

26.00

**ARTICLE XXVI
SOUND REGULATIONS**

26.10 DECLARATION OF POLICY.

The Whitewater Township Board of Trustees finds and declares that noise (sound which annoys, disturbs or endangers human beings and/or wildlife) is a significant source of environmental pollution that represents a present and increasing threat to the public peace and to the health, safety and welfare of the residents of Whitewater Township and its visitors. Accordingly, it is the policy of the Board to provide standards for permissible sound levels in various areas and manners and at various times and to prohibit sound in excess of those levels.

26.11 DEFINITIONS AND STANDARDS.

All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A. A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated Db(A) or dBA.

B. Construction: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. Decibel (Db): A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

D. Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

E. Emergency Work: Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

F. Impulsive sound: Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

G. Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

H. Noise disturbance: Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

I. Peak sound pressure level: Maximum instantaneous sound pressure level that occurs during a specified (typically short) time interval and is expressed in decibels. Peak sound pressure level and is used to measure impulsive sound.

J. Property boundary: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

K. Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

L. Sound level meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level or sound level when properly calibrated, and is of the type I or type II as specified in the American National Standards Institute publication S1.4-1983 (S1.4-1985) or successor publications.

M. Sound pressure level: Twenty (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals (20 x 10 to the sixth x N/m squared). The sound pressure level is denoted LP or SPL and is expressed in decibels.

N. Sound sensitive area: An area or zone designated by Township, County, State or Federal authorities as a location which prohibits motorized vehicles or which insures exceptional quiet, e.g. hospitals, health recovery treatment centers, nature areas, etc.

26.12 MAXIMUM PERMISSIBLE SOUND LEVELS.

The sound level from any activity, open or enclosed shall not exceed the levels hereby set forth in the following zoning categories when measured at any point on or beyond the property boundary of the property on which the sound source is located.

Zoning category or designation	Maximum number of decibels (DBA) permitted from 7:00 AM until 9:00 PM of the same day	Maximum number of decibels(DBA) permitted from 9:00 PM to 7:00 AM of the following day
Res., R1, R2, R3	55	45
Recreational RC1	55	45
Sound sensitive area	55	45
Commercial RC	60	55
Industrial N	70	65

The above table is modified as follows:

- A. In the event that the sound source affects land in different zones, the standards for the more restrictive zone shall apply.

- B. Impulsive sound, periodic or aperiodic sound or predominant tones consisting of speech, music, or shrill sounds shall be unlawful when the sound levels reach five (5) DBA less than those specified in the table above.
- C. Construction/demolition. Construction work for which a building permit has been issued, or a development plan approved, or demolition work, shall be subject to the maximum permissible sound levels specified for industrial zoning districts during hours of 7:00 a.m. to 5:00 p.m. for work of any type, and until 9:00 p.m. for light construction work which uses only hand tools and power tools (but not including nail guns) of no more than five (5) horse-power. Under no circumstances shall amplified sound be considered as a construction work activity.
- D. Compactor trucks, loading or unloading of trash or garbage. The operation of compactor trucks, and the loading or unloading of trash, shall be subject to the maximum permissible sound level specified for Industrial districts.

26.13 MEASURING INSTRUMENTS.

All sound measurements shall be made on a sound level meter which meets American National Standards Institute (ANSI) specifications S1.4-1983; S1.4A-1985 or successor documents for type I or type II equipment. The sound level meter must include a peak/hold circuit when measuring impulsive sound.

26.14 EXEMPTIONS.

The following uses and activities shall be exempt from sound level regulations:

- A. Sound made by safety signals, warning devices, and sound resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- B. Sound emanating from activities permitted through the issuance of a special permit, including parades and fir-works displays.
- C. Sound emanating from sanctioned activities including those at parks and recreational facilities, or private activities at said facilities as allowed through the issuance of a permit.
- D. Recreational hunting, not including commercial hunting unless authorized.

26.15 RELIEF FROM SOUND REGULATIONS.

Applications for relief from sound regulations in this Ordinance may be made to the Whitewater Township Zoning Board of Appeals. Any ruling granting relief shall contain all conditions upon which said permit has been granted, including, but not limited to, the effective date(s), and time(s) of day, location, sound pressure level, or equipment limitation.

26.16 ENFORCEMENT RESPONSIBILITY.

The Zoning Administrator or his agent is hereby empowered to enforce this article.