

ORDINANCE NO. 24-05

AN ORDINANCE AMENDING SECTION 509.10 OF THE
CODIFIED ORDINANCES OF THE CITY OF DELAWARE
REGARDING NOISE. **(AS AMENDED)**

WHEREAS, this Council deems it appropriate to amend
Section 509.10 after its review, precipitated by concerns of the
citizens of the City of Delaware.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of
Delaware, State of Ohio:

SECTION 1. That Section 509.10 of the Codified Ordinances be amended
as follows:

509.10. Permitting noise or disturbances **NOISE ORDINANCE.**

(a) **PROHIBITED NOISE.**

(1) No person being the keeper or occupant of any house, building, room,
booth, arbor, shed or tenement, shall permit **CREATE, OR CAUSE**
THE CREATION OF, any **UNREASONABLY** loud noise or disturbance
therein, drunkenness, drunken or rowdy behavior, or any immoral or
indecent acts, or any noise offensive to good morals or tending **IN**
SUCH A MANNER AS TO DISTURB THE PEACE AND QUIET,
COMFORT, OR REPOSE OF A PERSON OF ORDINARY
SENSIBILITIES, OR EMANATE NOISE EXCEEDING THE SOUND
LEVEL LIMITATIONS SET FORTH IN 509.10(a)(2).

(2) (A) **THE FOLLOWING SOUND LEVEL LIMITATIONS REGARDING**
ZONING DISTRICTS AND TIMES OF DAY SHALL SERVE AS
PRIMA FACIE EVIDENCE OF A VIOLATION OF SECTION
509.10(A)(1) WHEN MEASURED AT OR OUTSIDE THE
BOUNDARY OF THE PROPERTY FROM WHICH THE SOUND IS
EMANATING AS FOLLOWS FROM THE RECEIVING PROPERTY:

USEZONING DISTRICT CLASSIFICATION	TIME OF DAY	CONTINUOUS SOUND LEVEL LIMITATIONS	MAXIMUM SOUND LEVEL LIMITATIONS
ANY A-1 OR R DISTRICT RESIDENTIAL	7:00 A.M. TO 10:00 P.M.	<u>55 DBA</u>	<u>65 DBA</u>
	10:00 P.M. TO 7:00 A.M.	<u>45DBA</u>	<u>55 DBA</u>
ANY B, PO/I, OR O-DISTRICT BUSINESS	7:00 A.M. TO 10:00 P.M.	<u>65 DBA</u>	<u>6575 DBA</u>
	10:00 P.M. TO 7:00 A.M.	<u>60 DBA</u>	<u>7060 DBA</u>

ANY M-1 DISTRICT INDUSTRIAL	7:00 A.M. TO 10:00 P.M.	70	80750 DBA
	10:00 P.M. TO 7:00 A.M.	65DBA	7565 DBA
ANY M-2 DISTRICT	ANY TIMES OF DAY.		75 DBA

(B) LOW-FREQUENCY NOISE WITH DEEP BASS SOUNDS
(FREQUENCIES BETWEEN 31.5 HZ AND 500 HZ) SHALL BE
EVALUATED USING C-WEIGHTED DECIBELS (dBC) SHALL NOT
EXCEED THE FOLLOWING CONTINUOUS SOUND LEVEL
LIMITATIONS BASED ON THE OCTAVE BAND CENTER
FREQUENCY AND CORRESPONDING A-WEIGHTED OVERALL
LIMIT FOR THE APPLICABLE ZONING CLASSIFICATION
DURING THE DESIGNATED TIME OF DAY ACCORDING TO THE
FOLLOWING OCTAVE BAND SOUND PRESSURE LEVEL
LIMITATIONS.

