

ORDINANCE 28-2024

AN ORDINANCE ADOPTING CHAPTER 648.12 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK AS A GENERAL NOISE CODE INTENDED TO PROTECT THE PUBLIC SAFETY AND WELFARE

WHEREAS, the Village of Minerva Park has a reputation as a peaceful residential community; and

WHEREAS, the Village is responsible for maintaining the peace and ensuring a high quality of life; and

WHEREAS, the Village has received multiple complaints regarding noise disturbances caused by parties in the Village; and

WHEREAS, the Village is without a general noise ordinance; and

WHEREAS, the Village desires to enact such an ordinance to ensure ongoing peace and tranquility for all residents of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. Chapter 648.12 is adopted as depicted in the attached **Exhibit A** which is attached hereto and incorporated herein.

Section 2. That it is found 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 deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

Section 3. That this ordinance shall be in full force and effect from the earliest period allowed by law.

First Reading: October 24, 2024
Second Reading: November 14, 2024
Third Reading: November 21, 2024
Passed: November 21, 2024

Tiffany Southard, Mayor

ATTESTS

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

648.12 – Noise Control.

(a) No person shall **INSERT MENTAL CULPABILITY** cause, create, allow or permit to be made within the Village any unreasonably loud noise of such character, intensity, or duration as to disturb the peace, quiet, and comfort of a reasonable person of normal sensitivity residing in the Village.

(b) Noise is unreasonably loud if:

1. the noise is plainly audible at a residential receiving property, or part thereof, greater than 50 feet away from the property line of the noise source; or
2. the noise exceeds 85 dB at any point outside the property plane.

(c) The following noises and disturbances are a violation of this section, provided, however, that such noises and disturbances are not to be construed to exclude other violations not specifically enumerated:

(1) Amplified Sound. The use or operation of any machine or device playing amplified sound, live music, recorded music, or other noise when two criteria are present:

(A) The noise is unreasonably loud as defined in Section 648.12(b)(1) or (b)(2);
and

(B) The noise is taking place between the hours of 10:00 PM and 8:00 AM from Sunday evening through Friday morning, or between the hours of 11:00 PM and 8:00 AM from Friday evening to Sunday morning.

(2) Vehicle Horns. The sounding of any horn, bell, or other signal or warning device on any motor vehicle, motorcycle, bus or other vehicle except as a danger or warning signal.

(3) Vocal Noise. Shouting, yelling, chanting, or otherwise making use of the human voice or vocal cords in a louder than normal conversational tone or pitch when two criteria are present:

(A) The noise is unreasonably loud as defined in Section 648.12(b)(1) or (b)(2);
and

(B) The noise is taking place between the hours of 10:00 PM and 8:00 AM from Sunday evening through Friday morning, or between the hours of 11:00 PM and 8:00 AM from Friday evening to Sunday morning.

(d) Exceptions. This section shall not apply to:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

(2) Noise of safety signals and warning devices.

(3) Noises from lawfully scheduled sporting events, parades, fireworks, festivals and concerts.

(4) Noises resulting from band concerts or other public entertainments or announcements given consistent with a permit issued by the Mayor or his/her designee.

(5) Shouting, yelling, chanting, or otherwise making use of the human voice in an emergency situation.

(e) Penalties.

(1) A first violation of this section shall be an administrative offense requiring a fine of \$100.00. Any person cited with a first offense of this section who does not pay the required administrative fine within 30 days shall receive a minor misdemeanor citation into court, providing notice and an opportunity to be heard, which shall serve as an appeals process.

(2) A second offense within six months of the first offense shall be a minor misdemeanor and any offender who persists in such violation after reasonable warning or request to desist by a member of the Minerva Park Police Department shall be guilty of a misdemeanor of the fourth degree.

(3) Any subsequent offense within six months of the second offense shall be punishable as a misdemeanor of the fourth degree.