



Ordinance Review Commission

February 16, 2022
 8:00 a.m.
 City Council Chambers
 345 High Street
 Hamilton, OH 45011

Ordinance Review Commission Members

Carla Fiehrer
 Chair

Pat Moeller
 Mayor - Vice Chair

Susan Vaughn
 Council Member

Chief Bucheit
 Chief of Police

Kay Farrar
 Health Commissioner

Jim Williams
 Public Works Director

Nate Perry
 Utilities Representative

Peter Acuff
 Resident Representative

Kristina Latta-Landefeld
 Resident Representative

I. Call to Order

Motion to Excuse _____ for reasons known by the commission

(Voice Vote) 1st _____ 2nd _____

Fiehrer	Moeller	Vaughn	Bucheit	Farrar	Williams	Perry	Acuff	Latta-Landefeld

II. Approval Of Meeting Minutes

Motion – That the February 16, 2022 Ordinance Review Commission Minutes be approved (Audio Minutes)

(Voice Vote) 1st _____ 2nd _____

III. New Business - Update on City of Hamilton Ordinance No. 2019-11-124, Section 521.13 Unsolicited Written Materials

*** If a motion is needed to advance legislation onto City Council or the next step in the process, please use the motion and vote below:

Motion – That the legislation move forward.

(Roll Call Vote) 1st _____ 2nd _____

Fiehrer	Moeller	Vaughn	Bucheit	Farrar	Williams	Perry	Acuff	Latta-Landefeld





Ordinance Review Commission

February 16, 2022
 8:00 a.m.
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 345 High Street
 Hamilton, OH 45011

- IV. New Business – A recommendation to amend Chapter 509, Disorderly Conduct and Peace Disturbance, of the Codified Ordinances of the City of Hamilton, Ohio to address the use of sound amplification devices within the City of Hamilton.

*** If a motion is needed to advance legislation onto City Council or the next step in the process, please use the motion and vote below:

Motion: That the legislation move forward to City Council.

(Roll Call Vote) 1st _____ 2nd _____

Fiehrer	Moeller	Vaughn	Bucheit	Farrar	Williams	Perry	Acuff	Latta-Landefeid

- V. Audience of Citizens

Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address the Ordinance Review Commission are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.

- VI. Audience of the Commission

- VII. Next Meeting

- VIII. Adjournment

Motion –That the meeting be adjourned.

(Roll Call Vote) 1st _____ 2nd _____

Fiehrer	Moeller	Vaughn	Bucheit	Farrar	Williams	Perry	Acuff	Latta-Landefeid

All ordinances being discussed are on file in the Office of the City Clerk at 345 High Street Hamilton, OH 45011 and are available on request in advance of the meeting. Additionally, the discussed ordinances are available on the City’s website. The City of Hamilton is pleased to provide accommodations to disabled individuals and encourage their participation in city government. Should special accommodations be required, please contact the City Clerk’s office at 513-785-7023 (24) hours before the scheduled meeting.



Ordinance Review Commission Informational Report

TO: The Honorable Mayor and Members of the Ordinance Review Commission

FROM: Letitia S. Block, Director of Law

RE: Update on City of Hamilton Ordinance No. 2019-11-124, Section 521.13
Unsolicited Written Materials

Dear Mayor and Members of the Ordinance Review Commission:

In November of 2019, Council passed Ordinance No. 2019-11-124, which enacted Hamilton Codified Ordinance Section 521.13, Unsolicited Written Materials. See Ordinance No. 2019-11-124 attached as Exhibit A. That Ordinance restricts the delivery locations for unsolicited written materials in an effort to reduce visual blight and litter. The Ordinance is modeled after Lexington-Fayette Urban County, Kentucky's Ordinance No 25-2017, which has been upheld by the United States Sixth Circuit Court of Appeals. Ohio is under the jurisdiction of the Sixth Circuit.

The City's Ordinance No. 2019-11-124 allows for six (6) separate permissible delivery locations:

- (1) On a porch, if one exists, nearest the front door; or
- (2) So that such, materials are securely attached to the front door; or
- (3) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 408 Recipient Services, Subsection 3.1.2; or
- (4) Where permitted, in a distribution box located on or adjacent to the premises; or
- (5) Securely attached to a hook or within some other receptacles used for the delivery of non-U.S. Mail packages or materials, attached to the mailbox post for the premises, if it exists; or
- (6) Personally to the owner, occupant, and/or lessee of the premises.

In conjunction with enacting an ordinance, the City also reached out to the two (2) main distributors of circulars in the City of Hamilton, Valassis and Cox Media, whose publications are known as Retailmenot Everyday (Valassis) and Sunday Values or Hamilton Extra (Cox Media) to inform them of our new ordinance and obtain up to date opt-out information to communication to Hamilton residents. The City was provided with opt-out contact information, and subsequently added a category to the 311 System for residents to report violations of the ordinance and/or issues with opt-out compliance. Lastly, the City created a form for reporting escalating issues to the City. A copy of the 311 System Message sent to all complainants related to unwritten solicited materials (Exhibit B), along with a copy of the Complaint Form (Exhibit C) have been included as attachments to this report.