OCTAVE BAND LEVEL	TIME OF DAY	ANY A-1 OR R DISTRICT	ANY B, PO/I, OR O DISTRICT	ANY M-1 DISTRICT	ANY M-2 DISTRICT
31.5 HZ	7 A.M. TO 10 P.M.	96.5 DBC	101.5 DBC	106.5 DBC	111.5 DBC
	10 P.M. TO 7 A.M.	91.5 DBC	96.5 DBC	101.5 DBC	
63 HZ	7 A.M. TO 10 P.M.	85.4 DBC	90.4 DBC	95.4 DBC	100.4 DBC
	10 P.M. TO 7 A.M.	80.4 DBC	85.4 DBC	90.4 DBC	
125 HZ	7 A.M. TO 10 P.M.	76 DBC	81 DBC	86 DBC	91 DBC
	10 P.M. TO 7 A.M.	71 DBC	76 DBC	81 DBC	
250 HZ	7 A.M. TO 10 P.M.	68.7 DBC	73.7 DBC	78.7 DBC	83.7 DBC
	10 P.M. TO 7 A.M.	63.7 DBC	68.7 DBC	73.7 DBC	
500 HZ	7 A.M. TO 10 P.M.	63.2	68.2 DBC	73.2 DBC	78.2 DBC
	10 P.M. TO 7 A.M.	58.2 DBC	63.2 DBC	68.2 DBC	

OVERALL LEVEL	63 HZ	125 HZ	250 HZ	500 HZ	1K HZ	2K HZ	4KHZ	8K HZ
70 DB(A)	91 DB	86 DB	81 DB	76 DB	72 DB	68 DB	64 DB	60 DB
65 DB(A)	86 DB	81 DB	76 DB	71 DB	67 DB	63 DB	59 DB	55 DB
60 DB(A)	81 DB	76 DB	71 DB	66 DB	62 DB	58 DB	54 DB	50 DB
55 DB(A)	76 DB	71 DB	66 DB	61 DB	57 DB	53 DB	49 DB	45 DB
45 DB(A)	68 DB	62 DB	56 DB	51 DB	47 DB	43 DB	39 DB	35 DB

(C) THE SOUND LEVEL LIMITATION IS EXCEEDED WHEN A SOUND METER READING TAKEN OVER A MINIMUM OF A ~~FIVETHREE~~-MINUTE PERIOD PRODUCES AN AVERAGE READING THAT IS HIGHER THAN THE CONTINUOUS SOUND LEVEL LIMITATION PERMITTED IN A GIVEN ZONING USE CLASSIFICATION DISTRICT AND TIME OF DAY AS SET FORTH IN SECTION (a)(2)(A), EXCEEDS THE MAXIMUM SOUND LEVEL LIMITATION PERMITTED IN A GIVEN ZONING CLASSIFICATION AT ANY TIME DURING THE FIVE-MINUTE METER READING PERIOD AS SET FORTH IN SECTION (a)(2)(A), OR EXCEEDS THE LIMITATIONS SET FORTH IN SECTION (A)(2)(B).

(b) DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS AND PHRASES SHALL HAVE THE FOLLOWING DEFINITIONS:

- (1) "ANSI" MEANS THE AMERICAN NATIONAL STANDARDS INSTITUTE OR ITS SUCCESSOR BODIES.
- (2) "DBA" IS THE UNIT OF MEASUREMENT USED BY AN A-WEIGHTED SOUND LEVEL METER.
- (3) "DBC" IS THE UNIT OF MEASUREMENT USED BY AN C-WEIGHTED SOUND LEVEL METER USED FOR LOW-FREQUENCY NOISE MEASUREMENTS OR FOR LOUDER SOUND SOURCES.
- (4) "DECIBEL" MEANS A UNIT FOR MEASURING THE INTENSITY OF A SOUND, EQUAL TO TWENTY (20) TIMES THE LOGARITHM TO THE BASE TEN (10) OF THE RATIO OF THE PRESSURE OF THE SOUND MEASURED TO THE REFERENCE PRESSURE, WHICH IS TWENTY (20) MICROPASCALS.
- (5) "EMERGENCY" MEANS A REASONABLY UNFORESEEN OCCURRENCE WITH A POTENTIAL TO ENDANGER PERSONAL SAFETY OR HEALTH, OR CAUSE SUBSTANTIAL DAMAGE TO PROPERTY, THAT CALLS FOR IMMEDIATE ACTION.
- (6) "EMERGENCY VEHICLE" MEANS EMERGENCY VEHICLES OF MUNICIPAL, TOWNSHIP OR COUNTY DEPARTMENTS OR PUBLIC UTILITY CORPORATIONS WHEN IDENTIFIED AS SUCH AS REQUIRED BY LAW, THE OHIO DIRECTOR OF PUBLIC SAFETY OR LOCAL AUTHORITIES, AND MOTOR VEHICLES WHEN COMMANDEERED BY A POLICE OFFICER.
- (7) "OCTAVE" MEANS THE INTERVAL BETWEEN TWO SOUNDS HAVING A FREQUENCY RATION OF TWO.
- (8) "OCTAVE BAND" MEANS A SEGEMNT OF THE FREQUENCY SPECTRUM SEPARATED BY AN OCTAVE.
- (9) "OCTAVE BAND LEVEL" MEANS THE INTEGRATED SOUND PRESSURE LEVEL OF THOSE SIBE-WAVE COMPONENTS IN A SPECIFIED OCTAVE BAND.

