

# **Cleveland, Ohio**

## **Noise Ordinance**

### **605.10 Unnecessary Noise**

(a) No person shall make, or cause, suffer, allow, or permit to be made within the City any unreasonably loud, disturbing and unnecessary noise, or noises of such character, intensity or duration as to be detrimental to the life and health of any individual, or unreasonably disturb the quiet, comfort, or repose of neighboring inhabitants.

(b) Loud, disturbing and unnecessary noises in violation of this section shall include without limitation the following:

(1) The sounding of any horn, bell, or other signal or warning device on any motor vehicle, motorcycle, bus or other vehicle, except as a danger or warning signal.

(2) The keeping of any animal or bird which, by causing frequent or long continued noise disturbs the comfort and repose of any person in the vicinity, where such noise can be distinctly heard outside the property line of the premises at which the animal or bird is kept.

(3) The use of any motorcycle, or vehicle so out of repair or so loaded as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger, or the use of steam under pressure for cleaning purposes in any establishment between the hours of 7:00 p.m. and 7:00 a.m., when the windows of such establishment are open.

(5) The unreasonable discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine.

(6) The use of any mechanical device operated by compressed air (excluding a jackhammer operated on weekdays between the hours of 8:00 a.m. and 7:00 p.m.) unless the noise created thereby is effectively muffled and reduced.

(7) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(8) The making of any unnecessary noise by a person or by his operation of any instrument, device, agency or vehicle, and/or the performance of any construction or demolition activity or the operation of any mechanical, electrical, pneumatically, hydraulically powered or battery operated apparatus used in connection with any construction or demolition activity between the hours of 7:00 p.m. and 7:00 a.m. within 500 feet of places of residence and 150 feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, aged or infirm, or within 150 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 150 feet of a hospital, school, courthouse or church shall be a "zone of quiet" and the Director of Public Safety shall place signs within such zones of quiet calling attention to the prohibition against unnecessary noise.

(9) The making of any loud or unnecessary noise in violation of Chapter 683 of these Codified Ordinances.

(10) The discharge, ignition, or explosion of any fireworks, except novelty or trick fireworks as defined in Section 3743.01 of the Revised Code, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Section 3743.50 through 3743.55 of the Revised Code.

(c) Emergency utility or other repair work, such as restoring electric power lines or a water or sewer main, shall be exempted from this ordinance. If there is a need to do any construction or demolition activity other than emergency repairs the construction contractor in charge of the project shall submit to the Director of Public Safety a request to perform construction work outside of the time allowed under this ordinance. The Director of Public Safety may grant an exemption to this ordinance if such an exemption is justified and necessary.

(d) Whoever violates any of divisions (b)(1) through (b)(8) of this section is guilty of making unnecessary noise, a minor misdemeanor, and shall be fined pursuant to Section 601.99, which fine shall not be suspended, waived or otherwise reduced. Whoever violates this section within twelve (12) hours of having been charged with the minor misdemeanor of making unnecessary noise or of having been warned by a police officer to desist from making unnecessary noise is guilty of making unnecessary noise, a misdemeanor of the fourth degree, and shall be fined pursuant to Section 601.99 which fine shall not be suspended, waived, or otherwise reduced.

(e) Whoever violates divisions (b)(9) or (b)(10) of this section shall be guilty of a misdemeanor of the fourth degree and shall be fined pursuant to Section 601.99 upon a first offense, which fine shall not be suspended, waived, or otherwise reduced, and subject to up to 30 days in jail. Notwithstanding this division, the penalties contained in Section 683.99 shall apply to violations of division (b)(9) of this section.

(f) Whoever violates division (b)(9) or (b)(10) of this section, upon any subsequent offense, or within 36 hours of having been warned by a police officer to desist from violating one of these sections, shall be guilty of a misdemeanor of the third degree and shall be fined pursuant to Section 601.99, which fine shall not be suspended, waived, or otherwise reduced, and subject to up to 60 days in jail. Each day upon which a violation occurs or continues shall be a separate and punishable offense.

