

CHAPTER 539
Noise Control

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CROSS REFERENCES

Barking or howling dogs - see GEN. OFF. [505.09](#)

Disturbing the peace - see GEN. OFF. [509.03](#)

Loud and disturbing noises prohibited - see GEN. OFF. [509.10](#),
[509.11](#)

539.01 PURPOSE.

The purpose of this chapter is to establish a policy and regulation for the City regulating loud, unnecessary and excessive noise which may jeopardize the health, welfare or safety of its residents and degrade the quality of life.

(Ord. 80-555. Passed 6-25-80.)

539.02 DEFINITIONS.

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

For the purpose of this chapter the following terms, phrases, words and their derivation have meanings as follows:

- (a) "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.
- (b) "Decibel (db)" means a unit of sound pressure measurement as defined by the American National Standards Institute bulletin.
- (c) "dB(A)" means a weighted scale for measuring decibels as defined in the American National Standards Institute Bulletin.
- (d) "Noise level" means the A-weighted sound level produced by a motor vehicle.
- (e) "Person" means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality.
- (f) "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 made on a dB(A) scale.
- (g) "Traffic noise" means sound made by a motor vehicle operated either on the public right of way or private property.
- (h) "Motor vehicle" means any automobile, van, motorcycle, motor-driven cycle, motor scooter, dune buggy, snowmobile, all terrain vehicle, go-cart, minibike, trail bike or truck with a gross vehicular weight of less than 8,000 pounds.
- (i) "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 have either been removed or replaced by 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.
- (j) "Noise disturbance" means any sound which:
 - (1) Endangers or injures the safety or health of humans or animals, or
 - (2) Annoys or disturbs a reasonable person of normal sensitivities, or
 - (3) Endangers or injures personal or real property.

(Ord. 80-555. Passed 6-25-80.)

539.03 PROHIBITIONS.

(a) No person shall cause noise levels from the operation of a motor vehicle in excess of 80 dB(A) in any area within the corporate limits at any time of the day regardless of the specified speed limit. Such noise level limit of 80 dB(A) is based on distance of not less than ten feet from the noise source.

(b) 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, de-acceleration, revving or tire squealing.

(c) No person shall repair, rebuild, modify or test any motor vehicle in such manner as to cause a noise disturbance across a residential real property boundary.

(d) (1) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.

(2) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.

(Ord. 80-555. Passed 6-25-80.)

539.04 EMERGENCY EXCEPTION.

The provisions of this chapter do not apply to:

- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency, or
- (b) The emission of sound in the performance of emergency work.

(Ord. 80-555. Passed 6-25-80.)

539.05 CRIMINAL PROSECUTION.

In any criminal prosecution for a violation of this chapter, 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.

(Ord. 80-555. Passed 6-25-80.)

539.06 PUBLIC NUISANCE.

Any emission of noise from any motor vehicle source in excess of the limitations established by this chapter is hereby declared to be a public nuisance.

(Ord. 80-555. Passed 6-25-80.)

539.07 PLAYING OF LOUD SOUND DEVICES PROHIBITED.

(a) General Prohibition.

(1) No person shall play any radio, music player such as a "boom box", tape cassette, disc player or television, audio system or musical instrument or any other type of sound service upon any public road, street, highway, or private property in the City in a manner or at a volume as to disturb the quiet, comfort or repose of other persons. An exception is made for organized events which have received a valid permit from the City as set forth in Section 311.02, Section 725.02 and any other applicable section.

(2) No person shall play any radio, music player such as a "boom box", tape cassette, disc player, television, audio system or musical instrument or any other type of sound device in a manner or at a volume as to disturb the quiet, comfort or repose of neighboring inhabitants or at a volume which is plainly audible to persons other than those who are in the room in which such device or instrument is played and who are voluntary listeners thereto.

(3) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor for a first offense. For any subsequent offense, such person is guilty of a misdemeanor of the second degree. In addition, the Court shall impose the following minimum penalties:

1st offense: a mandatory minimum fine of one hundred dollars (\$100.00);

2nd offense: a mandatory minimum fine of two hundred dollars (\$200.00);

3rd offense & thereafter: a mandatory minimum fine of three hundred dollars (\$300.00) and three (3) days in jail.

(4) Upon conviction for a violation of this section, the sound device used during the commission of the offense shall be subject to seizure and payment of a judgment.

(b) Excessive Vehicular Sound Amplification Systems Prohibited.

(1) No person operating or occupying a motor vehicle upon any public road, street, highway or private property shall operate or permit the operation of any sound amplification system from within the vehicle so as to disturb the quiet, comfort or repose of other persons, or at a volume that is plainly audible from outside of the vehicle.

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

(3) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle that can clearly be heard outside the vehicle 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 parked, stopped, standing or moving.

(4) Warning and/or emergency devices used to call police or signal hazardous conditions, or other sound systems that are used in compliance with proper authorization by the City are exempted from this section.

(5) Whoever violates this section is guilty of generating excessive vehicular sound. The following penalties apply to violations of this section:

Upon a first offense for violation of this section, the offender is guilty of a misdemeanor of the first degree punishable by up to one hundred eighty (180) days in jail and a fine of one thousand dollars (\$1,000), and the court shall impose a mandatory minimum fine of fifty dollars (\$50.00). In addition, the sound amplification system used in the commission of the offense is subject to seizure and forfeiture;

Upon a second offense for violation of this section, the offender is guilty of a misdemeanor of the first degree punishable by up to one hundred eighty (180) days in jail and a fine of one thousand dollars (\$1,000), and the court shall impose a mandatory minimum fine of five hundred dollars (\$500.00). In addition, the sound amplification system used in the commission of the offense shall be seized and forfeited;

Upon a third or greater offense for violation of this section, the offender is guilty of a misdemeanor of the first degree punishable by up to one hundred eighty (180) days in jail and a fine of one thousand dollars (\$1,000) and the court shall impose a mandatory minimum fine of six hundred dollars (\$600.00). In addition, the sound amplification system used in the commission of the offense shall be seized and forfeited.

(6) In any third or greater violation of this section involving sound equipment in a motor vehicle, the

motor vehicle is hereby deemed contraband and subject to seizure and forfeiture pursuant to these Ordinances or Chapter 2981 of the Ohio Revised Code.

(7) Upon conviction for a first violation of this section, the sound amplification system used during the commission of the offense is hereby deemed contraband and is subject to seizure and forfeiture. Upon conviction for a second or third or greater offense, the sound amplification system used during the commission of the offense is hereby deemed contraband and shall be forfeited. A person loses any right that the person may have to the possession, ownership, or the possession and ownership, of a sound amplification system if it is used in the commission of a violation of this section. The cost of the removal of the sound amplification system shall be paid by the person seeking the release of the vehicle prior to its being released. (Ord. 09-233. Passed 10-7-09.)

539.99 PENALTY.

Unless otherwise indicated in this chapter, whoever violates any provision of this chapter is guilty of a minor misdemeanor for a first offense. For any subsequent offense, such person is guilty of a misdemeanor of the third degree unless otherwise indicated in this chapter. Each day such violation continues shall constitute a separate and distinct offense.

(Ord. 03-179. Passed 6-16-03.)