

509.08 NOISE NUISANCE.

(a) Definitions. As used in these Codified Ordinances:

(1) Ambient noise level - means the sound pressure level of the all encompassing noise associated with a given environment, being a composite of many sounds. For the purpose of this chapter, it is the sound pressure level exceeding ninety percent (90%) of the time, based upon a measurement period of not less than ten minutes and excluding the alleged offensive noise.

(2) Animal - includes dogs, cats, cattle, sheep, horses, geese, ducks, turkeys, chickens, or other fowl or any other animal, domestic or wild, maintained or kept as a pet, for work or for a product. Note: this definition is already Summit County law found in Chapter [505](#) "Animal Control". It is simply a reiteration of the same for this code section.

(3) Decibel - means a unit for measuring the intensity of sound; used with a sound level meter; also known as dBA relating to sound perceptible to the human ear when using an A weighting measure (Experts agree 85 dBA will harm hearing over time).

(4) Emergency - when an authorized vehicle responds to a situation requiring immediate police, fire or medical attention.

(5) Law enforcement officer - as defined in the Summit County Codified Ordinances Chapter [501.01](#).

(6) Night time means the hours from 9:00 p.m. to 7:00 a.m. weekdays and 9:00 p.m. to 9:00 a.m. weekends and holidays.

(7) Nuisance - means that which annoys or offends another or others, obstructs the use of property, endangers the comfort or safety of others, essentially interferes with the comfortable enjoyment of life and property and interferes with the ambient sound level of a given property, or tends to depreciate the value of the property of others, and/or violates the laws of decency.

(8) Residential property - includes single-family, duplex or multifamily dwellings, nursing homes and similar facilities.

(9) Sound Level Meter - means an instrument used for the measurement of sound and noise levels in a specified manner and conforming to the American National Standard Institute's Specifications for Sound Level Meters.

(10) Sound Pressure Level (SPL) - means the physical intensity of sound or acoustic power that is measured by a sound level meter. SPL is influenced by numerous noise descriptor. Some of those descriptors utilized by a sound level meter are: frequency range, pitch, flat or un-weighted measures, A-weighting measures, C-weighting filters, etc. A-weighting measures emphasize the middle frequency components similar to the response of the human ear.

(b) Nuisance Conditions Prohibited.

(1) No person shall cause, produce or create within the County any loud unreasonable sounds, so as to create offensive sounds or conditions which are a nuisance or a menace to the health, comfort, and safety of the public, which includes, but are not limited to, the following:

A. Frequent and habitual use of a radio, stereo, television, tape or CD player, musical instrument, phonograph, loud speaker system, or other machine or device for the production or reproduction of sound, or any other audible nuisance, which creates unreasonably loud and disturbing noises of such a character, intensity, and duration so as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitivity residing in the County;

B. Any loud, unnecessary or unusual noise or noises by yelling, singing, whistling, shouting, or otherwise, which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivity residing within the County.

C. Frequent and habitual use of sporting equipment, including but not limited to motorcycles, dirt bikes, quad runners, snowmobiles, three/four wheelers, dune buggies, all terrain vehicles (ATVs) and

firearms, which creates unreasonably loud and disturbing noises of such a character, intensity and duration so as to disturb the peace, quiet and comfort of any reasonable person of normal sensitivity residing in the County.

(2) No person shall keep or harbor within the County any animal which, by frequent and habitual barking, howling, yelping or any other audible nuisance, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet, and good order of the County. Note: this paragraph code section is already Summit County law found in Chapter [505](#) "Animal Control". It is a reiteration of the same.

(3) No person shall operate or maintain any vehicular radio, stereo, CD player, or any noise-making device or noise-amplifying or noise-producing instrument or device in any public or private place, by which the peace and good order of the neighborhood is disturbed, or by which persons owning or occupying property in the neighborhood are subject to a noise nuisance.

(4) No person shall operate or maintain a home or business burglar alarm which upon activation shall continue to sound after a law enforcement officer has made reasonable and diligent attempt to reach the owner or responsible person to reset the alarm. A burglar alarm operating and producing sound level conditions which are deemed to be a nuisance, by which the peace and good order of the neighborhood is disturbed, is a violation of this code.

(c) Maximum Noise Level Recommendations.

	Daytime	Nighttime
Residential Area	65 dBA	55 dBA
Non-residential area	67 dBA	62 dBA

(d) Enforcement.

(1) Complaints of noise nuisance shall be investigated by the law enforcement officer of the local political subdivision at the source of the complaint.

Factors to be considered in determining whether a violation has occurred shall include, but not be limited to the following:

- The volume of the noise;
- The intensity of the noise;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The volume and intensity of the background noise, if any;
- The proximity of the noise to residential sleeping facilities;
 - The nature and zoning of the area within which the noise emanates;
 - The density of the inhabitation of the area within which the noise emanates;
- The time of day or night the noise occurs;
- The duration of the noise;
 - Whether the noise is recurrent, intermittent or constant;
 - Whether the noise is produced by a commercial or noncommercial activity;
 - Whether a sound from a property is audible more than eighty (80) feet from the property line of the property;
 - Whether a sound from a vehicle on a street, highway or in the public right-of-way is audible more than one hundred (100) feet from the vehicle.

(2) Upon the investigation of a noise nuisance complaint, the law enforcement officer shall determine whether a citation is necessary.

(3) The law enforcement officer may use a sound level meter for that determination. A sound level meter is not required for a citation under this code.

(e) Exemptions. Exempted from these nuisance noise regulations:

- (1) Noise of safety signals and warning devices.
- (2) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (3) Noises resulting from emergency work or noise levels for which a special permit or permits have been granted, including but not limited to construction permits.
- (4) Noises from lawfully scheduled sporting events, parades, fireworks, festivals and concerts.
- (5) Noises resulting from school bells and playground activity.
- (6) Construction sounds occurring between 7:00 a.m. and 9:00 p.m.
- (7) Refuse collection occurring between 6:00 a.m. and 9:00 p.m.
- (8) Permits exempting certain noises from this code may be authorized by the local political subdivision.

(f) Penalties.

(1) Any person who is found to be in violation of this Noise Nuisance Code shall be issued a warning and a request to desist from a law enforcement officer. If the offender persists in creating a noise nuisance after reasonable warning or request to desist from a law enforcement officer, creating a noise nuisance is a minor misdemeanor.

(2) Any subsequent violation of this Noise Nuisance Code shall be creating a noise nuisance, a misdemeanor of the fourth degree and may result in fines up to \$250.00.

(3) Each day such violation is committed or permitted to continue shall constitute a separate offense.

(4) In any violation of this Noise Nuisance Code involving sound equipment, the sound equipment may be subject to seizure and forfeiture. Disposition of the property subject to seizure and forfeiture under this Noise Nuisance Code shall be pursuant to Ohio- Revised Code Section 2933.41 through 2933.43.

(g) Relation to other Law. Nothing in this chapter shall prevent any municipality within the County of Summit from regulating noise nuisance within its own boundaries. This Code section shall apply in all townships, villages and municipal corporations within the County of Summit.

(h) Severability. If any part of this section shall be found to be invalid or unconstitutional by any court of competent jurisdiction, such findings shall not affect the remaining portions hereof and shall remain in full force and effect.

(Ord. 2005-558. Adopted 1-9-06.)