

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

## AMENDED ORDINANCE NO. 1235-23

### AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR PURPOSES OF REDUCING NOISE AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO

WHEREAS, the Village of Rushsylvania, Ohio seeks to establish rules and regulations for purposes of limiting or reducing loud or excessive noise to permit the quiet, comfort, or repose of the residents of the Village of Rushsylvania, Ohio, and

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured an environment free from excessive sound, it is the policy of the Village of Rushsylvania, Ohio to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life, and

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RUSHSYLVANIA, OHIO:

SECTION I: This ordinance shall apply to the control of sound originating from stationary sources within the limits of the Village of Rushsylvania, Ohio.

SECTION II: UNLAWFUL NOISE PROHIBITED. It is unlawful for any owner, occupant, agent or persons in possession or control of any structure, lot, thing or building, premises or vehicle to make, continue or cause to be made or continued, or permit to be made, any excessive, unnecessary, or unusually loud noise or any noise which disturbs, annoys, injures or endangers the comfort, repose or health, peace or safety of persons of ordinary sensibilities within the Village.

SECTION III: UNLAWFUL NOISE ENUMERATED. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- a. Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or train, or any other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time.
- b. Radio, Stereo, Musical Instruments. The playing of any radio, stereo, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound-producing devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, record player, machine or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section.
- c. Loud Noises or Disturbances. Yelling, shouting, hooting or the making of any other loud noises on the public streets, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence, or in any office or of any persons in the vicinity.
- d. Animal Noises. The keeping of any animal, which by causing frequent or long continued noise shall disturb the comfort or repose of any person.
- e. Whistle or Siren. The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger.

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- f. Engine Exhaust. The discharge into the open air of the exhaust of any engine, or internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- g. Noisy Advertising. No person shall, by ringing a bell or gong, or by using a phonograph or other instrument for producing or reproducing sounds, or by using loud or boisterous language or by any unusual noise or means whatever, advertise goods, wares, or merchandise for sale, or advertise any show, theater, exhibition, or entertainment.
- h. Noisy Machinery. No person shall maintain, run, or operate any steam, gas, gasoline, or other engine, boiler, press, machine, or other apparatus so constructed or operated as to make any unnecessary noise, to the annoyance and discomfort of the people of the Village, except in the course of making an emergency repair and for weather necessitated activities.
- i. Noise Producing Instruments. The use of any device, apparatus, radio, ticker or other noise-making and noise-emitting device for general advertising purposes, or for the purpose of soliciting trade or attracting attention to any wares, good, merchandise, instrument or device offered for sale is prohibited.

SECTION IV: 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:

- a. On private property between the hours of 9:00 p.m. and 8:00 a.m. of the following day in a residential area where the sound is audible past the property line of the property on which the source of the sound is located; or
- b. On a street, highway or in the public right-of-way where the sound is audible thirty (30) feet from the device generating the sound. Persons in possession of a current parade permit, assemblage permit, or a current loud-speaker permit are exempt from the provisions of this subparagraph; or
- c. By conducting an unduly large gathering at a private residence or in a private residential area which generates excessive noise at any time.

SECTION V:

- a. No person being the owner, or person in possession of a premises for 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.
- b. Retaliation. No person shall direct a verbal, physical or electronic act against the person, family or property of any individual who complains of or witnesses a violation of the Unlawful Noise regulations for the purpose of intimidating or retaliating against that person for the exercise of the right to complain or testify to a violation of this Ordinance.

SECTION VI: EXCEPTIONS AND EXEMPTIONS.

- a. **WARNING AND ALARM DEVICES** Warning and alarm devices which have the purpose of signaling unsafe or dangerous situations or calling for emergency services are exempted from the prohibitions of this section when used for such purposes and are in proper working order.
- b. **AGRICULTURAL ACTIVITIES** Agricultural activities conducted within an agricultural district as authorized in Chapter 929 of the Ohio Revised Code, shall be exempted from the prohibitions of this section when the activities are not in conflict with federal, state or local laws or are conducted in accordance with generally accepted agricultural practices.
- c. **OUTDOOR PERFORMANCES** The use, production or presentation outdoors in a residential neighborhood, by a live band of any make-up, or the use of outdoor amplification or amplification intended directly or indirectly to be heard outside of the structure where the event is being held.
- d. **EXEMPTIONS** Events officially sponsored and/or approved by the Village of Rushsylvania, such as festivals, fireworks as permitted by the Ohio Revised Code, parades, etc., activities that are essential to the proper performance work-related duties of the officers and employees of the Village, and events official sponsored by governmental educational institutions such as sporting events, marching bands, etc., shall be exempt from the prohibitions of this section.

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## SECTION VII: PENALTY.

Any person, firm, entity, corporation in violation of any of the within provisions shall be subject to a minor misdemeanor and, upon conviction thereof, be fined in an amount not to exceed One Hundred and Fifty Dollars (\$150.00). The offense shall be a minor misdemeanor as is defined by the Ohio Revised Code. Each day such violation is committed or permitted to continue is a separate offense.

SECTION VIII: That this Ordinance is hereby declared to be an emergency measure made necessary to protect the health, safety and welfare of said Village, provide for its continuous uninterrupted services, and to allow for said peaceful and quiet enjoyment of the Village by its citizens to be implemented at the earliest possible time; and it shall, therefore, be in force and take effect immediately upon its passage and signature by the Mayor.

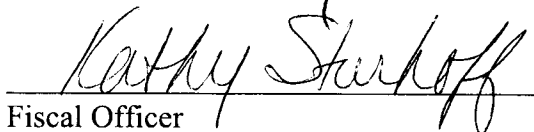
PASSED: 7-10-23

  
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President of Council

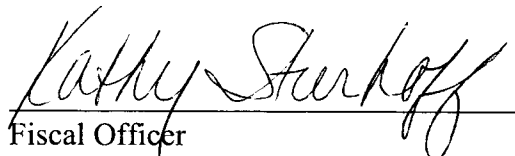
APPROVED: 7-10-23

  
\_\_\_\_\_  
Mayor

ATTEST: 7-10-23

  
\_\_\_\_\_  
Fiscal Officer

I, Kathy Stierhoff, Fiscal Officer of the Village of Rushsylvania, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance 1235-23 passed by Council of said Village on the 10 day of July, 2023.

  
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Fiscal Officer