

\$50.00 Fee paid

List of addresses within 300 feet

Special Events Coordinator Information

Group Sponsor:	
Address:	Telephone#
	Email Address:

Contact Person:	
Address:	Telephone#
	Email Address:

Event: Birthday Party		
Purpose of Event:		
	Beginning Time:	Ending Time:
Location:		
Number of Special Event Permits issued for this group/organization in the last 12 months?		
Has noticed been mailed to residents within 300 feet?		
Date of Public Hearing:		
Permit conditions:		

Signature of Contact Person:	Director of Public Service
Date:	Date:

509.11 NOISE

(a) Definitions. The following words and phrases when used in this chapter shall have the meanings herein described:

(1) "Amplified Sound" means any sound augmented by any electronic means that increases the sound level or volume.

(2) "Ballroom License" means the license required pursuant to Chapter 771 of the Reynoldsburg City Code for establishments selling alcoholic beverages and that provide live and/or recorded amplified sound for entertainment purposes.

(3) "Business Establishment" means any commercial establishment, including establishments that are required to obtain an entertainment or ballroom license.

(4) "Dwelling Unit," also known as a "residence," means one (1) or more rooms connected together and containing sleeping facilities, which facilities are occupied, whether or not for temporary or overnight rental by one (1) or more persons, and as defined in Ohio R.C. 2909.01(c) as an "occupied structure".

(5) "Live Music" means any sound comprised of instrumental music, song, or a combination of instrumental music and song, produced in whole or in part by a singer vocalizing or by a musician playing a musical instrument on the same premises as the sound source.

(6) "Nighttime" means the period of time from 2300 hours (11:00 p.m.) until 0600 hours (6:00 a.m.).

(7) "Person(s)" means any individual, association of individuals, business or legal entity.

(8) "Plainly audible sound" means any amplified sound for which the information content of the sound is unambiguously communicated to the listener, including (without limitation) understandable words, comprehensible musical rhythms, beat or cadence.

(9) "Receiving property" means any lot, parcel of land, public space, institution or dwelling unit onto which sound, not originating therefrom, travels.

(10) "Recorded music" means any sound comprised of instrumental music or song, or combination hereof, produced and generated by a speaker, loudspeaker, radio, television, tape deck, record player, compact disc player, jukebox, or other sound producing device.

(11) "Sound source" means the place from which amplified sound emanates without limitation to a speaker, loudspeaker, or any other sound producing instrument or person.

(12) "Vehicle noise" means any exhaust, muffler, engine, transmission or external mechanical noise which emanates from a motorized vehicle.

(b) Unreasonably loud noise.

(1) No person shall knowingly or recklessly cause any amplified sound, live music, recorded music, vehicle noise or other noise to cross real property boundaries at such a volume as to:

A. disrupt the normal daily activities, including but not limited to sleeping, studying, and dining of persons within a residence or disrupt the normal daily activities, including but not limited to working of persons within a place of business;

B. Noise shall be presumed "unreasonably loud" if uninvited noise is plainly audible at a residential receiving property, or part thereof, greater than fifty (50) feet away from the property line of the sound source or is plainly audible at a place of business, or part thereof, greater than one hundred (100) feet away from the property line of the sound source.

(2) No person shall knowingly or recklessly cause a motor vehicle to produce vehicle noise within posted areas during restricted nighttime hours.

(3) No person shall knowingly or recklessly cause an uninvited or disruptive level of amplified sounds live music, recorded music, vehicle noise or other noise at a volume that causes actual interference with a person's peaceful enjoyment of a residence or the peace and good order of the community.

