

Q: What is the noise law in the City of Athens?

A: Section 13.04.10 of the Athens City Ordinance is the "noise ordinance" that is referred to in the City of Athens. The most commonly enforced sections are listed below

(for the complete law, visit <http://library.municode.com/index.aspx?clientId=14702&stateId=35&stateName=OhioA.C.O.>)

13.04.10

(B) No person, business establishment or organization shall recklessly make or cause to be made or continued, allow, or participate in the making or causing to be made or continued, any loud or unusual noise that disturbs the peace and quiet by means of any one or more of the following acts, which are hereby expressly prohibited:

(2) Radios and Other Devices. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 P.M. and 7:00 a.m. each day Sunday evening through Friday morning or between the hours of 12:00 a.m. and 7:00 a.m. Saturday and Sunday morning, in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located or exceeds 85 dB at any point outside the property plane shall be prima facie evidence of a violation of this section.

(6) Vocal noise between the hours of 10:00 P.M. and 7:00 A.M. each day Sunday evening through Friday morning or between the hours of 12:00 A.M. and 7:00 A.M. Saturday and Sunday morning, the shouting, yelling, chanting or making use of the human voice or vocal chords in a louder than normal conversational tone or pitch, escalating vocal noise, other than in an emergency situation, in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located or exceeds 85 dB at any point outside of the property plane shall be prima facie evidence of a violation of this section.

(7) Those businesses with outside operations that have noise or sound between the hours of 10:00 P.M. and 7:00 A.M. each day Sunday evening through Friday morning, or between the hours of 12:00 A.M. and 7:00 A.M. Saturday and Sunday mornings in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located or exceeds 85 dB at any point outside of the property plane, or source of the noise or sound, shall be prima facie evidence of a violation of this section.

(D) A FIRST VIOLATION OF THIS SECTION SHALL BE AN ADMINISTRATIVE OFFENSE REQUIRING A FINE OF \$100. ANY PERSON CITED WITH A FIRST OFFENSE OF THIS SECTION WHO DOES NOT PAY THE REQUIRED ADMINISTRATIVE FINE WITHIN THIRTY (30) DAYS SHALL RECEIVE A MINOR MISDEMEANOR CITATION INTO COURT, PROVIDING NOTICE AND AN OPPORTUNITY TO BE HEARD, WHICH SHALL SERVE AS AN APPEALS PROCESS. A SECOND OFFENSE WITHIN SIX MONTHS OF THE FIRST OFFENSE SHALL BE A MINOR MISDEMEANOR AND ANY OFFENDER WHO PERSISTS IN SUCH VIOLATION AFTER REASONABLE WARNING OR REQUEST TO DESIST BY A MEMBER OF THE ATHENS CITY POLICE DEPARTMENT SHALL BE GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE. ANY SUBSEQUENT OFFENSE WITHIN SIX MONTHS OF THE SECOND OFFENSE SHALL BE PUNISHABLE AS A MISDEMEANOR OF THE FOURTH DEGREE.

Q: How is the law enforced in Athens?

A: Essentially, any police officer who hears electronic noise or unusually loud voices from the edge of the property line or 50 feet or more from the source, during the per se time limits of the ordinance, has prima facie (face value) evidence that a violation of ACO 13.04.10B2 or B6 has occurred. The officer will stop at the house and attempt to get the house to come into compliance with the ordinance. Prior to the per se time limits, the noise ordinance is enforced based on complaint to the department.

Q: Will I be cited for a violation of the noise ordinance?

A: Circumstances of each violation will dictate whether a resident is cited. For instance, if your residence has previously been warned for a noise violation, chances are high that you will receive a citation. If the noise violation, in the opinion of the officer, is egregious, chances are you will receive a citation, even if you have never been warned.

Q: I have never been warned before, but I received a citation, I thought warnings were required?

A: Warnings are not required by law; however, if officers in the field find that a particular residence is cooperative with the officer's requests to do away with the noise, the officer may opt to issue a one-time-only warning. For more egregious violations officers will more than likely issue a citation.

