

ORDINANCE NO. O-24-70

AMENDING CERTAIN SECTIONS OF PART 11 – PLANNING AND ZONING
CODE OF THE WILMINGTON CODIFIED ORDINANCES

WHEREAS, City Council desires to amend certain sections of PART 11 – PLANNING And ZONING CODE of the Wilmington Codified Ordinances; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

[Additions to the CODIFIED ORDINANCES are in **bold** and deletions are lined through or noted below]:

Section 1. That SECTION 1151.04(2) GENERAL STANDARDS- NOISE be, and hereby is, amended to read as follows:

- (2) *Noise.*
- a) *Purpose and intent.* It is the intent of these performance standards in Section 1151.04(m)(2) to regulate those noises and sounds which are associated with the activities pertaining to the use of land and sites in the City of Wilmington, and are often times a consistent or recurring problem causing disturbance to nearby properties. Issues of noise which occur on a one-time basis (e.g. a party event on a residential property) are generally not the concern of these regulations, unless they become a consistently present problem. One-time or event-based noise complaints should first be directed to the police department of jurisdiction prior to contacting the Zoning Administrator.
- b) *Noise control.* No activity on private property shall emit noise in excess of the sound levels listed in subsection c., with the exception that when the existing ambient noise level meets or exceeds the maximum permitted level, a source may not add more than two dBA to the ambient noise level.
- c) *Maximum permitted sound levels.* This table assembles a listing of noise source properties organized by use category with their corresponding maximum permitted sound levels for receiving properties during the times specified.

SOURCE PROPERTY		RECEIVING PROPERTY		
Use Category	Time	Residential	Commercial & Public/Institutional	Industrial
Residential	7am — 10pm	60 dBA	65 dBA	65 dBA
	10pm — 7am	55 dBA	55 dBA	55 dBA
Commercial & Public/Institutional	7am — 10pm	60 dBA	65 dBA	70 dBA
	10pm — 7am	55 dBA	55 dBA	60 dBA
Industrial	7am — 10pm	60 dBA	65 dBA	75 dBA
	10pm — 7am	55 dBA	55 dBA	65 dBA

- d. *Measurement of noise.* Sound levels shall be measured and determined subject to the following conditions:
1. Sound levels shall be determined by the use of a sound meter designed to give A-weighted measurements designated as dBA or dB(A). The use of the fast, slow, or impulse response setting on the sound level meter shall be at the discretion of the Zoning Administrator.
 2. Measurement shall be taken, at the discretion of the Zoning Administrator, at the property line or anywhere beyond the property line of the source property.
 3. The property used to collect the sound level measurement need not be contiguous to the property creating the noise.

- e. *Noise source exemptions.* Certain noise sources shall be exempt from the standards contained within this subsection (2) subject to the following conditions:
1. The following noise sources shall be exempt during the hours of 7:00 a.m. through 10:00 p.m.:
 - i. Firearms on authorized ranges;
 - ii. Legal blasting;
 - iii. Construction equipment and activity;
 - iv. Installation of utility services; and
 - v. Lawn, yard, and garden equipment, such as lawn mowers, blowers, and chain saws.
 2. The following noise sources shall be exempt at all times:
 - i. Aircraft;
 - ii. Railroads;
 - iii. Emergency vehicles and equipment;
 - iv. **Critical infrastructure, such as generators, utilized for emergency use during electrical power outages for public and private entities and/or persons.**
 - v. Warning devices operating continuously for not more than five minutes;
 - vi. The repair of essential utility services;
 - vii. The improvement of the public right-of-way; and
 - viii. Officially sanctioned parades and other public events

Section 2. That each and every section of Part 11 – Planning and Zoning Code, of the Codified Ordinances, except those sections identified and amended in Section 1 of this ordinance, are hereby ratified and republished and incorporated herein by reference as though fully rewritten herein.

Section 3. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance shall be effective from the earliest period allowed by law.

Passed this ____day of _____, 2025

President of Council

ATTEST:

Clerk of Council

Approved by me this ____day of _____, 2025

Mayor