Since enacted, the City has received approximately twelve (12) complaints in the 311 system, mostly related to delivery compliance. See Exhibit D. The City's Law Department has received zero Complaint Forms.

In the spring and summer of 2022, the City reached back out to the distributor representatives for Valassis and Cox Media. The representative for Valassis informed administration that their company name changed to Vericast and the publication name changed from Retailmenot Everyday to SAVE, and provided updated opt-out information. The representative for Cox Media confirmed the opt-out phone number previously provided is still correct and pledged to do another internal review of their processes related to our ordinance and their opt out policy. The Law Department will continue to follow up of these issues as appropriate.

Attachment:

- Exhibit A - Hamilton Ordinance No. 2019-11-124
- Exhibit B - 311 System Message
- Exhibit C - Complaint Form
- Exhibit D- Sorted 311 Spreadsheet of Complaints



ORDINANCE NO. OR2019-11-124

AN ORDINANCE SUPPLEMENTING THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO BY ADDING A NEW SECTION 521.13 UNSOLICITED WRITTEN MATERIALS TO CHAPTER 521 HEALTH, SAFETY AND SANITATION.

WHEREAS, the City has substantial, legitimate interest in preserving and maintaining a high level of sanitation throughout the City by reducing visual blight and litter; and

WHEREAS, the City has experienced ongoing problems with delivery of unsolicited written materials to areas of private property such as yards and driveways, commonly resulting in materials remaining in such locations for extended periods of time, causing visual blight; and

WHEREAS, the City has received resident complaints related to unsolicited materials being delivered to locations on the residents' private property which, in addition to causing visual blight and the spread of litter, cause hardship on residents forced to collect these materials from various portions of their or neighboring property; and

WHEREAS, the City wishes to reduce visual blight, littering, and the interference with private property associated with the delivery of unsolicited written materials while at the same time protecting the First Amendment rights of persons or organizations delivering those materials; and

WHEREAS, in light of large number of unsolicited written materials delivered in the City each year, the City has reasonable basis to believe that restricting deliveries to certain specified locations will bring about a more consistent esthetic and reduce litter; and

WHEREAS, requiring all unsolicited written materials to be delivered to consistent predictable locations will further reduce the visual impact of such materials by increasing the chances that recipients will find and collect the materials and discard them in an appropriate manner; and

WHEREAS, City Council finds this ordinance leaves open ample alternative channels of communication and does not prohibit the right for individuals to travel door-to-door to proselytize, and leave literature with residents.

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

SECTION I: That the Codified Ordinances of the City of Hamilton, Ohio, are hereby supplemented by adding thereto new Section 521.13 Unsolicited Material to Chapter 521 Health, Safety and Sanitation to be and read as seen as Exhibit 1 attached hereto.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: November 13, 2019

Effective Date: December 13, 2019

ATTEST: Nicholas Garuckas
City Clerk

[Signature]
Mayor

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. OR2019-11-124 was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: November 14, 2019

[Signature]
Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1

521.13 UNSOLICITED WRITTEN MATERIALS

(a) As used in this section:

"Front door" means the street-facing entrance(s) to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this section.

"Person" means any person, firm, corporation, limited liability company, association, club, society or other organization.

"Porch" means an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

"Premises" means a lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

"Principal structure" means a structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

"Unsolicited written materials" means any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

- (b) No person shall deliver, place, or distribute unsolicited written materials to any premises other than in the following locations and manners: (1) on a porch, if one exists, nearest the front door; or (2) so that such materials are securely attached to the front door; or (3) through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2; or (4) where permitted, in a distribution box located on or adjacent to the premises; or (5) securely attached to a hook or within some other receptacle used for the delivery of non-U.S. Mail packages or materials, attached to the mailbox post for the premises, if it exists; or (6) personally to the owner, occupant, and/or lessee of the premises.
- (c) Notwithstanding subsection (b), an owner, lessee, or occupant maintains the right to restrict entry to his or her premises. Where the owner, lessee, occupant, or person legally in charge of the premises has posted at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors" or words of similar import, no person shall cause to be delivered, placed, or distributed unsolicited written materials to said premises.
- (d) Organizational liability. It is the intent of the City Council to jointly impose organizational liability for violation of this section by any officer, agent (including but not limited to an independent contractor), or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.
- (e) Timestamped photographic evidence of unsolicited written materials located upon premises, other than as permitted pursuant to subsection (b), creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent (including but not limited to an independent contractor), or employee of the business, product, good, service, or message which is being advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package relate to multiple businesses, products, goods, services, or messages, the presumption shall apply to the identified distributor of the package of materials, if any. Violation of this section is a strict liability offense and the prosecution of an offense under this section is relieved from proof of any other culpable mental state under the Codified Ordinances.

Ordinance No. OR2019-11-124 (cont'd)

- (f) The provisions of this section do not apply to the United States Postal Service.
- (g) Severability. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, that invalidation shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.
- (h) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense. Any subsequent offense shall be charged as a third degree misdemeanor if the defendant has previously been convicted individually or under organizational liability. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.



