

ORDINANCE NO. 2 , 2021

**AN ORDINANCE MODIFYING SECTION 132.14, *NOISE*, OF THE
MONTGOMERY CODE OF ORDINANCES**

WHEREAS, in a recent survey, residents of the community voiced their concerns regarding excess noise generated from construction activities, particularly as older properties are repurposed with new residential construction; and

WHEREAS, the Administrative staff has reviewed these concerns with the Police Department and surveyed surrounding communities to make a recommendation to the Planning, Zoning and Landmarks Committee of Council to update Section 132.14, *Noise*, of the Code of Ordinances to regulate the hours of construction and to set a more objective standard for determining when excess noise is spilling over from a property; and

WHEREAS, after Staff reviewed the recommended changes with the Planning, Zoning and Landmarks Committee of Council, the Committee endorsed the recommendations from Staff which are incorporated herein; and

WHEREAS, in implementing this change, the Administration has researched the history of regulating unreasonable noise in the community and the option to update the regulations in light of new development in the community and the market push to provide more outdoor activities; and

WHEREAS, to enhance enforcement, the Administration has recommended, and Council agrees, that more objective standards should be incorporated within the Ordinance to better define when a noise should be considered to be unreasonably loud and disruptive to the community.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 132.14, *Noise*, of the Code of Ordinances shall be amended as follows:

There shall be added to subsection (A) entitled *Definitions* the following term:

CONSTRUCTION WORK. Any type of work which requires a building and/or zoning permit.

SECTION 2. Existing subsections (B) and (C) of Section 132.14 are hereby revoked and deleted with the following subsection (B) to be substituted:

(B) No person shall generate or permit to be generated unreasonable noise or loud sound that is likely to cause inconvenience or annoyance to persons of ordinary sensibilities. A noise or sound shall be presumed to be unreasonable and/or too loud and likely to cause inconvenience and annoyance to persons of ordinary sensibilities under the following circumstances:

(a) Noise generated from any Construction Work on a property within the City, whether residential or commercial, outside of the hours of 7:00 AM to 9:00 PM, Monday through Friday, and the hours of 9:00 AM to 8:00 PM on Saturdays and Sundays.

(b) A noise or sound which can be measured at a level of Seventy (70) decibels (dBs) or higher at a location of Two Hundred (200) feet or

more from any property line of the property from which the sound originates between the hours of 7:00 AM and 11:00 PM daily.

(c) A sound which can be measured at a level of Sixty (60) dBs or higher at a location of Two Hundred (200) feet or more from any property line of the property from which the sound originates between the hours of 11:00 PM and 7:00 AM the following morning.

(d) Sound generated or sound amplified from, or from within, a motor vehicle at such a level that the sound emitted from the motor vehicle can be measured to exceed Seventy (70) dBs during the hours of 7:00 AM until 11:00 PM, or measured to exceed Sixty (60) dBs during the hours of 11:00 PM until 7:00 AM the following morning when measured at a distance of One Hundred (100) feet from the motor vehicle from which the sound is emitted. These standards apply whether the vehicle is stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway within the City.

SECTION 3. Previous subsection (D) of Section 132.14 shall now be subsection (C), and subsection (E) shall now become subsection (D), provided, however, that within the new subsection (D) the following exemptions shall be added:

(6) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction.

(7) Noises resulting from excavations, installation or repairs of public utilities, bridges, streets or highway by or on behalf of a public utility, the City, County or State when public health, safety, welfare and convenience

renders it impractical to perform such work during the hours of the day outlined in subsection (C) above for Construction Work.

SECTION 4. Other parts or sections of Section 132.14, *Noise*, of the Code of Ordinances is hereby ratified and reaffirmed.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 6. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 7. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: March 3, 2021

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director