



**THE CITY OF SOLON
CITY COUNCIL**

34200 BAINBRIDGE ROAD
SOLON, OH 44139-2955
PHONE: 440-349-6740

9/21/15
1/12

MEMORANDUM

To: Planning Commission Members

From: Donna Letourneau, Clerk of Council

Date: November 17, 2020

Re: Proposed amendment to Section 634.10 of the General Offenses Code (Power Equipment and Hand Tools – Noise Regulations)

At its meeting of November 16, 2020, the Council referred the following issue to the Planning Commission for review and recommendations:

Request from Planning Director Frankland for a proposed amendment to Section 634.10 of the General Offenses Code (Power Equipment and Hand Tools – Noise Regulations).

Please report back to the Council, through the Clerk as soon as possible



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MEMORANDUM
ROBERT S. FRANKLAND, AICP
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: NOVEMBER 9, 2020
TO: EDWARD KRAUS, MAYOR
CITY COUNCIL
RE: PROPOSED AMENDMENT - NOISE NUISANCES IN RESIDENTIAL AREAS

Please find attached for your consideration, a proposed amendment to Section 634.10 of the General Offense Code (Power Equipment and Hand Tools - Noise Regulations).

The City frequently receives complaints regarding early morning/late evening use of power equipment and/or tools in the exterior yard areas of residentially zoned properties. This includes such equipment as lawn mowers, chain saws, leaf blowers, drills, circular saws, etc.. *However, it should be noted, that there currently are no time based ordinances regulating these conditions*.*

Rather, the General Offense Code only regulates power tools/equipment through a somewhat complex formula establishing maximum acceptable noise output - irrespective of time of day. In specific, the existing code limits noise levels to a range of 86 to 88 decibels, based upon the specific tool type; whether it was manufactured after 1972, 1973 or 1975 (as relevant); and with the decibel measurement being taken at a distance of fifty (50) feet from the particular tool in question (Section 634.10).

Therefore, to simplify this issue and propose reasonable time limits relative to noise nuisances, the attached amendment is being submitted for review. As a starting point for discussion, the amendment proposes restricting the exterior use of power tools/equipment between the hours of 9PM and 9AM on residentially zoned properties.

Should City Council wish to consider this amendment further, the next step would be to refer the matter to the Planning Commission for further review, public input, and final recommendation.

Please do not hesitate to let me know if you have any questions or comments regarding this proposed amendment.

*Time limits on noise do currently exist within the General Offense Code for: "Radios, Phonographs and the Like" (Section 634.04 - 11PM to 7AM), "Musical Instruments" (Section 634.02 - 11PM to 7AM) and "Construction Equipment" used in "building or construction operations" (Section 634.08 - 7PM to 7AM. *Stationary* noise sources are restricted to generating a maximum of 50 decibels at a residential property line (Section 634.12), but with no established time limitation.)

CC: Planning Commission
Tom Lobe, Law Director
Lon Stolarsky, Assistant Law Director
Rick Tonelli, Police Chief

PROPOSED AMENDMENT TO

SECTION 634.10 (POWER TOOL AND HAND TOOL LIMITS)

OF THE GENERAL OFFENSE CODE

(EXISTING WORDING IS DESIGNATED IN "BLACK". PROPOSED WORDING IS DESIGNATED IN "RED")

§ 634.10 POWER EQUIPMENT AND HAND TOOL LIMITS.

(a) No person shall use, operate, sell or lease, or offer for sale or lease, any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise levels at a distance of 50 feet under the test procedures established by § 634.21:

	Type of Equipment	Noise Limit
(1)	Construction and industrial machinery, such as crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic powered equipment and the like, but not including pile drivers.	
	Manufactured after January 1, 1973	88 dB(A)
	Manufactured after January 1, 1975	86 dB(A)
(2)	Agricultural tractors and equipment.	
	Manufactured after January 1, 1973	88 dB(A)
	Manufactured after January 1, 1975	86 dB(A)
(3)	Powered commercial equipment of 20 HP or less intended for infrequent use in a residential area, such as chain saws, pavement breakers, log chippers, powered hand tools and the like	
	Manufactured after January 1, 1973	88 dB(A)
	Manufactured after January 1, 1975	86 dB(A)
(4)	Powered equipment intended for repetitive use in residential areas; such equipment includes lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment	
	Manufactured after January 1, 1972	88 dB(A)
	Manufactured after January 1, 1973	86 dB(A)