Exhibit B - 311 System Message

The City is not able to prohibit these materials from being distributed, but they are generally to be placed on the porch, if one exists, or nearest the front door, according to Hamilton Codified Ordinance 521.13.

If you have received a delivery outside of the allowed locations at any time, even during the opt-out processing period, and wish to file a formal complaint or have waited the six (6) week processing period and wish to file a formal complaint regarding an opt-out violation, please follow this link to complete an online complaint form: <https://bit.ly/3HXccLG>

Please note, action by the City can only be taken if a formal complaint has been completed via the online complaint form. Public complaints on any forum, including City of Hamilton social media pages, and/or private complaints made to staff or council members will not be considered formal complaints unless the form has also been completed and submitted as directed.

Opt-Out for Vericast (parent company)/ Save / RetailMeNot Everyday:
Online at SAVE.com select delivery options at the bottom of the page; or
Call 513-731-1200 or 859-594-3600.

Opt-Out for Cox Media (Journal News) Sunday Values or Hamilton Extra:
<http://www.sundayvaluesohio.com/#/>; or
Call 1-888-397-6397

Please note, it may take up to six (6) weeks processing time for each company to update their databases and inform route carriers of the service change. You are urged to save a dated copy of your opt-out request as it may serve as proof of violation should you need to file a formal opt-out violation complaint after the process period has expired.

A link to our satisfaction survey is below to tell us about your experience with MyHamilton (311) and our City team. Your feedback is important to us as we work to make our city cleaner, safer, and more engaged!

<https://www.surveymonkey.com/r/myhamilton311>

Thank you for caring about our community and being an engaged citizen!

Brandon Saurber
Public Information Officer / Director of Neighborhoods

513-785-7076 d
brandon.saurber@hamilton-oh.gov

**Department of
Neighborhoods**
345 High Street
Hamilton, Ohio 45011



UNSOLICITED MATERIAL COMPLAINT FORM

Use this form to submit a complaint of unsolicited material delivered to your home or place of business. Submission of this complaint means you agree to testify at any Hamilton Municipal Court hearing requested by the respondent. "Please keep the unsolicited materials in the condition you found them until they are documented by Resident Services because the materials will be necessary evidence if a hearing is required." **Provide as much information below as possible.**

Address Where Delivered										
Date Discovered		/	/	Time (if known)						
Where unsolicited materials were found (i.e. driveway, front yard, etc.)										
Description of Delivered Material										
Description of Delivery Vehicle (if known)										
Lic Plate No		Year		Make		Model		Color		
Deliverer Name						Owner of Materials				

I have previously opted out of delivery for this unsolicited written material and have waited the noted compliance period.

Date Submitted Opt-Out Request _____

I have attached a photo or video for review.

I swear under penalty of perjury that the contents of this Complaint are true and correct to the best of my knowledge and I agree to appear at any hearing held concerning this complaint.

_____ / ____ / ____
Complainant's Signature

Date

Complainant's Contact Information

Name										
Address										
City				State				Zip Code		
Day Phone				Cell Phone				Email		

When completed you may mail or hand deliver this complaint to the address at the top of this page or send a copy of this form by email to cindy.hogg@hamilton-oh.gov. A copy of the Unsolicited Materials ordinance can be found on the reverse side of this form.

CHAPTER 521: HEALTH, SAFETY AND SANITATION

521.13 UNSOLICITED MATERIALS.

- a) As used in this section:
1. "Front door" means the street-facing entrance(s) to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this section.
 2. "Person" means any person, firm, corporation, limited liability company, association, club, society or other organization.
 3. "Porch" means an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.
 4. "Premises" means a lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.
 5. "Principal structure" means a structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.
 6. "Unsolicited written materials" means any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises. Notwithstanding subsection (A) above, an owner, lessee or occupant maintains the right to restrict entry to his or her premises.
- b) No person shall deliver, place, or distribute unsolicited written materials to any premises other than in the following locations and manners: (1) on a porch, if one exists, nearest the front door; or (2) so that such materials are securely attached to the front door; or (3) through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2; or (4) where permitted, in a distribution box located on or adjacent to the premises; or (5) securely attached to a hook or within some other receptacle used for the delivery of non-U.S. Mail packages or materials, attached to the mailbox post for the premises, if it exists; or (6) personally to the owner, occupant, and/or lessee of the premises.
- c) Notwithstanding subsection (b), an owner, lessee, or occupant maintains the right to restrict entry to his or her premises. Where the owner, lessee, occupant, or person legally in charge of the premises has posted at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors" or words of similar import, no person shall cause to be delivered, placed, or distributed unsolicited written materials to said premises.
- d) Organizational liability. It is the intent of the City Council to jointly impose organizational liability for violation of this section by any officer, agent (including but not limited to an independent contractor), or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.
- e) Timestamped photographic evidence of unsolicited written materials located upon premises, other than as permitted pursuant to subsection (b), creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent (including but not limited to an independent contractor), or employee of the business, product, good, service, or message which is being advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package relate to multiple businesses, products, goods, services, or messages, the presumption shall apply to the identified distributor of the package of materials, if any. Violation of this section is a strict liability offense and the prosecution of an offense under this section is relieved from proof of any other culpable mental state under the Codified Ordinances.
- f) The provisions of this section do not apply to the United States Postal Service.
- g) Severability. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, that invalidation shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.
- h) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense. Any subsequent offense shall be charged as a third degree misdemeanor if the defendant has previously been convicted individually or under organizational liability. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Exhibit D - Sorted 311 Spreadsheet of Complaints

