

509.03 LOUD AND DISTURBING NOISES PROHIBITED.

(a) No person shall make, permit or cause to be made, any unreasonably loud, disturbing or unnecessary noise of such character, intensity and/or duration as to disturb the peace and quiet of the City.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive.

(1) Horns, signaling devices, etc. The sounding of any horn, bell or other signal or warning device on any automobile, motorcycle, bus or other vehicle, except as a danger or warning signal, but any such sounding of horn, bell or other signal or warning device as a danger or warning signal shall not be unreasonably loud or harsh or continued for an unnecessary length of time.

(2) Animals and birds. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.

(3) Defects in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

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

(5) Motor vehicle exhaust. The discharge into the open air of the exhaust of any motor vehicle, or internal combustion engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. (1964 Code §507.49)

(c) Whoever violates this section is guilty of a minor misdemeanor.

509.04 NOISE-MAKING AND NOISE-AMPLIFYING DEVICES; VARIANCES.

(a) The operation or maintenance of noise-making, noise-amplifying or noise-producing instruments or devices by which the peace or good order of a neighborhood is disturbed is hereby declared to be a nuisance. No person shall operate or maintain any radio, phonograph, tape player, compact disc player, loudspeaker or any noise-making device, or noise-amplifying device, in any public or private place by which the peace and good order of the neighborhood is disturbed or persons owning or occupying property in the neighborhood are disturbed or annoyed. "Neighborhood" includes the vicinity of any school, institution of learning, place of worship, court or hospital, while the same is in use.

(b) It shall be unlawful to use, operate or permit the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public space for any commercial purpose. It shall be unlawful to use, operate or permit for any noncommercial purposes any loudspeaker, public address system, mobile sound vehicle or similar device between the hours of 8:00 p.m. and 8:00 a.m. such that the sound therefrom creates a noise disturbance across a residential real property boundary.

(c) The Director of Public Safety or his designated representative shall have the authority, consistent with this section, to grant special variances.

(1) Any person seeking a special variance pursuant to this section shall file an application with the Director or his designated representative. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this section would constitute an unreasonable hardship on the applicant, community or other persons.

(2) In determining whether to grant or deny the application, the Director or his designated representative shall balance the hardship to the applicant, the community and other persons, of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Any regulations of time, place and manner shall be independent of the content of the speech. Applicants for special variances and persons contesting special variances may be required to submit any information the Director or his representative may reasonably require.

(3) A special variance shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance was granted.

(d) The provisions of this section shall not apply to the following:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency or for

the performance of emergency work; or

(2) Organized school-related programs, activities or events, or parades or other public programs, activities or events, authorized by the Director or his designated representative.

(e) Any violation of this section is declared to be a nuisance. In addition to any other relief provided by this section, the Law Director may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.

(f) Whoever violates this section is guilty of a minor misdemeanor; if the offender has had one prior conviction of this offense, the second violation of this section is a misdemeanor of the fourth degree; if the offender has had two or more prior convictions of this offense, any subsequent violation of this section is a misdemeanor of the third degree.

(Ord. 160-91. Passed 9-23-91.)

509.05 EXCESSIVE VEHICULAR SOUND SYSTEM AMPLIFICATION PROHIBITED.

(a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle.

(b) "Sound amplification system" means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of the human voice or musical instruments.

(c) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of fifty feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

(d) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system and that any of the following apply:

(1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(2) The vehicle was an emergency or public safety vehicle;

(3) The vehicle was owned and operated by a governmental agency or a gas, electric, communications or refuse company;

(4) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with proper authorization by the City; or

(5) The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the Department of the City authorized to grant such approval.

(e) Whoever violates this section is guilty of a minor misdemeanor; if the offender has had one prior conviction of this offense, the second violation of this section is a misdemeanor of the fourth degree; if the offender has had two or more prior convictions of this offense, any subsequent violation of this section is a misdemeanor of the third degree.

(Ord. 160-91. Passed 9-23-91.)

(f) Upon conviction of any person under this section, any sound amplification system which such person owns or possesses in violation of any of the provisions of this section shall be subject to confiscation in accordance with the provisions of Ohio R.C. 2933.41.

(Ord. 136-92. Passed 7-27-92.)