

## Chapter 909 - COMMUNITY NOISE

### Sec. 909-1. - Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

All definitions/terminology used in this chapter, but not defined below, shall be in conformance with the applicable standards of the American National Standards Institute (ANSI) or its successor body.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)

### Sec. 909-1-A. - ANSI.

"ANSI" means the American National Standards Institute or its successor bodies.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)

### Sec. 909-1-D. - Decibel.

"Decibel" (dB) means a unit for measuring the intensity of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)

### Sec. 909-1-P. - Person.

"Person" means any public corporation, private corporation, individual, firm, partnership, association or any other entity.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)

### Sec. 909-1-S. - Sound level meter.

"Sound level meter" means an instrument used to measure noise and sound levels in a specified manner that is calibrated in decibels and includes a microphone, an amplifier, an output meter, and frequency-weighting networks. The meter must satisfy the applicable standards for a Type 1 or Type 2 sound level meter as defined in ANSI S1.4 - 1983 or the most recent revision.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)

### Sec. 909-1-Z. - Zoning districts.

"Zoning Districts" means those zoning districts established by Title XIV, Zoning Code of the City of Cincinnati, as enacted by council under authority of the City of Cincinnati by Ordinance No. 15-2004.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)

Sec. 909-3. - Loud noise.

- (A) No person shall create noise or sound, or permit the creation of noise or sound in such a manner as to disturb the peace and quiet of a neighborhood, having due regard for the proximity of places of residence, hospitals or other residential institutions and to any other conditions affected by such noise.
- (B) No person operating a restaurant, hotel, summer garden or other place of refreshment or entertainment shall permit, nor shall any person in or about such restaurant, hotel, summer garden or other place of refreshment or entertainment engage in, the playing or rendition of music of any kind, singing, loud talking, amplification of sound, or other noises on or about the premises, in such a manner as to disturb the peace and quiet of the neighborhood, having due regard for the proximity of places of residence, hospitals or other residential institutions and to any other conditions affected by such noises.
- (C) It shall be prima facie evidence of a violation of this section if any such noise listed in subsection (A) or (B) exceeds the following sound level limitations tested by a sound level meter by receiving zoning district, time of day and day of the week:

Maximum permissible sound levels Leq dB (A)—A sound meter reading taken over a minimum of a six minute period producing an average reading of the limits listed in Tables 1, 2 and 3 below, and shall be measured at or within the boundaries of the receiving or affected property or immediately adjacent to the property of the noise source. When instrumentation cannot be placed within these boundaries, the measurement shall be made as close thereto as is reasonable. The day the 7 p.m. to 2 a.m. time period falls on shall be determined by the day that corresponds with the 7 p.m. time.

The maximum permissible sound levels in Planned Development (PD), Hillside (HS), Urban Design (UD), Interim Development Control (IDC) or Historic (HD) Districts shall be assigned by designated members of the Department of City Planning and Buildings upon the District's creation, taking into account the surrounding neighborhoods and their correlating maximum permissible sound levels as indicated in the tables herein. Any PD, HS, UD, IDC, or HD District existing at the time of passage of this ordinance shall have its maximum permissible sound levels assigned by the designated members of the Department of City Planning and Buildings within 30 days of passage of this ordinance.

Table 1. Sunday through Wednesday

Receiving or Affected Property Zoning District	7 a.m. to 7 p.m. Sunday through Wednesday	7 p.m. to 2 a.m. Sunday through Wednesday	2 a.m. to 7 a.m. Sunday through Thursday
Single Family (SF), Residential (RFR, RM or RMX), or Institutional (IR)	60	55	55
Commercial (CC, CG, CN or RFC), Downtown Development (DD), Urban Mix (UM) or Office (OL or OG)	70	65	65

Manufacturing (MA, ML, MG, ME or RF-M)	75	70	70
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Table 2. Thursday

Receiving or Affected Property Zoning District	7 a.m. to 7 p.m. Thursday	7 p.m. to Midnight Thursday	Midnight. to 7 a.m. Friday
Single Family (SF), Residential (RM or RMX), or Institutional (IR)	60	55	55
Commercial (CC or CN) Downtown District (DD) or Office (OL or OG)	70	75	65
Manufacturing (ML, MG, ME or RF-M)	75	70	70