Q: What constitutes an egregious violation of the noise ordinance?

A: Time of day is a big factor, noise that can be heard at 2am any day of the week is one example of an egregious noise violation. Volume is another factor. Noise that can be heard several houses away is another example of an egregious violation. We also consider any founded complaint of noise to be an egregious violation during the per se time limits.

Q: What should I do if an officer appears at my house to enforce the noise ordinance?

A: Comply with the officers requests. If your house has never been warned, and the officer does not believe your violation is egregious, there is a good chance you may receive a warning, however; argumentative people stand less of a chance of receiving just a warning because their actions indicate they may not be cooperative in the future

Q: Is the noise ordinance only in effect after 10pm on weekdays and midnight on weekends?

A: No, the noise ordinance is in effect 24 hours a day, only the way we enforce the ordinance changes with the 10pm, and midnight per se time frame. Prior to these hours, we

enforce the ordinance on complaint, during the per se time limits, we enforce the ordinance on view.

Q: What is the difference between an administrative violation, a minor misdemeanor violation, and a fourth degree misdemeanor?

A: An administrative violation is akin to a parking citation. This type of violation is not considered criminal in nature and only requires the payment of a \$100 fine for the first violation. A minor misdemeanor is a citable only criminal offense punishable by a fine of up to \$100 plus court costs. A fourth degree misdemeanor is an arrestable offense punishable by a fine of up to \$250 plus court costs, and/or a jail sentence of up to 30 days.

Q: I have already been issued an administrative citation for violation of the noise ordinance, what could happen if I am found to be in violation again?

A: You can be cited with a minor misdemeanor for a second offense and arrested for a fourth degree misdemeanor if you fail to comply with officers requests. For a third offense you can be arrested and charged with a fourth degree misdemeanor.

Q: If I am a student, will Ohio University find out about my noise violation?

A: Since the first violation of the ordinance is now administrative, OU will not find out about the citation, however; our department shares arrest and criminal citation information with Ohio University Judiciaries. Any person cited or arrested for a second or third offense who is an OU student may face OU Judiciary action at the University's discretion.

Q: I have recently moved into a house that has been warned or cited in the last six months, can I be cited for noise?

A: Noise violations are not house specific, they are people specific, so you can be cited for a violation regardless of where it occurs.

Q: What is the best way to avoid violating the noise ordinance?

A: Keep noise to a minimum and respect your neighbors. At the per se time limits of 10pm on weekdays and midnight on weekends, turn your stereo or other electronic noise device off or at least take it inside and close the doors and windows so it cannot be heard from outside your residence. Also, ask visitors to go inside to continue their conversations.

The Athens City noise ordinance was passed in the early 90's and was amended a few years ago to account for outdoor business operations, vocal noise and to amend the per se time frames. It was most recently amended in 2011 to change the first violation of the ordinance to be an administrative violation with a fine of \$100.

Our department has no desire to infringe on a person's right to host a party or social gathering, or to create reasonable noise; however, order maintenance is a primary role of law enforcement and our history of enforcement of the noise ordinance shows that excessive noise is of primary concern to most of our community members, including our University community members.

The best way to avoid a noise violation is to be cognizant of your neighbor's right to peace and quiet. While you may not believe the noise you are creating is unreasonable, you are but one community member among thousands. Noise travels throughout our city in very unpredictable ways. It is not uncommon to receive complaints on noise from a person who lives two or three streets or blocks away. People who live in the elevated neighborhoods can hear noise even farther away. Rather than argue the point, we ask that you be good neighbors and keep your noise to the acceptable community standards that are outlined in this pamphlet.

ATHENS CITY POLICE

FREQUENTLY ASKED QUESTIONS ABOUT THE ATHENS CITY NOISE ORDINANCE



Warning/Citation issued:

Date	Time
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Address	Apt. #
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Officer

Warnings and citations for noise last six months. Please share this pamphlet with all residents.