

June 28, 2022

MEMORANDUM

To: Thomas J Sheridan, Interim City Manager

From: Greg Hannan, Community Development Director
David Jordan, Community Development Intern

Subj: Noise Ordinance Comparison

Executive Summary

A review of five peer communities found that Hudson's regulations related to residential lawnmower and power equipment generally align with nearby communities, except that Hudson specifically references lawn and power equipment and provides decibel level limitations. Research found that bans on gas power equipment are growing but still very limited nationwide. California has banned sales of new gas-powered lawn equipment starting in 2024 and several municipalities have adopted seasonal restrictions of leaf blowing equipment.

Hudson Standards

The Land Development Code (LDC) provides maximum decibel levels for noise emitting from a residential property (55 decibels day, 50 decibels night). The code does provide exemptions to these level for lawn and maintenance tools between the hours of 7am and 9pm.

LDC 1207.10(a)(3)(D):

D. Homeowners' outdoor equipment.

1. No person shall operate engine or motor-powered lawn or maintenance tools intended for use in residential areas such as power mowers, garden tools, riding tractors, power saws, edgers, and similar equipment, that would create a noise that exceeds the fixed source standards set forth above **except between the hours of 7:00 a.m. and 9:00 p.m.**
2. Where applicable, homeowners' outdoor equipment shall have mufflers that are kept in good working condition.
3. Snow blowers and snow plows are exempted from time requirements of this section when necessary to remove ice and snow.

Peer City Review

The review of five peer cities (Cuyahoga Falls, Kent, Solon, Stow, and Twinsburg) found that most cities utilize a similar regulation structure to Hudson, with power equipment being allowed most hours of the day; however, prohibited during late evening–overnight hours. Some are more permissive, most notably Cuyahoga Falls, which does not have any restrictions on hours that power equipment can be run. Others, like Twinsburg, set the start of the prohibition at sunset rather than at a specific hour.

Hudson is the only reviewed community to have regulations specifically referencing lawn and maintenance tools rather than just general references to noise. Additionally, Hudson was the only code to specifically reference decibel levels.

Electric Lawn Care Equipment Regulations

In October 2021, California signed into law AB-1346, a bill prohibiting sales of gas-powered Small Off-Road Engines (SOREs) such as leaf blowers and lawn mowers. The prohibition will go into effect on July 1, 2024.¹ The main reason for the ban was concern for the environment. While noise pollution was not the focus of the bill, noise reduction will likely be one of the effects. Gas-powered lawn mowers run at approximately 95 dB, while Electric lawn mowers run at approximately 75 dB.²

A similar ban on gas-powered lawn equipment was proposed in Colorado as one part of a larger climate action bill; however, was not adopted. Lawmakers chose instead to offer incentives for purchasing more environmentally friendly devices.³ New York and Illinois were also noted to be considering legislation restricting gas powered residential equipment. Cities including Brookline, MA and Burlington, Vt have municipal level seasonal restrictions on leaf blowers to address noise and environmental concerns.

¹AB-1346 Air pollution: small off-road engines.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1346

² Clean Air Lawn Care. “Electric lawn equipment is quiet.” <https://cleanairlawncare.com/electric-lawn-equipment-is-quiet/>

³ Brasch, S. 2022, March 16. “Colorado Democrats scrap plan to ban leaf blowers and lawnmowers to improve air quality.” *CPR News*. <https://www.cpr.org/2022/03/16/colorado-democrats-scrap-leaf-blowers-lawnmower-ban/>



1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

Peer City Matrix

City	Residential Zone Regulations related to lawnmower – power equipment noise
Hudson: 1207.10	<p>-No sound exceeding 55 dB between 9pm and 7am</p> <p>-No construction equipment operation between 7pm and 7am Mon-Sat or between 7pm Sat and 9am Sun, or after 5pm on Sun in a residential area</p> <p>Engine or motor-powered lawn or maintenance tools intended for use in residential areas such as power mowers, garden tools, riding tractors, power saws, edgers, and similar equipment, that would create a noise that exceeds the fixed source standards set forth above <u>except between the hours of 7:00 a.m. and 9:00 p.m.</u></p>
Cuyahoga Falls	-home occupations shall not generate “excessive” noise (1133.02(C))
Kent	Excessive, unnecessary, or unusually loud noise is prohibited between 9pm and 8am, or “by conducting an unduly large gathering” at any time (509.12)
Solon	<p>-noise that would substantially raise the ambient noise level of the neighborhood is banned (634.07)</p> <p>-power equipment, construction tools, and machinery may not be used between 9pm and 7am (634.10)</p> <p>-No “stationary noise source” louder than 50dBA at any time (634.12)</p>
Stow	-No disturbing, annoying, or dangerous noise between 11pm and 7am (509.08)
Twinsburg	-No “heavy construction equipment” between sunset and 7:30am Mon-Fri and 8am Sat, or at any time on Sunday (509.11)

LAND DEVELOPMENT CODE**1207.10 PERFORMANCE STANDARDS.**

In addition to any standards required in the underlying districts, all developments shall meet the following performance standards:

(a) Noise/Hours of Operation.