(g) Whoever violates division (b)(10) of this section, during any of the dates of Memorial Day through Labor Day, inclusive, shall be guilty of a misdemeanor of the third degree and shall be fined pursuant to Section 601.99, which fine shall not be suspended, waived, or otherwise reduced, and subject to up to 60 days in jail. Each day upon which a violation occurs or continues shall be a separate and punishable offense.

#### **437.20 Muffler; Muffler Cutout; Excessive Smoke, Gas or Noise**

(a) No person shall own, operate or have in his possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle or in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(b) No person shall own, operate or have in his possession any motor vehicle or motorcycle which emits a flame generated by the ignition of any flammable substance in a muffler or any other device.

(c) No person shall own, operate or have in his possession any motor vehicle with an internal combustion engine which is not equipped with an adequate **muffler** or a motorcycle which is not equipped with a compound muffler, in constant operation and properly maintained to prevent any excessive or unusual noise or sound, and no muffler or exhaust system shall be equipped with a cutout, by-pass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise or sound emitted by the motor of the vehicle in excess of that emitted by the muffler originally installed on the vehicle, and the original muffler shall comply with all of the requirements of this section.

(d) For the purpose of this section "muffler" means a device consisting of a series of chambers or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise. Exhaust pipes shall be parallel to the ground and vehicle, or vertical, and if vertical, the exhaust from the pipes shall not be directed to the side of the vehicle.

(e) No person shall operate any motor vehicle which produces a sound or **noise** in excess of ninety-five decibels as measured not less than five feet from the source of such sound or noise. The term "decibel" means a unit for measurement of relative sound levels as indicated by a sound level meter having those properties essential for the purpose of administration and enforcement of this section of a nature defined by the current American Standard Association Specification (Z 24.3-1944).

### **553.08 Regulations for Sanitation and Conduct**

No person shall ride, lead or drive any horse or other animal into any market house or upon the sidewalk pertaining thereto, or kill or slaughter any animal in any market house or market space, or throw, deposit or permit to be placed or deposited, temporarily or otherwise, any animal or vegetable offal, filth, dead animal, fowl, fish or other noisome substance, or any boxes, baskets, wood, paper, hay, straw, excelsior, sawdust, cork dust or any material used for packing, or anything that will in any manner soil or litter the streets or places herein named in any market house or upon any of the streets, sidewalks or grounds within any of the territory described in this chapter. All garbage, offal, dead animals and other refuse matter, either animal or vegetable, which will or which is liable to ferment, decay, putrify, decompose or in any manner become offensive or a menace to the public health, shall be either deposited in the receptacles provided by the City for such purposes, or removed by the person having possession of the same to such place outside of the territory described in this chapter as will in no manner become offensive or a menace to the public health. All rubbish and other material hereinbefore described save and except garbage, offal, dead animals and other refuse matter, either animal or vegetable, which will or which is liable to ferment, decay, putrify, decompose or in any manner become offensive or a menace to the public health, shall be removed by the person having possession of the same to a suitable place outside of the territory described in this chapter; nor shall any person tie or fasten any horse or other beast to the railing or other parts of the market houses; nor post any bills on, or break, injure or in any way deface any part of the market houses, nor shall any person stand or sit on, or lean against any of the benches, stands or stalls in or around any of the market houses; nor shall any person cut, mark, deface or in any way mar or injure the benches, stands or stalls, or in any way mar, injure or cause to overflow any receptacle provided by the City in or about the market houses or market spaces for the purpose of receiving garbage matter; nor shall any person smoke behind the counter, stall or bench from which customers are served during market hours in any market house; nor shall any person cry or hawk in selling or inviting

attention to the wares, goods or articles for sale or on exhibition in or about any of the places herein named, or use any language or make any **noise** louder than ordinary conversation in transacting any business in or about the places herein named.

