

VILLAGE OF PLEASANT HILL, OHIO

ORDINANCE 941

AN ORDINANCE TO CONTROL NOISE IN THE VILLAGE OF PLEASANT HILL

WHEREAS, the Village Council finds and declares that noise that exceeds the limits provided for within the ordinance is a major source of environmental pollution that represents a threat to the serenity and quality of life in Pleasant Hill; and

WHEREAS, excess noise often has an adverse physiological effect on human beings and thus contributes to an economic loss to the community; and

WHEREAS, the Village Council finds that adopting a noise ordinance is in the best interests of the public health, safety and welfare of the citizens of Pleasant Hill; and

NOW, THEREFORE BE IT ORDAINED by the council of the Village of Pleasant Hill, a majority of the members elected or appointed thereto concurring.

SECTION ONE: Ordinance 854 of the Pleasant Hill, as previously enacted and amended, is hereby repealed;

SECTION TWO: Prohibition against excessive motor vehicle noise

- A. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway within the Village 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 fifty (50) or more feet from the noise source. Such 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 Village, at any time.
- 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, namely;
 - (1) **Exhausts**
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.

(2) **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.

(3) **Defect on Vehicle or Load**

The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(4) **Horns, Signaling Devices, Etc.**

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.

C. Subsection (A) 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 Village Mayor, on a form or in a manner designed by and for such purposes as the Village Council 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 is being operated on an emergency run;
- 5) The motor vehicle is owned and operated by the State of Ohio, a political subdivision of the State of Ohio, 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; and
- 7) The sound amplification device is being operated as a requirement of

Federal or State Law.


- D. "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.
- E. "Plainly audible" means any sound which can be clearly heard by a person with normal hearing ability at a distance of fifty (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.
- F. For purposes of the section, the term "motor vehicle" shall have the same meaning as "motor vehicle" as set forth in section 4511.01(A) of the Ohio Revised Code and shall include bicycles.
- G. Whoever violates this section is guilty of minor misdemeanor. If an offender has been previously convicted of this Ordinance, then the violation is a misdemeanor of the third degree.

SECTION THREE: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION FOUR: That this Ordinance be and is hereby declared to be an emergency measure for the immediate preservation of the health, welfare, and safety of the citizens of the Village of Pleasant Hill, Ohio for the reason that said Ordinance will aid in providing safety and quality of life of the Village of Pleasant Hill and therefore, this Ordinance shall take effect immediately upon its passage.

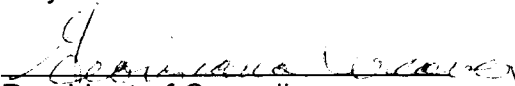
PASSED: This ___ day of _____, 2001.

Approved as to form:



Paul Wagner, Solicitor

Clerk-Treasurer

Mayor


Patricia Weaver
President of Council