Sorted 311 Complaints

Date	Type	Secondary	Description
01/27/2022 - 12:28PM	Delivery Compliance		Owner refuses to pick up weeks of circulars strewn throughout her front yard
04/05/2020 - 02:05PM	Delivery Compliance		Flyer is being left on driveway in violation of city ordinance. Not to mention covid-19 safety.
05/26/2020 - 06:39PM	Delivery Compliance		Continue to receive weekly coupon booklets at bottom of driveway. Do not want these thanks
07/06/2021 - 01:18PM	Opt-Out Compliance	Delivery Compliance	unsolicited weekly flier showing up in driveway again I had it stopped once. what can be done to stop this trash being thrown in my driveway
07/06/2021 - 03:46PM	Opt-Out Compliance		https://www.retailmenot.com/everyday/unsubscribe re #10331061 very good you responded quickly...however the link takes you to an opportunity to save with their email coupons not a form to unsubscribe for the delivered version. With a little searching I did find a form to opt out of mailings however no form to specifically fill out for delivery. This scummy outfit doesnt want one to make them quit sending their spam by delivery give me some help ALEX!
07/26/2022 - 10:14AM	Delivery Compliance		Why are the circulars allowed? They end up littering the curbside. I'm sure when it rains, they end up being washed down the sewer They are an eyesore..
07/27/2022 - 01:57PM	Delivery Compliance		Circular / Unsolicited Material left on sidewalks and driveway
08/03/2020 - 06:11PM	Delivery Compliance		We are still receiving plastic bagged circulars in our driveway every week. I thought these were banned.
08/10/2020 - 03:03PM	Delivery Compliance		I do not want to receive the weekly pink bag of ads. I leave town often and stop my mail, but with these circulars being delivered it looks like no one is home. I tried to call number on bag and it always says the line is busy.
			Red bag with Ads in it, being thrown in my drive way on Saturdays. Labels say things like "RedPlum" and "for inquiries call 513-731-1200 or go to www.valassis.com ".
08/23/2020 - 09:33PM	Delivery Compliance		These are a nuisance for the neighborhood and I believe there is an ordinance that these must be placed in slots on the mailboxes, and not thrown about.
09/13/2020 - 11:56AM	Delivery Compliance		Circulars being thrown in yards again
09/23/2020 - 11:15AM			Circulars at many houses on Bennihofen



Informational Report
August 17, 2022

Ordinance Review Commission Informational Report

TO: The Honorable Mayor and Members of the Ordinance Review Commission

FROM: Brandon Saurber, Department of Neighborhoods
Craig Bucheit, Chief of Police

RE: A recommendation to amend Chapter 509, Disorderly Conduct and Peace Disturbance, of the Codified Ordinances of the City of Hamilton, Ohio to address the use of sound amplification devices within the City of Hamilton.

Dear Mayor and Members of the Ordinance Review Commission:

The City of Hamilton has several noise ordinances aimed at preserving the health and safety of Hamilton residents and visitors. However, these existing ordinances do not specifically regulate the use of sound amplification devices within the city and at/near Special Events (as defined in Chapter 315 of the Codified Ordinances of the City of Hamilton). City Administration would like to strengthen our ordinances to address this deficiency to better serve our community and visitors.

City administration reviewed several local and statewide noise ordinances related to sound amplification devices, including Cincinnati, Ohio. As seen in attached Cincinnati Municipal Code Section 909-4. - Limitations on Amplified Sound at Special Events, Cincinnati has outlined specific limitations concerning sound amplification devices and their operation near Special Events. City administration believes the City would benefit in adopting a similar ordinance and have proposed the addition to Chapter 509, Disorderly Conduct and Peace Disturbance. Additionally, City administration proposes a change to Section 509.11, Annoying Noises, to include sound amplification devices. These proposed changes and additions may be reviewed in the attached redline of Chapter 509.

Recommendation:

It is Staff's recommendation that the legislation move forward to City Council. If the ORC concurs with this recommendation, a motion has been provided below.

Motion: That the legislation move forward to City Council.

Attachments:

- Exhibit A - Cincinnati Municipal Code Section 909-4. - Limitations on Amplified Sound at Special Events
- Exhibit B - Redline of Chapter 509, Disorderly Conduct and Peace Disturbance



Sec. 909-4. Limitations on Amplified Sound at Special Events.

