

ORDINANCE NO. 2014-05

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE OHIO BASIC CODE,
2014 EDITION AS PREVIOUSLY ADOPTED THROUGH ORDINANCE 2014-01 OF THE
VILLAGE OF ARCANUM

WHEREAS, the Village has adopted the 2014 Edition of the Ohio Basic Code; and

WHEREAS, the Village wishes to add two provisions to said Ohio Basic Code in order to better preserve the public peace;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF
THE VILLAGE OF ARCANUM, DARKE COUNTY, OHIO:

SECTION ONE: The 2014 Edition of the Ohio Basic Code previously adopted by the Village through Ordinance 2014-01 shall be amended to include the following Sections:

§ 132.15 LOUD MOTOR VEHICLE AMPLIFICATION SYSTEMS
PROHIBITED.

(A) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway within the city shall operate or permit the operation of any sound amplification system from the vehicle in such a manner or at a volume that will disturb the quiet, comfort, or repose of any other person and is plainly audible at a distance of 50 or more feet from the noise source. This prohibition shall apply when the motor vehicle is stopped, standing, parked or moving on a street, highway, alley, parking lot, driveway, public property, or private property anywhere within the city, at any time.

(B) Division (A) above shall not apply to any of the following circumstances:

- (1) The person(s) and/or organization(s) have received a valid permit or permission from the city, issued by the City Manager, on a form or in a manner designed by and for such purposes as the City Manager may approve.
 - (2) The sound amplification device is being operated in a motor vehicle to request medical or vehicular assistance or to warn others of hazardous road, vehicle operating, or traffic safety conditions.
 - (3) The sound amplification device is an anti-theft device being operated in a motor vehicle to deter theft or vandalism.
 - (4) The motor vehicle is an emergency vehicle or public safety vehicle and is being operated on an emergency run.
 - (5) The motor vehicle is owned and operated by the state, a political subdivision of the state, or by a public utility.
 - (6) The motor vehicle is participating in a parade which the sponsors of the parade have obtained the proper permits.
 - (7) The sound amplification device in being operated as a requirement of federal or state law.
- (C) (1) **SOUND AMPLIFICATION SYSTEM** means any radio, tape player, compact disc player, receiving set, musical instrument, phonograph, boom box, sound amplifier, television, audio system, loudspeaker or other electronic device used for amplification of the human voice or music.

(2) **PLAINLY AUDIBLE** means any sound produced by a sound amplification system which can be clearly heard by a person with normal hearing ability at a distance of 50 feet or more. Measurement standards shall be the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included.

(3) For purposes of the section, the term **MOTOR VEHICLE** shall have the same meaning as "vehicle" (including bicycles) as set forth in § 70.01 of this code.

(D) Whoever violates this section is guilty of a minor misdemeanor. If an offender has been previously convicted of this section or persists in violation of this section after repeated warning, then the violation is a misdemeanor of the fourth degree.

§ 132.16 DISTURBING THE PEACE.

(A) No person shall disturb the good order and quiet of the city by clamors, noises, intoxication, drunkenness, fighting, quarreling, wrangling, committing assault and battery, or using obscene or profane language in the streets and other public places, to the annoyance to another, or otherwise violate the public peace by indecent and disorderly conduct, by lascivious behavior or by making, continuing to make, or causing to be made any unreasonable and unnecessary noise as such a character, intensity and duration as to disturb the peace and quiet of the community or be detrimental to life or health of any individual.

(B) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section. But this enumeration shall not be deemed to be exclusive:

(1) *Sound amplification systems.* It shall be unlawful for any person to use, operate, or permit to be played any sound amplification system in such a manner as to disturb the quiet, comfort, or repose of any neighboring inhabitant or other person, or at any time with a volume which is plainly audible to any person other than those who are in the room, vehicle, or immediate vicinity in which the sound amplification system is being played or operated and who are voluntary listeners thereto.

(2) *Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud, unusual, excessive or explosive noises to be emitted therefrom.

(3) *Tires.* The rapid acceleration, the turning, backing or other operation of any vehicle or the willful operation of any motor vehicle so as to cause an unusual or excessive noise from the contact of any tire upon the surface of any street, alley or other public place.

(4) *Defect on vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(5) *Horns, signaling devices, and the like.* Any unreasonable, unnecessary, loud sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the city, except when used as a danger warning. Sounding of any such device for any unnecessary or unreasonable period of time. This provision includes any horn, whistle, or other device operated by engine exhaust.

(6) *Loudspeakers, amplifiers for advertising, and the like.* Playing, using, or operating any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for producing or reproducing sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure or permitting the same to be done, except by written permission of the City Manager.

(7) *Yelling, shouting, and the like.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 12:00 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any other person in any office, dwelling, hotel, or other type of residence, or any person in the vicinity.

(8) *Steam whistles.* Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, as a warning of fire or danger, or upon request of proper city authorities.

(9) *Construction and/or demolition.* Operation or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 10:00 p.m. and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance.

(B) For purposes of the section, the terms **MOTOR VEHICLE, SOUND AMPLIFICATION SYSTEM** and **PLAINLY AUDIBLE** shall have the same meaning as these same terms as set forth in § 132.30.

(C) The exceptions as set forth in § 132.30(B) shall apply to this section.

(D) Whoever violates this section is guilty of a minor misdemeanor. If an offender has been previously convicted of this section or persists in violation of this section after repeated warning, then this is a misdemeanor of the fourth degree.

Passed this 11th day of MARCH, 2014.


Bonnie Millard – Council President Pro Tem


Mayor Judith Fourman.

ATTEST:


Stephanie Harshbarger, Fiscal Officer

1st Reading: 2-11-14

Reading: 2-25-14

Reading: 3-11-14

Three Reading Rule Waived:

Emergency Declared: