

ORDINANCE NO. 404-03

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE PEACE AND THE
REGULATION OF SOUND AMPLIFYING DEVICES**

WHEREAS, it is necessary for the Village of Sugar Grove to regulate unnecessary and/or unreasonable noise which disturbs the peace or quiet of the Village, and

Now therefore, be it ordained by the Village Council of the Village of Sugar Grove, State of Ohio, as follows:

I. DISTURBING THE PEACE

- A. No person shall make or continue, or cause to be made or continued, any loud, unnecessary or unreasonable noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary sensitivities in the area of the noise.
 - 1. In determining whether a noise is of such a character as to unreasonably disturb the peace and quiet of the neighborhood, a court shall consider the following factors:
 - (a) Complaints of neighbors regarding the noise
 - (b) Time of day at which the noise takes place
 - (c) The intensity and duration of the noise
 - (d) The type of noise produced
 - (e) The alternative means available without excessive noise

II SOUND AMPLIFYING DEVICES ON PRIVATE PROPERTY

- A. No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, loud speaker or any other sound amplifying device or by any horn, drum, piano or other musical or percussion instrument.

It is prima facie unlawful for a person to generate or permit to be generated sound by the above-described devices or instruments in the following circumstances:

- (1) On private property where the sound is plainly audible more than 50 feet from the property line of the property on which the source of the sound is located.

III SOUND AMPLIFYING DEVICES IN A MOTOR VEHICLE

- A. No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, loud speaker or any other sound amplifying device or by any horn, drum, piano or other musical or percussion instrument on a street, highway or in the public right of way when the sound is plainly audible fifty (50) feet from the devices generating the sound.

VI "Plainly audible" shall mean any sound produced by a radio, tape player, or other mechanical or electronic sound making devices, or instrument, from within the interior or exterior of a motor vehicle or on property, including sound produced by a portable sound making device, that can be clearly heard by a person using his/her normal hearing faculties, at a distance of fifty (50) feet or more from the motor vehicle or property.

V Any law enforcement personnel who hears a sound that is plainly audible, as defined herein, shall be entitled to measure the sound according to the following standards:

- A. The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aide.
- B. The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he can readily identify the offending motor vehicle if involving a motor vehicle.
- C. The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass

reverberating type sound is sufficient to constitute a plainly audible sound.

- VI No person, being the owner, or person in possession of a premises or person in control of the premises by reason of employment, agency, or otherwise whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.
- VII The following uses and activities shall be exempt from this ordinance:
- (1) Noises of safety signals, warning devices, and emergency pressure relief valves;
 - (2) Emergency vehicles;
 - (3) Emergency work;
 - (4) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Village;
 - (5) Any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction;
 - (6) Noises resulting from the normal use of churches, schools, athletic fields, fairgrounds, parks and auditoriums;
 - (7) City projects and work.
 - (8) Vehicles used in a parade, if the person or organization conducting the parade had obtained a permit from the appropriate Village agency.
 - (9) Authorized public events - authorized public events means one time or annual special indoor/outdoor events conducted pursuant to and in accordance with a Village issued permit or authorization, including, but not limited to the marching band playing on the streets after football games and band competitions;
 - (10) Industrial noises
- VIII Whoever violates this section shall be guilty of a minor misdemeanor. A second offense shall be an unclassified misdemeanor punishable with up to a two hundred fifty dollar (\$250.00) fine.
- IX That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


With the roll being called, the motion carried with 5 members voting yea and 0 member voting nay, and 1 member being absent, as follows:

<u>DALE CLARK</u>	<u>YEA</u>	<u>JEFF HIEBER</u>	<u>ABSENT</u>
<u>JEAN FOX</u>	<u>YEA</u>	<u>NICOLE NESSLEY</u>	<u>YEA</u>
<u>SHERRIL MAILLARD</u>	<u>YEA</u>	<u>LARRY STILES</u>	<u>YEA</u>

1st Reading: January 13, 2003

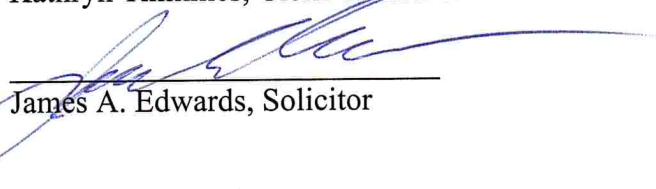
2nd Reading: February 10, 2003

3rd Reading and Passed: March 10, 2003


Michael K. Oatney, Mayor

ATTEST:


Kathryn Thimmes, Clerk-Treasurer


James A. Edwards, Solicitor