- (A) No person shall operate or cause to be operated any sound amplification equipment or sound-amplifying instrument during any special event that requires a special event permit under Chapter 765 of the Cincinnati Municipal Code, in any of the following areas at the special event location:
- (1) Within 100 feet of the sale of food, beverages, or merchandise;
 - (2) Within 100 feet of performances or other event attractions provided to attendees by the event sponsor; or
 - (3) Within 100 feet of the event sponsor's public address system or other means of broadcasting announcements and other messages to attendees.
- (B) This section does not apply to the sponsor or the designee of a sponsor of a special event. The sponsor of a special event is allowed to utilize sound amplification equipment or sound-amplifying instruments and to allow those who are part of the official program of the special event to utilize such equipment and instruments.
- (C) Sound amplification equipment and sound-amplifying instruments include, but are not limited to, megaphones, microphones, electric amplifiers, drums, whistles, and horns.
- (D) Nothing in this section is intended to replace or supersede the provisions of Section 909-3 of this chapter. The existing limitations on loud noise established in Section 909-3 are still in effect at special events.
- (E) Nothing in this section is intended to prohibit the assessment of any other penalties provided in this chapter or in any other chapter of the Cincinnati Municipal Code.
- (F) Following a warning, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ordained by Emer. Ord. No. 344-2016, § 1, eff. Nov. 2, 2016)

CHAPTER 509

Disorderly Conduct and Peace Disturbance

509.01 Riot.

509.011 Inciting to violence.

509.02 Failure to disperse.

509.021 Police safety zones and police lines.

509.03 Disorderly conduct; intoxication.

509.04 Disturbing a lawful meeting.

509.05 Misconduct at an emergency.

509.06 Inducing panic.

509.07 Making false alarms.

509.08 Other false calls.

509.081 Excessive false alarms.

509.09 Information leading to arrest of offenders.

509.10 State of emergency.

509.11 Annoying noises.

509.12 Misconduct at fires.

509.13 Loud noise inside and outside entertainment places.

509.14 Excessive sound from motor vehicles prohibited.

509.15 Picketing and other protest activities at site of funeral or burial service.

509.16 Limitations on Amplified Sound at Special Events.

509.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

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

Criminal trespass - see GEN. OFF. 541.05

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)

509.021 POLICE SAFETY ZONES AND POLICE LINES.

(a) Authorized; Prohibited Acts; Compliance with Orders of Police.

(1) When any fire, accident, explosion, parade, calamity, public disturbance, riot, rally, demonstration, natural disaster, crime scene or other occasion or event causes or may cause persons to collect on the public streets, sidewalks, or other areas of the City, the Chief of Police or officer acting for him or her may establish a safety zone or police line as may be necessary for the purpose of affording a clearing for:

A. The protection of persons and property;

B. Police officers, firefighters, emergency medical personnel, and other personnel performing operations in accordance with their duties;

C. The exclusion of the public from the vicinity of a fire, accident, explosion, calamity, crime scene, other emergency or public disturbances or public nuisance or riot;

D. The passage of a parade;

E. The movement of traffic.

(2) Any person who shall knowingly cross such line, knowingly enter into any such zone, or remain in any such zone after being requested to leave, shall be guilty of a misdemeanor of the fourth degree. Provided, that bona fide and properly identified representatives of the press and media, residents, medical or clerical persons intending to minister to residents of the zone, and such other persons as the Chief of Police or officer acting for him or her may be permitted to cross such lines or enter into such zone, and may remain in such zone so long as they will not and do not interfere with emergency personnel performing their duties.

(3) Every person present within such zone shall comply with any lawful order or instruction of any police officer and any person who refuses to comply with the necessary order of a police officer shall be guilty of a misdemeanor of the fourth degree.

(b) Authority of Chief of Police.

(1) When the Chief of Police or officer acting for him or her finds there is a clear and present danger of riot or of such other events as enumerated in subsection (a)(1) hereof, the Police Chief may establish a safety zone and/or a police line for the minimum time necessary to suppress and/or prevent the riot, or other event as set forth in subsection (a)(1) hereof and such safety or police zone shall encompass the minimum area as is necessary to protect persons and property, afford a clearing for police officers, firefighters and other emergency personnel, and to exclude the public from the vicinity of such riot, or such other event as enumerated in subsection (a)(1) hereof.

(2) Notwithstanding the foregoing, nothing in this section shall be construed to limit the authority of the Police Chief or officer acting for him or her to act as set forth in subsection (a) hereof.

(Ord. 2006-6-70. Passed 6-14-06.)

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 that serves no lawful and reasonable purpose of the offender;

(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.

(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 the offender were not intoxicated, should know is likely to have that effect on others;

(2) Engage in conduct or create a condition that presents a risk of physical harm to the offender 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) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof.

(ORC 2917.11)

(e) Whoever violates this section is guilty of disorderly conduct, a misdemeanor of the fourth degree.

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 Section 509.07, 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 MAKING FALSE ALARMS.

(a) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

(4) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of one thousand dollars (\$1,000) or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms 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) "Critical infrastructure facility" has the same meaning as in Ohio R.C. 2911.21.