- (10) **"PERSON" MEANS ANY PUBLIC OR PRIVATE CORPORATION, INDIVIDUAL, ASSOCIATION, OR ANY OTHER ENTITY.**
- (11) **"RECEIVING PROPERTY" MEANS THE LOCATION WHERE THE UNREASONABLY LOUD NOISE IS OCCURRING DUE TO NOISE BEING GENERATED AT A SOURCE LOCATION AND INCLUDES ANY POINT ON THE PROPERTY THAT IS ABOVE GROUND LEVEL, INCLUDING THE PROPERTY LINE AND THE POINT THAT IS NEAREST TO THE SOURCE LOCATION.**
- (12) **"SOUND LEVEL METER" MEANS AN INSTRUMENT USED TO MEASURE NOISE AND SOUND LEVELS IN A SPECIFIED MANNER THAT IS CALIBRATED IN DECIBELS AND INCLUDES A MICROPHONE, AN AMPLIFIER, AN OUTPUT METER, AND FREQUENCY-WEIGHING NETWORKS. THE METER MUST SATISFY THE APPLICABLE STANDARDS FOR A TYPE 1 OR TYPE 2 SOUND LEVEL METER AS DEFINED IN ANSI S1.4 - 1983 OR THE MOST RECENT VERSION.**
- (13) **"SOUND LEVEL LIMITATION" MEANS THE VOLUME AT WHICH A PRIMA FACIE VIOLATION OF THIS SECTION HAS OCCURRED AND SHALL BE DETERMINED BASED ON THE ZONING USE CLASSIFICATION DISTRICT OF THE RECEIVING PROPERTY.**
- (14) **"SOURCE LOCATION" MEANS THE LOCATION OF THE SOURCE GENERATING EXCESS NOISE AT THE RECEIVING PROPERTY.**
- (15) **"UNREASONABLY LOUD NOISE" MEANS ANY NOISE THAT EXCEEDS THE MAXIMUM DECIBEL LEVEL FOR THE TIME OF DAY AND ZONING DISTRICT ~~THAT THE NOISE IS OCCURRING IN,~~ OF THE RECEIVING PROPERTY OR ANY NOISE THAT EMANATES IN SUCH A VOLUME AND/OR DURATION TO CAUSE ANNOYANCE OR OFFENSE TO A PERSON OF REASONABLE AND ORDINARY SENSIBILITIES.**
- (16) **"WARNING DEVICE" MEANS ANY DEVICE WHICH SIGNALS AN UNSAFE OR POTENTIALLY DANGEROUS SITUATION, INCLUDING DEVICES SUCH AS, BUT NOT LIMITED TO, FIRE ALARMS AND EMERGENCY WEATHER ALERT DEVICES.**
- ~~(17) "ZONING DISTRICTS" ARE DEFINED IN ACCORDANCE WITH THE ZONING DISTRICTS ESTABLISHED BY CHAPTER 1131.01 OF THE CODIFIED ORDINANCES OF DELAWARE, OHIO.~~

~~(b)~~ **(c) OVERNIGHT BUILDING PERMITS.** No A person shall NOT erect, ~~(including excavation),~~ **EXCAVATE,** demolish, alter or repair any building in **WITHIN** or adjacent to a residential area of the City other than between the hours of ~~6:30 a.m. and 9:00 p.m.~~ **10:00 P.M. AND 7:00 A.M.** daily, except **UNLESS THEY HAVE OBTAINED A PERMIT FROM THE CHIEF BUILDING OFFICIAL. SUCH PERMITS SHALL ONLY BE GRANTED** in **THE** case of **AN** urgent necessity **THAT IS** in the

interest of public health and safety, and ~~then only with a permit from the Building Inspector, which permit may be~~ **shall be granted issued** for a period not to ~~exceed~~ **LONGER THAN** three days ~~or less while the emergency continues, and which~~ **SUCH** permit may be renewed for **SUBSEQUENT** periods of **NOT MORE THAN** three days ~~or less while the emergency continues.~~