#### **559.45 Behavior in Parks**

Sleeping or protracted lounging on the seats or benches, or **loud**, boisterous, threatening or abusive, insulting or indecent language, or disorderly conduct or behavior, or any act tending to a breach of the public peace is strictly prohibited.

#### **687.05 Operating Regulations; Discrimination Prohibited**

(a) No person shall operate any roller coaster, gravity railroad, shoot-the-chutes, merry-go-round, carousel, shooting gallery, switch backs, giant swing, revolving wheels, ferris wheels, scenic railways, whirligigs, flying horses, round-about or loop-the-loops in any outdoor amusement park or place, or upon any place where outdoor amusements are permitted, provided for or conducted or carried on, nearer than 150 feet from any point on the boundary line of the property constituting such amusement park or place where outdoor amusements are permitted, or nearer than 300 feet from any adjacent land in a residence or retail business district as designated in Chapter 335 of the Codified Ordinances. However, in the case of an amusement park in existence at the time of the adoption of this section, the distance requirements specified herein shall not apply to any of the amusement devices in their several existing locations on the date of the adoption of this section, and the distance requirements shall be subject to modification by the Board of Zoning Appeals, established pursuant to Charter Section 76-6, in the case of proposed additional devices, substitutions or changes in locations of or other changes pertaining to existing devices in such existing amusement parks. No person shall operate in any outdoor place in the City other than in an amusement park or place as hereinbefore described, any merry-go-round, roller coaster, gravity railroad, shoot-the-chutes, carousel, shooting gallery, switch back, giant swing, revolving wheel, ferris wheels, scenic railway, whirligig, flying horses, round-about or loop-the-loop, when any part of such device is nearer than 100 feet to a public street or highway, or to an inhabited dwelling. If there is an inhabited dwelling within 150 feet of any such device the music, whether made **by organ, whistle or bells**, shall be permitted only during the hours from 10:00 a.m. to 9:00 p.m. No person shall continue any such **music** beyond the hour of 9:00 p.m. or commence the same earlier than 10:00 a.m. At his discretion, the Director of Public Safety may grant a permit authorizing the continuance of such music during the hours herein prohibited nearer than 150 feet to an inhabited dwelling and also permitting the operation of any of the devices hereinbefore described nearer than 100 feet to a public street or highway or to an inhabited dwelling. In either event such permit is to be for not more than two days in any calendar month. Strict compliance shall be had with the provisions of law and ordinance relating to the safe operation of all amusement devices and to the hazards of fire and panic.

#### **690.12 Prohibited Locations; Exceptions**

No owner, tenant, keeper, proprietor or other person in the interest of such owner, tenant, keeper or proprietor, or any lessee of any such person or corporation shall hold or permit to be held or operated a dance, entertainment, musical concert or public meeting hall where people congregate within 150 feet of any school building, hospital or church. However, the Director of Public Safety, when satisfied that the holding of a dance, entertainment, musical concert or public meeting will not constitute a public nuisance by the creation of unnecessary and unseemly noise,

may issue a permit for any such use upon application therefor. Notice of the application for any permit hereunder shall be given to the hospital, school or church authorities within sufficient time to permit the filing of objections to the issuance of such permit. Upon the receipt of such objections, the Director shall proceed to hold a hearing upon the question of the issuance of a permit for the holding of such dance, entertainment, musical concert or public meeting, and if satisfied that the same will not constitute a public nuisance by the creation of unnecessary and unseemly noise, may issue such permit. The Director is hereby authorized to impose such conditions upon the issuance of such permit as he deems necessary for the prevention of unnecessary and unseemly noise. Such permit shall be in addition to but not in substitution for any other permit or license required for the holding of such dance, entertainment, musical concert or public meeting and no such other permit or license shall be issued except subsequent to the issuance of the permit herein provided for.