Table 3. Friday through Saturday

Receiving or Affected Property Zoning District	7 a.m. to 7 p.m. Friday through Saturday	7 p.m. to 2 a.m. Friday through Saturday	2 a.m. to 7 a.m. Saturday through Sunday
Single Family (SF), Residential (RM or RMX), or Institutional (IR)	65	60	60
Commercial (CC or CN) Downtown District (DD) or Office (OL or OG)	75	75	70
Manufacturing (ML, MG, ME or RF-M)	75	70	70

The performance of one or two street musicians on unamplified musical instruments between the hours of 11:30 a.m. and 1:00 p.m. or between the hours of 5:30 p.m. and 10:00 p.m., for no more than a

single period of 90 consecutive minutes in the vicinity of a single location and not closer than any of the following: a) 20 feet to a pedestrian crosswalk; b) 20 feet to a street vendor; and c) 100 feet to an open market as such are defined in section 845-3 CMC, shall not constitute a violation of this section.

Whoever violates this section is guilty of a minor misdemeanor. Whoever violates this section three or more times within a one-year period is guilty of a fourth degree misdemeanor. For purposes of this section, three or more times within a one-year period shall be determined based on the dates of the violations.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010; a. Ord. No. 411-2010, § 1, eff. Dec. 17, 2010)

Sec. 909-5. - Excessive Sound From a Motor Vehicle.

(A) No person being the owner or person in possession of a motor vehicle with any radio, phonograph, television, tape player, loud speaker or any other instrument, machine or device shall cause or permit any noise to emanate from the motor vehicle in such a manner and to be of such intensity, volume and duration to create unreasonable noise or loud sound which causes inconvenience and annoyance to persons of ordinary sensibilities or which is plainly audible to persons other than the occupants of said motor vehicle.

(B) It shall be prima facie unlawful for a person being the owner or person in possession of a motor vehicle with a device described above to cause or permit any noise emanating from a motor vehicle which is plainly audible at a distance of 50 feet from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this section.

(C) This section shall not apply to any of the following circumstances:

- (1) The sound amplifying equipment of the motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle, or traffic safety condition;
- (2) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run;
- (3) The motor vehicle is owned and operated by the state or a political subdivision, or a public utility;
- (4) The motor vehicle is participating in a parade or other activity for which the sponsors have obtained the necessary permit or authorization; or
- (5) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal, state or local law.

(D) Whoever violates this section is guilty of generating excessive sound from a motor vehicle. The following penalties apply to violations of this section:

- (1) For a first offense, a mandatory fine of two hundred fifty dollars (\$250.00);
- (2) For a second offense within one year after conviction of a first offense under this section, a mandatory fine of three hundred fifty dollars (\$350.00); and
- (3) For a third offense and each subsequent offense within one year after conviction of a first offense under this section, a mandatory fine of five hundred dollars (\$500.00).

In addition, the motor vehicle that is used by a person who has been convicted of a third offense within one year after conviction of a first offense under this section and the person in violation is the vehicle owner, then the motor vehicle shall be subject to seizure and impoundment. The owner of such vehicle shall be liable for an administrative penalty of five hundred dollars (\$500.00) in addition to scheduled fees for the towing and storage of the vehicle pursuant to § 513-7 of the Cincinnati Municipal Code.

(E) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the impoundment of such vehicle shall be done so pursuant

to Chapter 513 of the Cincinnati Municipal Code. At the time the vehicle is towed, at the time of the alleged violation, the police officer shall notify the person in violation who is the owner of the vehicle, of the seizure and impoundment and of the vehicle owner's right to appeal the impoundment in accordance with § 513-9 of the Cincinnati Municipal Code.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)

Sec. 909-7. - Nighttime Construction.

No person other than in the event of emergency, shall, between the hours from 9:00 p.m. to 7:00 a.m. the following day, engage in or undertake any construction or demolition activity or the operation of any mechanical, electrical or battery- operated apparatus which produces loud sound which disturbs the peace and quiet of the neighborhood within 500 feet of places of residence, hospitals or other residential institutions, without first obtaining a special permit from the director of buildings and inspections or the city engineer for such nighttime construction. For purposes of this section, construction shall include every operation regulated by the Cincinnati - Ohio Basic Building Code.

Violation of this section shall be a misdemeanor of the fourth degree.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)

Sec. 909-95. - Enforcement.

The provisions of this section may be enforced by designated members of the City Planning and Buildings and Police Departments of the City of Cincinnati.

(Ordained by Ord. No. 289-2010, § 1, eff. July 30, 2010)