(1) Applicability. The following noise standards are in addition to, and shall supplement, noise standards found at Section 648.14 of the City's General Offenses Code.

(2) General standard. No activity or operation within the City shall exceed the maximum permitted sound levels db(A) as set forth below, measured from any point along the property line on which the noise source is located, except as provided in this section:

<i>Source of Sound and Time</i>	<i>Premises Receiving Sound/Sound Level db(A)</i>		
	<i>Residential</i>	<i>Commercial/Institutional</i>	<i>Industrial</i>
Residential Day	55	60	60
Night*	50	50	50
Commercial/Institutional Day	55	60	65
Night	50	50	55
Industrial Day	55	60	70
Night		50	60
* Night shall mean the hours between 9:00 p.m. and 7:00 a.m.			

(3) Additional standards for specific operations and activities.

A. Refuse collection/loading. No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create any noise exceeding the standards set forth above when measured at a distance of fifty feet from the equipment when inside of or within 500 feet of a residential zone. No refuse loading or collection shall take place between the hours of 6:00 p.m. and 7:00 a.m.

B. Truck/rail loading. No truck or rail loading or unloading shall be allowed within 250 feet of a residential lot between the hours of 9:00 p.m. and 7:00 a.m.

C. Animals. No owner, keeper, or harbinger of any animal shall permit such animal to continuously or frequently bark, howl, or emit other audible sounds that create offensive noise to

the annoyance or discomfort of any person of ordinary sensibilities occupying any premises within 1,000 feet of the animal.

D. Homeowners' outdoor equipment.

1. No person shall operate engine or motor-powered lawn or maintenance tools intended for use in residential areas such as power mowers, garden tools, riding tractors, power saws, edgers, and similar equipment, that would create a noise that exceeds the fixed source standards set forth above except between the hours of 7:00 a.m. and 9:00 p.m.

2. Where applicable, homeowners' outdoor equipment shall have mufflers that are kept in good working condition.

3. Snow blowers and snow plows are exempted from time requirements of this section when necessary to remove ice and snow.

E. Construction. No person shall use any pile driver, shovel, hammer derrick, hoist tractor, roller, or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday or between the hours of 7:00 p.m. on Saturday and 9:00 a.m. on Sunday (and all holidays observed by the City of Hudson) or after 5:00 p.m. on Sunday within a residential area, or within 500 feet of a school, except for temporary conditions approved by the City Manager.

F. New construction or additions. All new construction or additions in excess of 5,000 square feet that are planned to house any stationary machinery, device, or equipment that will create noise that exceeds sixty db(A) shall be reviewed to ensure that noise mitigation measures such as building noise attenuation and insulation, siting modifications, berms, barriers, and other measures are utilized to effect noise level reductions up to fifteen db(A) more than normal construction or to fifty-five db(A) at the property line abutting any residential development, whichever will result in the lower expenditure for the applicant.

(4) Exemptions. The following operations and activities are exempted from the limitations of this section:

A. Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.

B. Noises resulting from authorized public activities such as parades, fireworks displays, sports events, musical productions, and other activities that have the approval of the City Manager or City Council.

CODIFIED ORDINANCES – GENERAL OFFENSES CODE

648.14 UNNECESSARY, EXCESSIVE OR OFFENSIVE NOISE OR SOUND.

(a) No person shall make, continue or cause to make or continue any unnecessary, excessive or offensive noise or sounds which are above the prevailing background sound level at any time within the City. This shall include, but is not limited to:

(1) The operation of a musical instrument or sound-producing equipment from vehicles or structures louder than required for the comfortable listening by the inhabitants of such vehicle or structure or in such a manner as to disturb the peace and comfort of the neighboring inhabitants;

(2) Continuous or repetitious barking, howling or other audible sounds by animals harbored by any resident;

(3) The operation or use of any motorized vehicle or equipment in a manner inconsistent with its normal operation; and

(4) Any other activity that results in noise or sounds that may jeopardize the health, safety or welfare of the residents of the City or that results in the denial of the peaceful use of their property or detracts from the quality of life enjoyed by such persons.

(b) The following are excepted from this section:

(1) Audible warning devices on emergency or public safety vehicles when responding to situations in an emergency mode in conjunction with the use of emergency warning lights;

(2) Building and vehicle alarms, unless there is a history of recurrent false activation of such devices;

(3) Construction equipment involved in the emergency repair or stabilization of a structure or facility after the accidental damage of or failure of such structure or facility, with the consent of the City Manager or his or her designee;

(4) Any event sponsored for the enjoyment of the community at large; and

(5) Warning devices such as horns, whistles, etc., when used to warn of a potentially dangerous and/or hazardous condition, but only for the duration of the condition.

(c) Whoever violates this section is guilty of a minor misdemeanor. In addition, if the sound device used during the commission of the offense is either a boombox or an automobile stereo, said sound device shall be subject to seizure and payment of a judgment.

(Ord. 97-73. Passed 6-18-97.)