

**CHAPTER 1137**  
**Performance Standards**

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Introduction: This chapter provides standards for all uses permitted by this Ordinance. These standards are intended to apply in addition to all other requirements of this Ordinance. The enforcement of the following standards shall be by the Zoning Officer, and all decisions regarding these standards shall be based upon measurements made by the Zoning Officer.

**1137.01 PERFORMANCE REQUIREMENTS FOR ALL USES.**

Uses in all districts of the Village shall comply with the standards of performance set forth in this chapter (~~generally accepted methods of collection and standard methods of chemical analysis shall be used in the application of these standards~~). In addition to the requirements listed in this chapter, there shall not be discharged from any source whatsoever such quantities of air contaminants hazardous to persons or the public or which cause injury or damage to business or property.

**1137.02 AIR CONTAMINANTS.**

~~Air contaminants shall be measured not less than 100 feet and not more than one quarter mile from stack or source. Air contaminants less dark in shade than that designated as No. 2 on the Ringelmann Chart, as published by the U.S. Bureau of Mines, are permitted except that No. 2 is permitted for one four minute period in each one half hour. Air contaminants of such opacity as to obscure observer's view to a degree equal to or greater than described above shall not be permitted except that essentially water vapor effluents in the range of white or cream may be excepted from this rule. No emission of air pollutants shall be permitted which violate the Clean Air Act, as amended from time to time, as enforced by the Ohio Environmental Protection Agency.~~

**~~1137.03 PARTICULATE MATTER.~~**

~~Particulate matter and dust shall be measured at a convenient measuring point nearest to stack outlet or source. Particulate matter or dust, as measured at and by any generally accepted manner, shall not be emitted in excess of three tenths grain per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit not exceeding 50 percent excess air, except for periods of four minutes in any one half hour, when it can equal but not exceed five tenths grains per cubic foot of flue gas at a temperature of 500 degrees Fahrenheit not exceeding 50 percent excess air.~~

**~~1137.04 GASES AS MEASURED AT THE PROPERTY LINE.~~**

~~Sulfur dioxide gas shall not exceed an average of three tenths parts per million over a 24 hour period, provided, however, a maximum concentration of five tenths part per million will be allowed for a one hour period out of a 24 hour period; hydrogen sulfide shall not exceed one tenth~~

~~part per million; fluorine shall not exceed one-tenth part per million; nitrous fumes shall not exceed five parts per million; carbon monoxide shall not exceed 15 parts per million.~~

### **1137.053 RADIOACTIVE MATERIAL.**

Radioactive materials shall not be emitted to exceed quantities established by the United States Bureau of Standards or as amended from time to time.

### **1137.064 FIRE HAZARDS.**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved. All standards enforced by the Occupational Safety and Health Administration, Building and Fire Codes shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

### **1137.075 NOISE.**

~~Objectionable noise which is due to volume, frequency or heat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.~~

(a) No person shall willfully cause, create, allow or permit to be made within the Village any unreasonably loud, disturbing and unnecessary noise of such character, intensity or duration as to disturb the peace, quiet, and comfort of a reasonable person of normal sensitivity residing in the Village.

(b) The following noises and disturbances are a violation of this section, provided, however, that such noises and disturbances are not to be construed to exclude other violations not specifically enumerated:

(1) The use or operation of any radio, phonograph, musical instrument, or device designed for the production or reproduction of sound in such a manner or with such volume as to disturb the peace, quiet and comfort of any reasonable person of normal sensitivity residing in the Village or with a volume louder than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the device is operated and who are voluntary listeners. The operation of any of the above-named devices between the hours of 11:00 p.m. and 7:00 a.m. or in such a manner that the noise is plainly audible at a distance of fifty (50) feet from the source of the noise will be prima facie evidence of a violation;

(2) The use of any motorcycle or vehicle so out of repair or loaded so as to create loud or unnecessary grating, grinding, rattling or other noise;

(3) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers;

(4) The making of any unnecessary or unseemly noise by a person or by operation of any instrument, device, agency or vehicle, the performance of any construction, demolition or agricultural activity or the operation of any mechanical, electrical, pneumatically, hydraulically powered or battery operated apparatus used in connection with any construction, demolition or agricultural activity between the hours of 9:00 p.m. and 7:00 a.m. from Monday to Saturday, inclusive. No such activity or operation shall be performed on Sundays or holidays;

(5) The creation of any excessive noise on any street adjacent to any school, institution of learning, or church which unreasonably interferes with the operation of such school, institution of learning, or church.

(c) None of the prohibitions set forth in subsections (a) and (b) shall apply to the following:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities;

(2) Noise of safety signals and warning devices;

(3) Emergency utility or other repair work, such as restoring electric power lines or a water or sewer main;

(4) Excavation or repair of bridges, streets or highways by or on behalf of the Village, State of Ohio, or Cuyahoga County between the hours of 6:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours;

(5) Noises from lawfully scheduled sporting events, parades, fireworks, festivals and concerts.

(6) Noises resulting from band concerts or other public entertainments or announcements given consistent with a permit issued by the Village;

(7) Noises resulting from school bells and playground activity;

(8) Construction sounds or sounds associated with agricultural activity occurring between 7:00 a.m. and 9:00 p.m. from Monday to Saturday, inclusive; and

(9) Noises resulting from the reasonable use of machinery or equipment engaged in landscape maintenance during daylight hours.

(d) A noise or disturbance shall be willfully created if, upon notice, the emitter of the noise fails or refuses to cease creation of the noise.

#### **1137.086 VIBRATION.**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

#### **1137.097 EROSION.**

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

#### **1137.08 LIGHT**

No exterior lighting shall be shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.

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#### **1137.09 NOXIOUS ODORS; FILTHY ACCUMULATIONS; POLLUTING AND DIVERTING WATERCOURSES.**

No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal, which dwelling, building, structure or place, or which activity, by occasioning noxious exhalations or noisome or

offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. No person shall cause or allow offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

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