

General Offenses Code – City of Upper Arlington

§517.15 HOURS OF WORK IN CITY: PURPOSE AND INTENT

(A) These standards are intended to protect persons from excessive noise levels, which interfere with the comfortable enjoyment of life, property and recreation because they can interfere with sleep, communication, relaxation and the full enjoyment of one's property.

(B) Notwithstanding the provisions of Article 3 of the Unified Development Code and C.O. § 517.14, the following types of work conducted outside are considered to be loud, disturbing and unnecessary noises and shall not be performed in the City on Sunday or on other days between the hours of 7:00 p.m. and 7:30 a.m.

- (1) Commercial Garbage Collection: The servicing of private, commercial garbage dumpster by any person(s) using garbage collection vehicles and equipment within one thousand five hundred feet (1,500') of any residential area.
- (2) Pile Drivers, Hammers, Etc: The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (3) Tools: The use of or operation of any power saw, poser planer or other powered tool or appliance.
- (4) Construction: The erection, including construction, excavation, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work.
- (5) Commercial parking lot sweeping.

(C) Notwithstanding the provisions of Article 3 of the Unified Development Code and C.O. § 517.14, the loading or unloading of any commercial truck or van in a commercially zoned area which borders a residential area shall not be performed in the City between the hours of 11:00 p.m. and 7:00 a.m., Monday through Saturday and 10:00 p.m. and 9:00 a.m. on Sunday. This section shall include the usage of any trash hydraulic compacting equipment.

(D) SPECIAL PERMITS

Any person desiring relief from the provisions of C.O. Chapter 517.15 shall apply for a special permit to cause or create noise which would otherwise be in violation of this article at least twenty-one (21) days prior to the date for which the relief is requested. Applications for a special permit shall be made in writing to the City Manager on forms provided for that purpose. Payment of a fee of one hundred dollars (\$100.00) shall accompany the application. The City Manager or his designee shall grant a special permit upon a showing by the applicant of the following:

- (1) Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this article; or
- (2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this article; and
- (3) No reasonable alternative is available to the applicant.

Any permit granted pursuant to this section shall obtain thereon all conditions upon which the permit has been granted, including but not limited to the effective date, time of day, location and equipment limitation. No special permit shall be issued for a period in excess of fifteen (15) consecutive days. Any special permit granted hereunder may be renewed upon application to the City Manager's office upon a showing that the reasons for which the permit was granted still exist. (E) The following types of work shall be exempt from the provisions of this ordinance if such work does not violate any provision of C.O. § 517.14:

- (1) Use of any mechanical device, apparatus or equipment used, related to or connected with emergency activities or emergency work or associated with work performed by private or public utilities in the maintenance or modification of its facilities.
- (2) Noise sources resulting from emergency work, being 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.
- (3) Lawn maintenance including the use of lawnmowers, blowers, edge trimmers, electric trimmers or tree trimming equipment may be conducted on Sunday but may not be conducted on any day between the hours of 8:00 p.m. and 7:30 a.m.
- (4) Work performed completely inside a house, building or other enclosed structure.