

Ordinance No. 7-94

Passed Feb. 8 1994

AN ORDINANCE PROHIBITING EXCESSIVE SOUND IN THE VILLAGE

Be It Ordained by the Council of the Village of Newtown, State of Ohio:

(A) No person, firm or corporation shall operate, cause to be operated or permit to be operated any radio, phonograph, television, tape player, loud speaker or any other instrument, machine or device in such manner and to be of such intensity and duration as to create unreasonable noise or loud sound and which causes inconvenience and annoyance to persons of ordinary sensibilities. It shall be prima facie unlawful for a person, firm or corporation to operate, cause to be operated or permit to be generated sound by the above described devices or by any other means under the following circumstances:

(1) No person, firm or corporation by any means, shall, between the hours of 11:00 P.M. and 7:00 A.M. make, resume, continue, cause or permit any noise of such a character, intensity and duration as to unreasonably disturb the peace and quiet of the community or to be detrimental to the life or health of any individual.

(2) Any construction work on property within hearing distance of property used for residential purposes shall not take place between the hours of 11:00 P.M. and 7:00 A.M. "Construction work" shall be defined as any type of work which requires a building permit. This section shall not apply to any construction work performed by the Village for the health, safety and welfare of the people of Newtown.

(3) No person, being the owner, or person in possession, of a motor vehicle with a device described above shall cause or permit any noise emanating from the motor vehicle which is plainly audible at a distance of fifty (50) feet from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this section.

(B) In determining whether a noise is of such a character as to unreasonably disturb the peace and quiet of the community, a court shall consider the following factors:

- (1) Complaints of neighbors regarding the noise;
- (2) The time of day at which the noise takes place;
- (3) The intensity and duration of the noise;
- (4) The type of noise produced;
- (5) The alternate means available without excessive noise.

(C) It shall be presumed to be a violation of this section if notice to cease and desist producing a noise has been given to any person and that person continues to make, cause or permit a noise of similar intensity and duration.

(D) The following uses and activities shall be exempt from noise level regulations:

- (1) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in face of emergency.
- (3) Noises resulting from any work made necessary to restore property to a safe condition or work required to protect persons or property from an imminent exposure to danger.
- (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.

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(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, parks and auditoriums.

(7) Any train operated in conformity with any federal, state or local law.

(E) For the purpose of this section, a request to desist means actual notice of the disturbance by a law enforcement officer or Village official to the offender or to an employee or representative of the offender. Once such a request to desist is made, it shall continue to be effective for the purposes of this section beyond the immediate time period in which it is given, and is effective even if the noise disturbs persons other than the person who makes the request to desist.

(F) Whoever violates this Ordinance shall be guilty of Causing Excessive Sound, a minor misdemeanor. Each violation of this Ordinance shall constitute a separate offense.

Raul Frede  
Raul Frede, Mayor

ATTEST:

Nancy A. Williams  
Nancy A. Williams, Clerk-Treasurer

APPROVED AS TO FORM:

R. Douglas Miller  
R. Douglas Miller, Solicitor

I hereby certify that the within Ordinance has been published by posting in five conspicuous places as designated by the Newtown Village Council.

Nancy A. Williams  
Nancy A. Williams, Clerk-Treasurer