(2) "Economic harm" and "weapon of mass destruction" have the same meaning as in Section 509.06. (ORC 2917.32)

509.08 OTHER FALSE CALLS.

(a) No person shall knowingly make or aid or abet the making of any false calls for taxis, funeral cars or for the delivery of merchandise, so as to annoy and disturb the peace and good order of the City, or to annoy and disturb any of the inhabitants thereof.

(Ord. 4935. Passed 1-19-49.)

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

509.081 EXCESSIVE FALSE ALARMS.

(a) Definitions. For purposes of this section, the following definitions shall apply:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an unauthorized entry, robbery, medical and/or emergency, or any other activity requiring urgent attention and to which the Police Division or Fire Division is excepted to respond.

(2) A. "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, carelessness or negligence of the owner or lessee of an alarm system or of his employees or agent that alerts a government organization, police, fire or other emergency service of an emergency requiring their immediate response.

B. "False alarm" does not include:

1. An alarm triggered by an act of God, or

2. An alarm triggered by a criminal act or an attempt to commit a criminal act when there is actual physical evidence at the scene of the alarm suggesting an abandoned or a completed effort to commit a crime.

(3) "Alarm user" shall mean the person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained or used.

(b) Procedures - Police Division. In order to more effectively deal with the problem of excessive false alarms and to defray the costs incurred in responding to multiple false alarms within the corporate limits of the City, the following procedures shall be followed whenever the Police Division has responded to multiple false alarms within a calendar year resulting from the malfunction of the same commercial or residential alarm system.

Alarm users shall be responsible for multiple false alarms sent by alarm systems on premises under their control.

(1) On the third false alarm during a calendar year, the Police Division shall send a written warning to the alarm user of the premises from which such false alarm has been emitted advising the alarm user of the number of false alarms recorded for that alarm system to date.

(2) On the fourth false alarm during a calendar year, the Police Division shall make telephone contact with the alarm user advising the alarm user of the number of alarms recorded for that alarm system to date.

(3) On the fifth false alarm during a calendar year, the Police Division shall make a second warning telephone call to the alarm user advising the alarm user of the number of alarms recorded for that alarm system to date.

(4) On the sixth false alarm during a calendar year, the Police Division shall make a personal visit to the premises wherein the alarm system is maintained and personally notify the alarm user of the number of alarms recorded for that alarm system to date.

(5) On the seventh false alarm during a calendar year, the Police Division shall serve a final written warning either by personal service or by certified U.S. mail, return receipt requested, to the alarm user of the premises from which such false alarm has been emitted notifying the alarm user of the number of alarms recorded for that alarm system to date and further notifying the alarm user that any subsequent violation in the same calendar year shall constitute a minor misdemeanor punishable by a fine of up to one hundred dollars (\$100.00).

In addition to the requirements set forth in subsections (b)(1) to (5) herein, in all contracts with the alarm user by the Police Division, the alarm user shall be notified that the alarm user may contest the status of the activation being considered a false alarm by written correspondence directed to the attention of the Chief of Police within 30 days of the activation.

Upon receipt of the written correspondence from the alarm user, the Chief of Police, in his discretion, and with the concurrence of the City Manager, may waive, modify or set aside the calculation of the number of false alarms received by the City from the alarm premises in order to avoid any injustice to the alarm user as a result of receipt of alarm signals which do not constitute false alarms pursuant to the definition set forth in subsection (a)(2) herein.

(c) Procedures - Fire Division. In order to more effectively deal with the problem of excessive false alarms and to defray the costs incurred in responding to multiple false

alarms within the corporate limits of the City, the following procedures shall be followed whenever the Fire Division has responded to multiple false alarms within a calendar year resulting from the malfunction of the same commercial or residential alarm system.

Alarm users shall be responsible for multiple false alarms sent by alarm systems on premises under their control.

(1) On the second false alarm during a calendar year, the Fire Division shall send a written warning to the alarm user of the premises from which such false alarm has been emitted advising the alarm user of the number of false alarms recorded for that alarm system to date.

(2) On the third false alarm during a calendar year, the Fire Division shall serve a final written warning either by regular mail or by certified U.S. mail, return receipt requested, to the alarm user of the premises from which such false alarm has been emitted notifying the alarm user of the number of alarms recorded for that alarm system to date and further notifying the alarm user that any subsequent violation in the same calendar year shall constitute a minor misdemeanor punishable by a fine of up to one hundred dollars (\$100.00).

In addition to the requirements set forth in subsection (c)(1) and (2) herein, in all contracts with the alarm user by the Fire Division, the alarm user shall be notified that the alarm user may contest the status of the activation being considered a false alarm by written correspondence directed to the attention of the Fire Chief within 30 days of the activation.

Upon receipt of the written correspondence from the alarm user, the Fire Chief, in his discretion and with the concurrence of the City Manager, may waive, modify, or set aside the calculation of the number of false alarms received by the City from the alarm premises in order to avoid any injustice to the alarm user as a result of receipt of alarm signals which do not constitute false alarms pursuant to the definition set forth in subsection (a)(2) herein.

(d) Excessive False Alarms - Violations.

