

Ordinance 2016-09-01A

NOISE



PURPOSE:

This ordinance is enacted to protect, preserve and promote the health, safety, welfare, peace, quiet, and quality of life for the citizens of Mantua through the reduction, control and prevention of excessive noise. It is the intent of this ordinance is to establish standards that will eliminate and reduce unnecessary and excessive traffic and community noise, which are physically harmful or detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

APPLICABILITY:

The provisions of this ordinance apply to sound generated from real property located within the city. It shall have no applicability to all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

DEFINITIONS:

The following words and phrases, when used in this ordinance, shall have the following meanings:

COMMERCIAL POWER EQUIPMENT: Any equipment or device rated at more than eight (8) horsepower and used for home or building repairs or grounds maintenance.

COMMERCIAL PREMISES: Any premises involving traffic in goods or furnishing of services for sale or profit, including, but not limited to:

CONSTRUCTION ACTIVITY: Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures, which produces sound clearly audible at the property line of the premises from which the sound originates.

CONSTRUCTION EQUIPMENT: Any equipment or device, such as, but not limited to, pile drivers, power shovels, derricks, hoist tractors, loaders, rollers, compactors, concrete hauling motor vehicles, pavement breakers, bulldozers, crawler-tractors, rotary drills and augers, cranes, ditchers, trenchers, scrapers, wagons, pumps, compressors and pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterways or appurtenance thereto.

DOMESTIC POWER EQUIPMENT: Any equipment or device rated at eight (8) horsepower or less and used for home or building repairs or grounds maintenance, including, but not limited to, power saw, sander, vacuum, lawn mowers (including riding mowers or lawn tractors), leaf blower, and garden equipment. "Domestic Power Equipment" does not include snow blowers or other snow removal equipment or muffled irrigation pumps.

EMERGENCY WORK: Any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public streets, or abating life-threatening conditions.

ENFORCEMENT OFFICER: A peace officer, or an officer or employee of the city authorized by administrative order of the mayor to enforce all or part of the provisions of this ordinance.

PREMISES: Any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, common areas and real properties without buildings or improvements, owned or controlled by a person.

RESIDENTIAL PREMISES: Any premises located within a residential zone or commercial zone where single or multiple dwelling units exist, or where public parks, schools, churches, hospitals, nursing homes, homes for the aged, and similar institutional facilities are located.

RESTRICTED USES OR ACTIVITIES:

1. **A. Construction Equipment Or Activity:** The operation of construction equipment or the performance of construction activity, except as required for emergency work, shall only be allowed between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. on weekdays or between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. on weekends (Saturday and Sunday).
- B. Commercial Power Equipment:** The operation of any commercial power equipment shall only be allowed between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- C. Domestic Power Equipment:** The operation of any domestic power equipment shall only be allowed between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- D. Loading/Unloading Operations:** Except as otherwise provided for solid waste collection in subsection H of this section, loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, liquids, garbage cans, refuse, or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or public, shall not be allowed between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., when the sound therefrom is clearly audible across the property line of a residential premises.

EXCEPTIONS TO NOISE ORDINANCE:

The provisions of this ordinance shall not apply to the following uses and activities:

- A.** Noises of safety signals, warning devices, emergency alert systems, and emergency pressure relief valves.
- B.** Noises resulting from any authorized emergency vehicle when responding to an emergency call or in time of emergency.
- C.** Noises resulting from emergency work.
- D.** Farm equipment engaged in agricultural activities
- F.** Any aircraft equipment operated in conformity with, or pursuant to, state statute, federal law or federal regulations, and traffic control instruction used pursuant to and within the duly adopted

state or federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt.

K. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal.

REQUEST FOR EXEMPTION

You may apply for an exemption from the Town of Mantua in either of these circumstances:

1. The potential danger to the community is outweighed by the benefit to the public interest during the period of exemption, or
1. Compliance with the provisions of this chapter from which exemption is sought would produce serious hardship without equal or greater benefits to the public.

A Noise Exemption Request **must be submitted in writing** and all information requested must be completed. Request can be mailed, faxed, or hand delivered to the office.

Request must include:

1. Dates and Times the work is to be done
2. Location or Address of the work site.
3. Map of the site, streets, and adjacent properties
4. Full Description of the potential danger and/or serious hardship to the public which would require an exemption to the noise control ordinance.
5. The type of equipment that will be used.
6. Notification to Affected Community Residents
7. Name and Phone number of contact person and/or on-site supervisor(s) responsible for the site.
8. Other information, if any, believed by the applicant to be pertinent to the application

Copy of exemption to be posted and accessible at all times.

PENALTY

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of an infraction with a penalty of \$100.00 on the first offense. If a person is found guilty of a subsequent similar violation within two years, he is guilty of an infraction with a penalty of \$200.00 per occurrence.

Each day such violation is committed or permitted to continue shall constitute a separate violation.

The city attorney, or if appropriate the county attorney or district attorney, may initiate legal action, civil or criminal, requested by the Town of Mantua to abate any condition that exists in violation of these rules and regulations.

In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Town of Mantua in removing or abating any nuisance or other noise disturbance.

SEVERABILITY

If any provision, clause, sentence, or paragraph of these rules and regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations. The valid part of any clause, sentence, or paragraph of these regulations shall be given independence from the invalid provision or application and to this end the provisions of these regulations are hereby declared to be severable.

ADOPTED AND PASSED AS REQUIRED BY LAW THIS 1st DAY OF SEPTEMBER 2016

ATTEST:

MANTUA TOWN



Jan Palmer, Recorder



Michael Johnson, Mayor