

ORDINANCE 2007-14

AN ORDINANCE ENACTING A NOISE CODE FOR THE VILLAGE OF HIRAM.

WHEREAS, the Village Administration has periodically received complaints about excessive noise within the Village; and

WHEREAS, the Council of the Village of Hiram has determined that it is appropriate to establish regulations for the control of excessive noise in the Village of Hiram, and to enact regulations which provide for enforcement of the standard set forth.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Hiram, Portage County, Ohio, a majority of the members thereto concurring that:

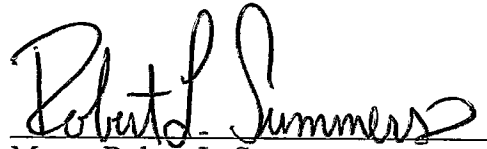
SECTION 1: The Village of Hiram hereby enacts Section 132.15 of the Village of Hiram Codified Ordinances, hereinafter to be known as the Noise Code, as set forth in the attached Exhibit 'A'.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all the deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including §121.22 of the Revised Code of the State of Ohio.

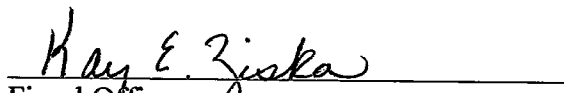
First Reading: May 8, 2007

Second Reading: June 12, 2007

Third Reading: July 23, 2007


Mayor Robert L. Summers

ATTEST:


Fiscal Officer

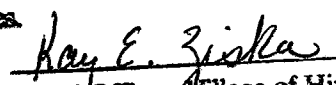
I Kay E. Ziska, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution or Ordinance No. 2007-14 has been duly posted in the required 5 places.
7-25-07 
Date Fiscal Officer, Village of Hiram

Exhibit "A"

132.15 UNLAWFUL NOISE

(a) 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 with the Village.

(b) 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:

- (1) 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.
- (2) 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, phonograph, 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.
- (3) Loud Noises and 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.
- (4) Animal Noises. The keeping of any animal, which by causing frequent or long continued noise shall disturb the comfort or repose of any person.
- (5) 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.
- (6) 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.

- (7) 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.
- (8) 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.
- (9) 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.

(c) SPECIFIC PROHIBITIONS It is prima facie unlawful for a person to generate or permit to be generated sound regardless of source in the following circumstances:

- (1) On private property between the hours of 9:00 p.m. and 8:00 a.m. *Sunday through Thursday and 12:00 a.m.(midnight) and 8:00 a.m. Friday and Saturday* 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
- (2) 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 sub-paragraph; or
- (3) By conducting an unduly large gathering at a private residence or in a private residential area which generates excessive noise at any time.

(d) INDIVIDUALS RESPONSIBLE No person being the owner, 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. An owner or agent for the owner of property in violation as set forth in this section may be charged for the violations of this code section committed by others on the property.

(e) WARNING AND ALARM DEVICES Warning and alarm devices which have the purpose of signaling unsafe or dangerous situations or calling for police are exempted from the prohibitions of this section when used for such purposes and are in proper working order.

(f) 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.

(g) EXEMPTIONS Events officially sponsored and/or approved by the Village of Hiram, such as festivals, fireworks, parades, etc., and ~~official events sponsored by educational institutions such as sporting events, marching bands, etc.,~~ shall be exempt from the prohibitions of this section.

(h) CIVIL FORFEITURE Contraband or Instrumentalities used in the commission of offenses in violation of this §132.15 of the Village of Hiram Codified Ordinances are expressly subject to civil forfeiture under the provision set forth in Title 29 of the Ohio Revised Code either as now in effect or as subsequently amended.

(i) VIOLATION Whoever violates this section is guilty of generating unreasonable noise and a minor misdemeanor. If the offender persists in generating, or permitting to be generated, the unreasonable noise after a reasonable warning or request to desist, is guilty of a misdemeanor of the fourth degree.