

- C. Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour, except when the truck is stopped or impeded by traffic. Where stopped by traffic, the sound amplifying equipment shall not be operated for longer than one minute at each such stop.
- D. Sound shall not be issued within 100 yards of hospitals, schools, churches or court houses.
- E. No sound truck with its amplifying device in operation shall be operated in the business district.
- F. The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
- G. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound truck and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
- H. No sound amplifying equipment shall be operated with an excess of fifteen watts of power in the last stage of amplification.

(c) Commercial Advertising by Sound Truck Prohibited. No person shall operate or cause to be operated, any sound truck for commercial sound advertising purposes in the Municipality with sound amplifying equipment in operation.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 69-155. Passed 9-2-69.)

509.10 POLITICAL SIGNS.

(EDITOR'S NOTE: This section was repealed by Ordinance 94-354, passed September 27, 1994.)

509.11 UNREASONABLE NOISE.

(a) No person shall make, cause, or permit to be caused, any unreasonable noise, which, because of its volume level, duration, or character, annoys, disturbs, injures, or endangers the comfort, health, safety, or peace and quiet having due regard for the proximity of places of residence, hospitals, or other residential institutions and to any other conditions affected by such noises. The prohibitions contained in this section shall not apply to any noise originating from a fixed location, other than those on to which a D series liquor permit has been issued pursuant to Ohio R.C. 4303.13 through 4303.183, upon which activity is carried on which is specifically permitted by applicable provisions of the Zoning Code other than those regulating Residential Office - Residential and University uses. (Ord. 91-95. Passed 3-19-91.)

(b) The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto is declared to be an unreasonable noise in violation of this section. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 25 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section. (Ord. 97-183. Passed 5-13-97.)

(c) Violation of this section is a minor misdemeanor. Each day a violation occurs shall be a separate offense. (Ord. 00-285. Passed 8-8-00.)

509.12 SOUND AMPLIFYING EQUIPMENT REGULATED.

(a) For the purpose of this section, "sound amplifying equipment" shall have the same meaning as specified in Section 509.09(a)(3), and shall also include radios, television receivers, phonographs, tape players, and other electronic equipment played at a volume sufficiently loud to be heard at a distance of 25 feet. (Ord. 97-183. Passed 5-13-97.)

(b) No person shall use, or cause to be used, sound amplifying equipment within any of the City's parks without the written consent of the Director of Parks and Recreation, unless in conjunction with an activity officially sponsored by the Division of Parks and Recreation.

(c) Violation of this section is a minor misdemeanor. Each day a violation occurs shall be a separate offense. (Ord. 91-95. Passed 3-19-91.)

509.13 MOTOR VEHICLE NOISE CONTROL REGULATIONS.

(a) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning. All definitions and terminology used in this section, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- (1) "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- (2) "Decibel, (db)" means a unit of sound pressure measurement as defined by the American National Standards Institute Bulletin.
- (3) "dB(A)" refers to a weighted scale for measuring decibel as defined in the American National Standards Institute Bulletin.
- (4) "Noise level" refers to the A-weighted sound level produced by a motor vehicle.
- (5) "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American Standard Association Readings and shall be made on a dB(A) scale.
- (6) "Traffic noise" means sound made by a motor vehicle operated either on the public right of way or private property.
- (7) "Motor vehicle" means any automobile, van, motorcycle, motor-driven cycle, motor scooter, dune buggy, snowmobile, all terrain vehicles, go-carts, minibikes, trail bikes, and trucks with gross vehicular weight of less than 8,000 pounds.
- (8) "Modified exhaust system" means an exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise or the original noise abatement devices which are not as effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

(b) No person shall cause noise levels from the operation of motor vehicles in excess of 80 db(A) in any area within the City at any time. Such noise level limit of 80 db(A) shall be based on a distance of not less than fifteen feet from the noise source.

(c) No person shall operate a motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of an unnecessary rapid acceleration, deceleration, revving, or tire squealing.

(d) In any criminal prosecution for a violation of this section the court may admit evidence of a noise level as tested by any sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment.

(e) Any emission of noise from any motor vehicle source in excess of the limitations established by this section shall be deemed and is declared a public nuisance.

(f) Violation of this section is a minor misdemeanor. Each day a violation occurs shall be a separate offense.
(Ord. 91-95. Passed 3-19-91.)

509.131 SOUND AMPLIFICATION SYSTEMS IN MOTOR VEHICLES.

(a) In addition to any other prohibition set forth in this chapter, no person shall operate a motor vehicle on a street or highway if the sound from any sound amplifying equipment located inside of, outside of but attached to, or held by a person inside, the motor vehicle, is discernible at a distance of 25 feet or more from the vehicle.

(b) This section does not apply to any of the following circumstances:

- (1) The sound amplifying equipment of the motor vehicle is to warn others of a hazardous road, vehicle operating, 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, a political subdivision, or a public utility.
- (4) The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits.
- (5) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal or state law.
- (6) Vendors of ice cream and related products between the hours of 9:00 o'clock a.m. and 8:00 o'clock p.m.

(c) Violation of this section is a minor misdemeanor. For a second offense committed within one year after the commission of the first offense, violation of this section shall be a fourth degree misdemeanor. For a third and/or subsequent offense committed within one year after the commission of the first offense, violation of this section is a third degree misdemeanor.

(Ord. 97-183. Passed 5-13-97.)

509.14 STATIONARY NOISE CONTROL REGULATIONS.

(a) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All definitions and terminology used in this section, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- (1) "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- (2) "Decibel, (db)" means a unit of sound pressure measurement as defined by the American National Standards Institute Bulletin.
- (3) "dB(A)" refers to a weighted scale for measuring decibel as defined in the American National Standards Institute Bulletin.

- (4) "Noise level" refers to the A-weighted sound level produced by a stationary source.
- (5) "Person" means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality thereof.
- (6) "Property line" means the line which represents the legal boundary of property (including an apartment, condominium, room or other dwelling unit) owned, leased, or otherwise occupied by a person. In cases involving sound from an activity on a public street or other public right of way, the property line shall be the nearest public right-of-way line.
- (7) "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American Standard Association Readings and shall be made on a dB(A) scale.
- (8) "Stationary noise" means sound made by any machine or device for the amplification of the human voice or music, or any other sound originating from a fixed location.

(b) Prohibitions. No person shall cause or permit noise levels from the operation of a stationary noise device or from any other source in excess of 64 dB(A) in any areas or districts of the City that are zoned Residential Office-Residential, and University in the Zoning Code between the hours of 10:00 p.m. and 7:00 a.m. or in excess of 70 dB(A) in any such areas or districts between the hours of 7:00 a.m. and 10:00 p.m. All noise measurements shall be made on the property line where the noise originates. The prohibitions contained in this paragraph shall not apply to any sound originating from a fixed location, other than those as to which a D series liquor permit has been issued pursuant to Ohio R.C. 4303.13 through 4303.183, upon which activity is carried on which is a legal nonconforming use, nor to any activity conducted in the public right of way and expressly permitted, in writing, by an authorized City official.

(c) In any criminal prosecution for a violation of this section the court may admit evidence of a noise level as tested by any sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment.

(d) Any emission of noise from any stationary noise device in excess of the limitations established by this section shall be deemed and is declared a public nuisance.

(e) Violation of this section is a minor misdemeanor. Each day a violation occurs shall be a separate offense.

(Ord. 91-95. Passed 3-19-91.)

509.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)