in this Section. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or after 9:00 p.m., or the closing time of a commercial establishment. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur before 7:00 a.m. or after

9:00 p.m. In no case shall such test exceed ten (10) minutes.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm is prohibited unless such alarm is automatically terminated within two (2) minutes of activation, or within a reasonable time after notification of activation.

(3) The repeated or continual sounding of any horn or other auditory signaling device on or in any motor vehicle or watercraft except as a warning of danger is prohibited.

(d) Air Conditioners, Generators and Heat Pumps. The operating sound levels for air conditioners, generators and heat pumps shall not exceed seventy-five (75) dB with such sound levels measured at either the property line or fifteen (15) feet from the sound source whichever is the greater distance.

(e) Loudspeakers/Public Address Systems.

(1) Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public space for commercial purpose is prohibited.

(2) Using, operating or permitting for any non-commercial purpose any loudspeaker, public address system, mobile sound vehicle or similar device between the hours of 10:00 p.m. and 10:00 a.m. so as to create a noise disturbance across a residential real property boundary is prohibited.

(f) Powered Model Vehicles or Go-Carts. Operation of powered model vehicles or go-carts in a public space shall not produce sound so as to be plainly audible at fifty (50) feet from such device between the hours of 7:00 a.m. and 9:00 p.m. and/or from twenty-five (25) feet from 9:00 p.m. until 7:00 a.m.

(g) Playing of Sound Devices.

(1) It is prohibited to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device which produces, reproduces or amplifies sound from a stationary source so as to be plainly audible at fifty (50) feet from such device from 7:00 a.m. until 9:00 p.m. and from twenty-five (25) feet from 9:00 p.m. until 7:00 a.m.

(2) It is prohibited to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device which produces, reproduces or amplifies sound from a moving source so as to be plainly audible at fifty (50) feet from such device from 7:00 a.m. until 9:00 p.m. and from twenty-five (25) feet from 9:00 p.m. until 7:00 a.m.

(h) Animals. Any person harboring or keeping any animal which disturbs the peace and quiet or endangers the repose or health of persons by frequent or habitual barking, howling or yelping is causing a public nuisance and is in violation of this Section. On complaint of any person or police officer, a citation may be issued.

(Ord. 57-87. Passed 6-22-87).

(i) Motor Vehicles.

(1) It is prohibited to cause the stationary operation or idling of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of seven thousand (7,000) pounds or any auxiliary equipment attached thereto, for a period longer than five (5) minutes at any time of day, so as to create a noise disturbance across a residential real property boundary, except due to traffic congestion or loading or unloading perishables. This Section shall not apply to public utilities vehicles, municipal service vehicles or buses operated as common carriers.

(Ord. 16-18. Passed 4-09-18.)

(2) Sound from a moving vehicular source located within the public right-of-way exceeding eighty (80) decibels is prohibited, except that sound from a vehicle with a manufacturer's gross weight rating of ten thousand pounds and above operated on a prescribed truck route at all times or elsewhere within the City during the hours of 7:00 a.m. to 6:00 p.m. on Monday through Saturday may exceed eighty (80) dB but shall not exceed eighty-eight (88) dB. Such sound shall be measured at a distance of at least twenty-five (25) feet from a vehicle located within the public right-of-way. This shall apply to all licensed motor vehicles, whether publicly or privately owned.

(3) The use or operation of truck engine brakes at any time within the City Limits is prohibited.

(j) Watercraft. No watercraft utilizing an exhaust system shall be operated within the navigable portions of the Rocky River or its channels or on that portion of Lake Erie within the jurisdiction of the City of Rocky River at a sound level greater than set forth in Ohio R.C. 1547.31.

(k) Powered Snow Removal Equipment. Powered snow removal equipment shall not exceed eighty-eight (88) dB. Trucks with snowplow equipment must meet the regulation stated above in Section 558.04(i).

(l) Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, motor bicycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary is prohibited.

(m) Loading and Unloading. Loading, unloading, opening, closing or handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9:00 p.m. and 7:00 a.m. or after 9:00 p.m. and before 10:00 a.m. on Sundays or Holidays is prohibited. (Ord. 16-18. Passed 4-9-18.)