(1) UPON AN APPLICATION BEING MADE, if the ~~Building Inspector~~ **CHIEF BUILDING OFFICIAL** ~~should determine~~**S** that the public health and safety will not be ~~impaired~~ **NEGATIVELY IMPACTED** by the erection, ~~(including excavation),~~ **EXCAVATION**, demolition, alteration or repair of any building between the hours of ~~9:00 p.m. and 6:30 a.m.~~ **10:00 P.M. AND 7:00 A.M.**, and if ~~(s)he~~ further determines that loss or inconvenience would result to any party in interest, ~~(s)he~~ may grant permission **ISSUE A PERMIT** for such work to be done between such hours, ~~upon application being made at the time permit for the work is awarded or during the progress of the work. Emergency repair of utilities shall be exempt from the provisions of this section.~~

(c) EXEMPTIONS. THIS SECTION DOES NOT APPLY TO THE FOLLOWING:

- (1) THE EMISSION OF ANY LOUD NOISES FOR THE PURPOSE OF ALERTING PERSONS TO THE EXISTENCE OF AN EMERGENCY, OR THE EMISSION OF ANY LOUD NOISES DURING THE PERFORMANCE OF EMERGENCY WORK, INCLUDING THE NOISES EMITTED FROM ANY EMERGENCY VEHICLES.**
- (2) THE EMISSION OF ANY LOUD NOISES RESULTING FROM THE PROPER USE OR TESTING OF A WARNING DEVICE.**
- (3) THE EMISSION OF ANY LOUD NOISES RESULTING FROM THE emergency repair of utilities.**
- (4) PROGRAMS, ACTIVITIES, EVENTS, SPORTING EVENTS, AND OTHER ENTERTAINMENT THAT IS BEING CONDUCTED PURSUANT TO A PERMIT AUTHORIZED BY THE CITY OF DELAWARE, SUCH AS BUT NOT LIMITED TO, A SPECIAL USE PERMIT, A TEMPORARY USE PERMIT, OR A CONDITIONAL USE PERMIT, EXCEPT TO THE EXTENT THAT AN ISSUED SPECIAL USE PERMIT, TEMPORARY USE PERMIT, OR CONDITIONAL USE PERMIT INCLUDES A CONDITION THAT THE PERMIT HOLDER MUST COMPLY WITH REASONABLE REQUESTS OF POLICE PERSONNEL TO LOWER THE NOISE, AND POLICE PERSONNEL MAKE SUCH A REASONABLE REQUEST.**
- (5) PROGRAMS, ACTIVITIES, EVENTS, SPORTING EVENTS, AND OTHER ENTERTAINMENT AUTHORIZED BY THE CITY OF DELAWARE, ANY PUBLIC OR PRIVATE SCHOOL WITHIN THE CITY OF DELAWARE, OR ANY COLLEGE OR UNIVERSITY WITHIN THE CITY OF DELAWARE.**

(d) PENALTY. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E)(1) OF THIS SECTION, whoever violates this section is guilty of a minor misdemeanor.

(1) ENHANCEMENTS. IF WITHIN ONE YEAR OF THE OFFENSE AN OFFENDER HAS PREVIOUSLY BEEN CONVICTED OF ONE OR MORE VIOLATIONS OF THIS SECTION, THEN WHOEVER VIOLATES THIS SECTION IS GUILTY OF AN UNCLASSIFIED MISDEMEANOR, WHICH CARRIES A FINE OF UP TO ONE THOUSAND DOLLARS (\$1,000.00) ~~OF THE FOURTH DEGREE.~~

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

PASSED: September 23, 2024

YEAS 6 NAYS 0

ABSTAIN 0

ATTEST: Sarah Dinos
CITY CLERK

Cathy Kay Regal
MAYOR