(b) No person shall operate any power equipment or tool that is specifically listed under item (a) above and/or that is substantially similar to any listed tool, between the hours of 9PM and 9AM in the exterior yard area of any residentially zoned property. However, equipment that is specifically being utilized in building and construction operations shall be subject to Section 634.08 (Construction Equipment) of this Code.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.



MEMORANDUM
ROBERT S. FRANKLAND, AICP
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: FEBRUARY 2, 2021
TO: PLANNING COMMISSION
RE: AMENDED NOISE ORDINANCE

Please find attached for your review, an amended version of the noise ordinance that is currently before the Planning Commission.

As you are aware, the proposed ordinance suggests the establishment of time of day/nuisance protections regarding the exterior use of mechanical equipment such as lawn mowers, chain saws, power tools, and similar equipment. The ordinance is intended to address a gap in the city's current noise ordinances, whereby the subject equipment is exempt from time of day - and particularly night operation - restrictions. The ordinance was prepared at the request of complainants during the past year.

The attached amendment addresses the Planning Commission requests to:

1. Change the prohibited time of use of such equipment from 9PM to 9AM, to 9PM to 8AM, and:
2. Clarify that the ordinance does not apply to emergency situations, such as snow removal and similar health safety related type situations.

Please do not hesitate to let me know if you have any questions or comments regarding the amended ordinance. Thank you.

CC: Planning Commission
Lon Stolarsky, Assistant Law Director

DRAFT #2 - FEBRUARY 2, 2021

PROPOSED AMENDMENT TO

SECTION 634.10 (POWER TOOL AND HAND TOOL LIMITS)

OF THE GENERAL OFFENSE CODE

(EXISTING WORDING IS DESIGNATED IN "BLACK". WORDING OF THE 11/9/20 DRAFT #1 VERSION OF THE ORDINANCE IS DESIGNATED IN "RED". THE AMENDED DRAFT #2 CHANGES, BASED UPON PLANNING COMMISSION INPUT, IS DESIGNATED IN "BLUE")

634.10 POWER EQUIPMENT AND HAND TOOL LIMITS.

(a) No person shall use, operate, sell or lease, or offer for sale or lease, any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise levels at a distance of 50 feet under the test procedures established by § [634.21](#):

	<i>Type of Equipment</i>	<i>Noise Limit</i>
(1)	Construction and industrial machinery, such as crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic powered equipment and the like, but not including pile drivers.	
	Manufactured after January 1, 1973	88 dB(A)
	Manufactured after January 1, 1975	86 dB(A)
(2)	Agricultural tractors and equipment.	
	Manufactured after January 1, 1973	88 dB(A)
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(3)	Powered commercial equipment of 20 HP or less intended for infrequent use in a residential area, such as chain saws, pavement breakers, log chippers, powered hand tools and the like	
	Manufactured after January 1, 1973	88 dB(A)
	Manufactured after January 1, 1975	86 dB(A)
(4)	Powered equipment intended for repetitive use in residential areas; such equipment includes lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment	
	Manufactured after January 1, 1972	88 dB(A)
	Manufactured after January 1, 1973	86 dB(A)

(b) No person shall operate any power equipment or tool that is specifically listed under item (a) above and/or that is substantially similar to any listed tool, between the hours of 9PM and ~~9AM~~ 8AM in the exterior yard area of any residentially zoned property. However, equipment that is specifically being utilized in building and construction operations shall be subject to Section

634.08 (Construction Equipment) of this Code. This section shall not be deemed to apply to snow blowers, snow plowing, or any other activity related to mitigating immediate health, safety issues and/or emergencies.

(b c) Whoever violates this section is guilty of a misdemeanor of the third degree.