(1) No alarm user, having been sent each of the written notice and having received the telephone contact and personal notification as set forth in subsection (b)(1) to (5) herein for the third through seventh false alarms during a calendar year, shall permit an eighth false alarm to occur during the same calendar year. This subsection shall be construed to impose strict liability for all false alarms occurring after the notices issued pursuant to subsection (b)(1) to (5) have been sent.

In a prosecution for a violation of this subsection, the occurrence or nonoccurrence of the false alarms giving rise to the notices listed in subsections (b)(1) to (5) herein shall not be collaterally attacked by an alarm user, unless that alarm user had, within 30 days of the false alarm, previously notified the Police Division of the reasons why such previous activation should not be considered to be a false alarm.

A violation of this subsection is a minor misdemeanor.

(2) No alarm user shall permit nine or more false alarms to occur during the same calendar year. This subsection shall be construed to impose strict liability for all false alarms occurring after the notices in subsections (b)(1) to (5) have been sent.

In a prosecution for a violation of this subsection, the occurrence or nonoccurrence of the false alarms giving rise to the notices listed in subsections (b)(1) to (5) herein shall not be collaterally attacked by an alarm user, unless that alarm user had, within 30 days of the false alarm, previously notified the Police Division of the reasons why such previous activation should not be considered to be a false alarm.

A violation of this subsection is a fourth degree misdemeanor.

(3) No alarm user, having been sent each of the written notices as set forth in subsections (c)(1) and (2) herein for the third false alarm during a calendar year, shall permit a fourth false alarm to occur during the same calendar year. This subsection shall be construed to impose strict liability for all false alarms occurring after the notices issued pursuant to subsections (c)(1) and (2) have been sent.

In a prosecution for a violation of this subsection, the occurrence or nonoccurrence of the false alarms giving rise to the notices listed in subsections (c)(1) and (2) herein shall not be collaterally attacked by an alarm user, unless that alarm user had, within 30 days of the false alarm, previously notified the Fire Division of the reasons why such previous activation should not be considered to be a false alarm.

A violation of this subsection is a minor misdemeanor.

(4) No alarm user shall permit five or more false alarms to occur during the same calendar year. This subsection shall be construed to impose strict liability for all false alarms occurring after the notices in subsections (c)(1) and (2) have been sent.

In a prosecution for a violation of this subsection, the occurrence or nonoccurrence of the false alarms giving rise to the notices listed in subsections (c)(1) and (2) herein shall not be collaterally attacked by an alarm user, unless that alarm user had, within 30 days of the false alarm, previously notified the Fire Division of the reasons why such previous activation should not be considered to be a false alarm.

A violation of this subsection is a fourth degree misdemeanor.

(Ord. 2004-7-62. Passed 7-14-04.)

509.09 INFORMATION LEADING TO ARREST OF OFFENDERS.

The City Manager has authority to offer a reward of one hundred dollars (\$100.00) or less for information leading to the arrest, apprehension and conviction of any person who shall wilfully give or cause to be given any of the false calls mentioned in the preceding sections, the costs or payment of reward to be charged to the Contingent Fund.

(Ord. 4935. Passed 1-19-49.)

509.10 STATE OF EMERGENCY.

(a) Proclamation. When there is a tumult, riot, mob or body of people acting together with 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, any of the following named officers, acting in the order herein designated when the previously named officer or officers are absent from the City or are unavailable or incapable of doing so, are authorized and directed to proclaim the existence of a state of emergency in the City, or within any prescribed area or areas thereof: the Mayor, the Vice Mayor, or the City Manager or designated acting City Manager. (Ord. 7041. Passed 9-6-67.)

(b) Issuance of Proclamations. When a state of emergency has been proclaimed as provided in subsection (a) hereof, any of the officers named therein, acting in the order designated, are authorized and directed to issue such proclamations as they deem necessary to protect life and property. The proclamations may include, but are not limited to, the establishment of curfew; prohibiting the sale of beer or intoxicating liquor, prohibiting the sale, offering for sale, dispensing, and regulating of controlling the transportation of deadly weapons, dynamite and other dangerous explosives, incendiary devices and any necessary ingredient thereof; prohibiting the sale of gasoline other than directly into vehicle gasoline tanks; restricting or prohibiting movement into, out of, or within the affected area or areas; or prohibiting or limiting the assemblage of persons. In no instance shall the terms set forth in this subsection mean any firearm as defined in Ohio R.C. 2923.11, part of a firearm, its components, or its ammunition.

(Ord. 2019-12-142. Passed 12-11-19.)

(c) Failure to Obey Police Officer or Militiaman. 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 state of emergency as proclaimed, as provided in subsection (b) hereof. (Ord. 7041. Passed 9-6-67.)

(d) Misdemeanor Classification. Whoever violates any proclamation issued in accordance with subsection (b) hereof or violates subsection (c) hereof is guilty of a misdemeanor of the first degree.

