

**CHAPTER 509**  
**Disorderly Conduct and Peace Disturbance**

<p><b>509.01</b> Riot.</p> <p><b>509.011</b> Inciting to violence.</p> <p><b>509.02</b> Failure to disperse.</p> <p><b>509.03</b> Disorderly conduct; intoxication.</p> <p><b>509.04</b> Disturbing a lawful meeting.</p> <p><b>509.05</b> Misconduct at an emergency.</p> <p><b>509.06</b> Inducing panic.</p> <p><b>509.07</b> Emergency orders and proclamations; obedience required.</p>	<p><b>509.08</b> Begging prohibited.</p> <p><b>509.09</b> Sound trucks.</p> <p><b>509.10</b> Political signs. (Repealed)</p> <p><b>509.11</b> Unreasonable noise.</p> <p><b>509.12</b> Sound amplifying equipment regulated.</p> <p><b>509.13</b> Motor vehicle noise control regulations.</p> <p><b>509.131</b> Sound amplification systems in motor vehicles.</p> <p><b>509.14</b> Stationary noise control regulations.</p> <p><b>509.99</b> Penalty.</p>
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**CROSS REFERENCES**

See sectional histories for similar State law.  
 Criminal trespass - see Ohio R.C. 2911.21  
 Use of force to suppress riot - see Ohio R.C. 2917.05  
 Cordoning off riot areas, prohibiting sales of firearms and explosives - see Ohio R.C. 3761.16  
 Emergency suspension of permits and sales by Director of Liquor Control - see Ohio R.C. 4301.251

**509.01 RIOT.**

(a) No person shall participate with four or more others in a course of disorderly conduct in violation of Section 509.03:

- (1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;
- (2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede or obstruct a function of government;
- (3) With purpose to hinder, impede or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.

(b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.

(c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree. (ORC 2917.03)

**509.011 INCITING TO VIOLENCE.**

(a) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence, when either of the following apply:

- (1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed;
- (2) The conduct proximately results in the commission of any offense of violence.

(b) Whoever violates this section is guilty of inciting to violence. If the offense of violence that the other person is being urged or incited to commit is a misdemeanor, inciting to violence is a misdemeanor of the first degree. (ORC 2917.01)

**509.02 FAILURE TO DISPERSE.**

(a) Where five or more persons are participating in a course of disorderly conduct in violation of Section 509.03, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.

(b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

- (c)
- (1) Whoever violates this section is guilty of failure to disperse.
  - (2) Except as otherwise provided in subsection (c)(3) hereof, failure to disperse is a minor misdemeanor.
  - (3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in subsection (a) hereof, creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, disaster, riot, or emergency of any kind. (ORC 2917.04)

**509.03 DISORDERLY CONDUCT; INTOXICATION.**

(a) No person shall recklessly cause inconvenience, annoyance or alarm to another by doing any of the following:

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;
- (3) Insulting, taunting or challenging another, under circumstances in which such conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway or right of way, or to, from, within or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;
- (5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender;
- (6) Making unreasonably loud or disturbing noise by any means.

(b) No person, while voluntarily intoxicated shall do either of the following:

- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;

- (2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.
- (c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.
- (d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof.
- (e)
  - (1) Whoever violates this section is guilty of disorderly conduct.
  - (2) Except as otherwise provided in this subsection (e)(3), disorderly conduct is a minor misdemeanor.
  - (3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
    - A. The offender persists in disorderly conduct after reasonable warning or request to desist.
    - B. The offense is committed in the vicinity of a school or in a school safety zone.
    - C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot or emergency of any kind.
    - D. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.
- (f) As used in this section:
  - (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
  - (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
  - (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
  - (4) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01. (ORC 2917.11)

#### **509.04 DISTURBING A LAWFUL MEETING.**

- (a) No person, with purpose to prevent or disrupt a lawful meeting, procession or gathering, shall do either of the following:
  - (1) Do any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;
  - (2) Make any utterance, gesture or display which outrages the sensibilities of the group.
- (b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree. (ORC 2917.12)

#### **509.05 MISCONDUCT AT AN EMERGENCY.**

- (a) No person shall knowingly do any of the following:
  - (1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

- (2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;
- (3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this subsection, misconduct at an emergency is a misdemeanor of the fourth degree. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
- (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04. (ORC 2917.13)

#### **509.06 INDUCING PANIC.**

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

- (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;
- (2) Threatening to commit any offense of violence;
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Division (a) hereof does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of one thousand dollars (\$1,000) or more, if the public place involved in a violation of this section is a school or an institution of higher education, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section:

- (1) "Economic harm" means any of the following:
  - A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:
    1. All wages, salaries, or other compensation lost as a result of the criminal conduct;

2. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
  3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
  4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- B. All costs incurred by the Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Ohio R.C. 2917.32, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.
- (2) “School” means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.
- (3) “Weapon of mass destruction” means any of the following:
- A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
  - B. Any weapon involving a disease organism or biological agent;
  - C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
  - D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of “destructive device” pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:
    1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
    2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.
- (4) “Biological agent” has the same meaning as in Ohio R.C. 2917.33.
- (5) “Emergency medical services personnel” has the same meaning as in Ohio R.C. 2133.21.
- (6) “Institution of higher education” means any of the following:
- A. A state university or college as defined in Ohio R.C. 3345.12(A)(1), community college, state community college, university branch, or technical college;
  - B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713.
  - C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools under Ohio R.C. Chapter 3332. (ORC 2917.31)

**509.07 EMERGENCY ORDERS AND PROCLAMATIONS; OBEDIENCE REQUIRED.**

(a) When there is a tumult, riot, mob or a body of people acting together with the intent to commit a felony, or to do or offer violence to person or property, or by force and violence to break or resist the law, or in the event of a disaster affecting life and property and which substantially impairs the functioning of the City government and its ability to protect the lives and property of the people, the City Manager is authorized and directed to issue executive orders covering the City at large or prescribed areas therein as he deems necessary to protect life and property. Such executive orders may include, but are not limited to, the establishment of curfew; prohibiting the sale of beer or intoxicating liquor; prohibiting the sale of firearms; restricting or prohibiting movement into, out of or within the affected area or areas; or prohibiting or limiting the assemblage of persons. If the Mayor deems it necessary to proclaim a state of emergency and govern the City by proclamation, he is authorized to issue proclamations covering the City at large or prescribed areas therein as he deems necessary to protect life and property. Such proclamations may include, but are not limited to the establishment of curfew; prohibiting the sale of beer or intoxicating liquor; prohibiting the sale of firearms; restricting or prohibiting movement into, out of or within the affected area or areas; or prohibiting or limiting the assemblage of persons. In the absence or disability of the Mayor, the Assistant Mayor shall be vested with the authority herein granted to the Mayor.

(b) No person shall fail to obey the lawful order of any police officer, militiaman or other authorized person, and no person shall in any way intentionally interfere with any person in the protection or preservation of life or property during the existence of a proclaimed state of emergency, as provided in subsection (a) hereof.  
(Ord. 67-186. Passed 9-5-67.)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.

**509.08 BEGGING PROHIBITED.**

(a) No person, either directly or indirectly, shall beg, or solicit alms or ask subsistence by charity in and upon the streets or public places of the City, or enter a dwelling, yard or enclosure without the permission of the owner or occupant thereof to beg, solicit alms or ask subsistence by charity.  
(Ord. 1970. Passed 9-15-24.)

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

**509.09 SOUND TRUCKS.**

(a) Definitions. As used in this section:

- (1) "Person" includes the singular and the plural, and means any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- (2) "Sound truck" means any motor vehicle or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.
- (3) "Sound amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

(b) Noncommercial Use of Sound Trucks.

- (1) Registration required. No person shall use or cause to be used, a sound truck with its sound amplifying equipment in operation for noncommercial purposes in the Municipality before filing a registration statement with the City Manager in writing. This registration statement shall be filed in duplicate and shall state the following:
- A. Name and home address of the applicant;
  - B. Address of place of business of the applicant;
  - C. License number and motor number of the sound truck to be used by the applicant;
  - D. Name and address of person who owns the sound truck;
  - E. Name and address of person having direct charge of sound truck;
  - F. Names and addresses of all persons who will use or operate the sound truck;
  - G. The purpose for which the sound truck will be used;
  - H. A general statement as to the section or sections of the Municipality in which the sound truck will be used;
  - I. The proposed hours of operation of the sound truck;
  - J. The number of days of proposed operation of the sound truck;
  - K. A general description of the sound amplifying equipment which is to be used;
  - L. The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck, and also the following:
    - 1. The wattage to be used;
    - 2. The volume in decibels of the sound which will be produced; and
    - 3. The approximate maximum distance for which sound will be thrown from the sound truck.
- (2) Registration statement amendment. All persons using or causing to be used, sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to subsection (b)(1) hereof within forty-eight hours after any change in the information therein furnished.
- (3) Registration and identification. The City Manager shall return to each applicant under subsection (b)(1) hereof one copy of the registration statement duly certified by the City Manager as a correct copy of the application. The certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation, and the copy shall be promptly displayed and shown to any police officer upon request.
- (4) Regulations for use. Noncommercial use of sound trucks in the Municipality with sound amplifying equipment in operation are subject to the following regulations:
- A. The only sounds permitted are music or human speech.
  - B. Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations are authorized. The permitted four hours of operation are between the hours of 11:30 a.m. and 1:30 p.m., and between the hours of 4:30 p.m. and 6:30 p.m.

- 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.)