A. A disruptive or uninvited level of amplified sound, live or recorded music, vehicle noise or other noise is any unreasonably loud or disturbing noise of a character, intensity, raucousness or direction as to be detrimental to the life, health or welfare of any person or

as to annoy, disturb, injure or endanger the comfort, repose, peace or safety of any person, whether on a steady or intermittent basis. At all times, amplified sound, live music, recorded music, or other noise that is plainly audible and that meets either of the following criteria is prohibited:

1. Noise that is unreasonably loud or disturbing; or

2. Noise that crosses real property boundaries and interferes with the peace, comfort, or enjoyment of persons residing in a dwelling unit or a residence or persons located at a receiving property.

B. In addition to the criteria set forth in division (a) hereof, additional restrictions shall be placed on business establishments which serve alcoholic beverages for consumption on premises. Because it is reasonable that quieter standards are expected during nighttime hours, between the hours of 10:00 p.m. and 7:00 a.m. from Sundays through Thursdays, inclusive, and between the hours of 11:30 p.m. and 7:00 a.m. on Fridays and Saturdays, owners and operators of such business establishments are required to ensure that amplified sound live music, recorded music, or other noise be contained entirely within the real property boundaries of the establishment or within the soundproof area located on the premises of the establishment.

(c) Special events.

(1) No person, business, or organization shall knowingly or recklessly hold a special event without first obtaining a special event permit.

(2) Special Event Permit is a permit to depart from the requirements of Section 2 of this chapter. An application for a Special Event Permit may be made to the Safety/Service Director at least thirty (30) days before the scheduled event. The application shall be accompanied by a fee in the amount of fifty dollars (\$50) and a list of all property owners and addresses of same within three hundred feet (300 ft.) of the special event. Any permit granted by the Service/Safety Director shall contain all conditions upon which the permit has been granted, and shall specify a reasonable time period in which the permit shall be effective. No one business, organization or person shall receive more than five (5) special event permits per year. The following criteria shall apply:

A. The Safety/Service Director shall grant the special event permit with conditions limiting the duration of the amplified sound, live music, recorded music, or other noise and specifying times for the special event. An application may be denied if the Safety/Service Director finds that the special event will result in a private or public nuisance on any adjoining or receiving property. A permit may not be denied on the basis of the content of the proposed sound.

B. In establishing permit conditions for a particular time and location under division (1), the Safety/Service Director shall consider the location of the special event, the compatibility of the amplified sound, live music, recorded music, or other noise levels generated, and the compatibility of the hours of operation with surrounding residential areas.

C. Notice of the Safety/Service Director's proposed action on an application for a special event permit shall be mailed by the Safety/Service Director at least fourteen (14) days prior to the date of the event to all residential/commercial property owners located within a 300 foot radius of the proposed special event. This notice shall state a date, time and location for a public hearing to be conducted by the Safety/Service Director regarding the matter.

(d) Responsibility for compliance; complaint procedures.

(1) For purposes of this chapter, any person(s) owning or having responsibility for management of a business or who is in control of a residential premise, and/or however temporarily; any owner or individual having responsibility for the operation of a motor vehicle or is in control of a motor vehicle producing vehicle noise; any paid performer or disc jockey producing amplified sound, live music, recorded music, or other noise upon any business or residential premises or any person having control of volume knobs or levels; and the business as named on the ballroom license or special event permit and/or the person controlling the residential premise, shall be jointly and severally liable for compliance with this ordinance and shall be responsible for any violations of this chapter.

(2) Any person(s) owning or having responsibility for management of a business which shares a common property line with residential premises shall post notice of this section along the property line. Posted sign shall state the following notice:

“Per Reynoldsburg City Code Section **509.11**(b)(2) - No person shall knowingly or recklessly cause a motor vehicle to produce vehicle noise within the posted areas between the hours of 11:00 p.m. to 6:00 a.m. Violation of this section is punishable by a fine and/or jail sentence.”

(3) Posting of notice shall be enforced by the City of Reynoldsburg Building Department. A citation shall be issued only after business violating said provision receives a warning of said violation and refuses to comply within fifteen (15) days after receiving said warning.