509.11 ANNOYING NOISES.

(a) No person shall cause any great annoying noise in the streets or elsewhere within the City, by the blowing of horns or sirens, the ringing of bells, through the operation of sound amplifying devices, by outcry of any kind, or by any other means, whether for the purpose of crying wares or for any other purpose, in such a way as to disturb the quiet or to annoy other persons. (1931 Code §91.3121)

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

509.12 MISCONDUCT AT FIRES.

(a) The Fire Chief or such other fire officer as may be in command at a fire shall have power to establish fire lines, which shall thereupon be maintained by the police, within which fire lines no person who is not a fireman or policeman, member of a salvage corps, owner of property within such lines, or an authorized newspaper reporter, shall be admitted. (1931 Code § 78. 8212)

(b) No person, not authorized by ordinance or by the officer in charge of fighting any fire, shall go within the fire lines established as provided by subsection (a) hereof. (1931 Code §78.8291)

(c) No person shall in any way interfere with or obstruct the use of any fire hydrant, or impede the access thereto of any firemen or fire apparatus. (1931 Code §78.9121)

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

509.13 LOUD NOISE INSIDE AND OUTSIDE ENTERTAINMENT PLACES.

(a) No person operating a restaurant, hotel, motel, liquor establishment or other place of refreshment or entertainment venue shall, or permit any person to, play any radio, music player, audio system or musical instrument in such a manner or at such volume as to annoy or disturb the peace and quiet of the surrounding neighborhood, having due regard for the proximity of residences, hospitals, or other residential institutions, and to any other conditions affected by such noises.

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(b) In order to accommodate an outdoor performance or other outdoor special event, the City Manager may authorize a person to play, or authorize that person to permit another person to play, a radio, music player, audio system or musical instrument in such a manner that would otherwise violate division (a) of this section.

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(c) Evidence that a person is or is permitting the playing of a radio, music player, audio system or musical instrument within a restaurant, hotel, motel, liquor establishment or other place of refreshment, or entertainment venue after 1:00 a.m. shall constitute prima facie evidence of a violation of division (a) of this section.

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(d) Unless otherwise authorized according to division (b) of this section, evidence that a person is or is permitting the playing of a radio, music player, audio system or musical instrument outside a restaurant, hotel, motel, liquor establishment or other place of refreshment, or entertainment venue after 11:00 p.m. on Fridays and Saturdays or after 10:00 p.m. on any other day shall constitute prima facie evidence of a violation of division (a) of this section.

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(e) In every charge of violation of this section the affidavit shall state the time of day at which the offense is alleged to have occurred.

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(f) Where persons are participating in a course of action in violation of Section 509.13, 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.

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(g) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2012-9-75. Passed 9-7-12; Ord. 2017-8-94. Passed 8-23-17.)

509.14 EXCESSIVE SOUND FROM MOTOR VEHICLES PROHIBITED.
(EDITOR'S NOTE: Former Section 509.14 was renumbered as Section 337.271 by Ordinance 2000-11-130, passed November 20, 2000.)

509.15 PICKETING AND OTHER PROTECT ACTIVITIES AT SITE OF FUNERAL OR BURIAL SERVICE.

(a) Every citizen may freely speak, write, and publish the person's sentiments on all subjects, being responsible for the abuse of the right, but no person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur, within 300 feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one hour before or one hour after the conducting of an actual funeral or burial service at that place. No person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur, within 300 feet of any funeral procession.

As used in this section, "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service or a funeral procession.

(b) (1) Whoever, being an association, violates this section, is guilty of a misdemeanor of the fourth degree.

(2) Whoever, being a natural person, violates this section is guilty of a misdemeanor of the third degree.

(Ord. 2006-8-91. Passed 8-9-06.)

509.16 — Limitations on Amplified Sound at Special Events:

(A) No person shall operate or cause to be operated any sound amplification equipment or sound amplifying instrument during any special event that requires a special event permit under **Error! Hyperlink reference not valid.**315 of the Codified Ordinances of the City of Hamilton, in relation to any of the following areas at the special event location:

~~(1) Within 100 feet of the sale of food, beverages, or merchandise;~~

~~(2) Within 100 feet of performances or other event attractions provided to attendees by the event sponsor; or~~

~~(3) Within 100 feet of the event sponsor's public address system or other means of broadcasting announcements and other messages to attendees.~~

~~(B) This section does not apply to the sponsor or the designee of a sponsor of a special event. The sponsor of a special event is allowed to utilize sound amplification equipment or sound-amplifying instruments and to allow those who are part of the official program of the special event to utilize such equipment and instruments.~~

~~(C) Sound amplification equipment and sound-amplifying instruments include, but are not limited to, megaphones, microphones, electric amplifiers, drums, whistles, and horns.~~

~~(D) Nothing in this section is intended to replace or supersede the provisions of **Error! Hyperlink reference not valid.** 509.11 of this chapter. The existing limitations on loud noise established in **Error! Hyperlink reference not valid.** 509.11 are still in effect at special events.~~

~~(E) Nothing in this section is intended to prohibit the assessment of any other penalties provided in this chapter or in any other chapter of the Codified Ordinances of the City of Hamilton.~~

~~(F) Following a warning by a law enforcement officer or other public official, whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

~~509.99 PENALTY.~~

~~(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)~~