

ORDINANCE NO. 94-80 AC CMS

AN ORDINANCE ENACTING PROVISIONS FOR NOISE CONTROL  
WITHIN THE CITY OF OBERLIN

WHEREAS, it is in the best interest of the City of Oberlin, Ohio, to regulate noise and auditory levels within the City of Oberlin, Ohio, in order to provide for the peace, health, safety, and welfare of the residents of the City of Oberlin, Ohio, and to prohibit loud, unseemly or unnecessary and excessive noise.

NOW THERE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the following provisions for noise control are hereby enacted for the City of Oberlin, Ohio:

A. SOUND AMPLIFICATION DEVICES

1) No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of radio, phonograph, television, tape player, compact disc player, loud speaker, megaphone, or any other sound amplifying device or by any horn, drum, piano or other musical or percussion instrument in such manner or at such volume which is plainly audible to persons other than those who are in the room, or immediate surroundings in which such device or instrument is played and who voluntarily listens thereto.

2) No owner, agent or operator of a commercial enterprise located within a permanent structure or building shall use, set up or operate a sound amplifying system which is audible outside the structure or building and which is used to transmit any type of music or message advertising products sold on the premises or inviting the public to patronize the establishment located on the premise.

3) No person shall make any unnecessary or unseemly noise or operate any instrument, device, agency or vehicle within fifty (50) feet of any portion of the grounds and premises of which is located near a hospital or other institution or facility reserved for the aged or infirm, or within fifty (50) feet

of any school, courthouse, church or building in which religious services are held during school hours, hours of holding court or hours of public worship, respectively. The area within one-hundred fifty (150) feet of a hospital, school, courthouse or church shall be a "zone of quiet" and the responsible department of the City shall place signs within zones of quiet calling attention to the prohibition against unnecessary noise.

B. VEHICLES OR MOTORCYCLES

1) No owner, agent or operator shall operate any vehicles or motorcycles so as to create loud or unnecessary grating, grinding, rattling, backfiring or other noise.

C. SOUND AMPLIFICATION SYSTEM IN MOTOR VEHICLES

1) 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 audible at a distance of fifty (50) feet or more from the vehicle.

D. DEFINITIONS

1) "Sound amplification system" means any radio, tape player, cassette player, compact disc player, loud speaker, megaphone, or other electronic device used for the amplification of the human voice.

2) "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 (50) 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, driveway, residential, business or commercial property.

E. AFFIRMATIVE DEFENSE It is 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) Blowing of horns when necessary to prevent an accident.
- 2) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road or street condition.
- 3) The vehicle was an emergency or public safety vehicle.
- 4) The vehicle was owned and operated by the City of Oberlin's Public Utility, communications, or refuse departments.
- 5) The system was used for the purpose of giving instructions, directions, lectures or any verbal announcements which was given prior approval by the City Manager or Chief of Police.
- 6) The vehicle was used in an authorized public activity, such as parades, fireworks, sport events, musical productions and other activities which have the prior approval of the City Manager or the Chief of Police.

F. PENALTY: Whoever violates any of the provisions of this chapter shall be guilty of a minor misdemeanor on the first offense, and:

- 1) Upon a first offense, shall be fined no more than one hundred dollars (\$100.00) nor less than fifty dollars (\$50.00) which fine shall not be suspended, waived, or otherwise reduced below the amount of fifty dollars (\$50.00).
- 2) With a prior conviction, a second offense which will be charged as a misdemeanor in the fourth degree, the fine shall be no more than two hundred and fifty dollars (\$250.00) or less than one hundred dollars (\$100.00) upon which fine shall not be suspended, waived, or otherwise reduced below the amount of one hundred dollars (\$100.00)

- 3) Each day upon a violation occurs or continues shall be a separate offense and punishable as such.

SECTION 2. That current Section 509.10 of the Codified Ordinances of the City of Oberlin, Ohio, titled "Unnecessary noise", is hereby repealed.

Section 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such 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 take effect at the earliest date allowed by law.

PASSED: 1st Reading - September 19, 1994  
2nd Reading - October 3, 1994  
3rd Reading - October 17, 1994

ATTEST:

  
CLERK OF COUNCIL

  
CHAIRMAN OF COUNCIL

POSTED: October 21, 1994

EFFECTIVE DATE: November 16, 1994