(4) Whoever violates this section is guilty of:

A. A minor misdemeanor for the first offense; fine not to exceed \$100.00.

B. A misdemeanor of the fourth degree for the second offense within twelve (12) months; the fine not to exceed \$250.00 and/or thirty (30) days in jail.

C. A misdemeanor of the third degree for each additional offense within twelve (12) months of the second offense; fine not to exceed \$500.00 and/or sixty (60) days in jail.

(5) Complaints under this chapter may be made by telephone contact with the Reynoldsburg Division of Police. The complainant shall identify himself or herself by name, address and telephone number and shall identify the general direction or vicinity of the apparent sound source, but shall not be required to meet personally with the investigating officer, to sign a written complaint, or otherwise participate in the investigation of the complaint. The investigating officer is authorized to verify information provided by the complainant. This provision provides no right of entry except as is available to the public generally, or except as is provided by law.

(6) Under this chapter, measurements of distance from a sound source to a receiving property shall be measured in a straight line from the property line of the property on which the sound source is located to the property line of the receiving property, or if the sound source is within a walled and roofed structure, the measurement shall be taken from the exterior of that structure, and if one or more open doors or windows exist, from any of such open doors or windows, at the point closest to the receiving property in a straight line to the property line of the receiving property.

(e) Sound limitations - motor vehicles and public property. No person shall, on any public sidewalk, street, highway, park, beach, or other public property, or in any motor vehicle located on any public street or

property, use, operate, or play any radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other electronic audio device which produces or reproduces amplified sound, recorded music, vehicle noise or other noise, at a level which is plainly audible at a distance of more than twenty-five (25) feet or more from the sound source. This provision shall not apply to live music. This section does not apply to any of the following circumstances:

(1) The sound amplification system of the motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road 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 from all political subdivisions with which the parade is held.

(f) Exceptions. The following shall not constitute a violation under this chapter:

(1) Air raid sirens and related apparatus used solely for public purposes;

(2) Domestic power tools. Sound levels produced from any hand- or mechanically-powered saw, sander, drill, grinder, lawn/garden tool or reasonably similar tool, provided, however, that the use:

A. Must be only between 7:00 a.m. and 10:00 p.m. Sunday through Thursday or 7:00 a.m. and 11:30 p.m. Friday and Saturday;

B. Must be in a non-business enterprise; and

C. Must produce a sound level that is not deemed unreasonably loud under the circumstances.

(g) Enforcement and penalties.

(1) Investigation of and enforcement of this chapter, except for division (e) of this section, shall commence upon the complaint of any affected property owner, tenant, or other person, as provided in division (d)(2) of this section, and the Lessee and Lessor may pursue civil remedies pursuant to the lease and the Ohio Revised Code.

A. A citation shall be issued only after a person or business violating said provision receives a warning of said violation and refuses to comply within thirty minutes after receiving said warning. For purposes of this section, there shall be only one (1) warning allowed during a thirty (30) day period before a citation can be issued. A warning is not required for a violation of division (e) of this section.

(2) Whoever violates this section is guilty of:

A. A minor misdemeanor for the first offense; fine not to exceed \$100.00.

B. A misdemeanor of the fourth degree for the second offense within twelve (12) months; the fine not to exceed \$250.00 and/or 30 days in jail.

C. A misdemeanor of the third degree for the third offense within twelve (12) months (or second or multiple offense within 30 days); fine not to exceed \$500.00 and/or 60 days in jail.

(3) Any business establishment found guilty or that pleads no contest under this section for a third violation within twelve (12) months where all such violations relate to amplified sound, live music, recorded music or other noise, the business establishment shall be subject to the revocation of their ballroom license as issued under Reynoldsburg City Code Chapter 771, and/or a special exception use permit.

(Ord. 75-96. Passed 6-10-96; Ord. 10-97. Passed 1-27-97; Ord. 05-01. Passed 1-22-01; Ord. 20-03. Passed 3-24-03.)