

VILLAGE OF SEVEN MILE
201 HIGH STREET
P.O. BOX 259
SEVEN MILE, OHIO 45062
PHONE (513)726-5565

ORDINANCE 2023-12

Village of Seven Mile Noise Control Ordinance

This Ordinance is adopted for the following purposes: conserve, manage, sustain, and enhance the respectable nature of the ambient noise level in the Village for the enjoyment, enlightenment, and enrichment of all citizens in the Village of Seven Mile.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Seven Mile, County of Butler, State of Ohio:

Definitions

For purposes of this chapter, the following terms, phrases, words and their derivation shall have meanings as follows:

Construction noise means the noise emanating from construction activities.

Modified exhaust system means an exhaust system in which the original noise abatement devices have been physically altered, causing them to be less effective in reducing noise, or the original noise abatement devices have either been removed or replaced by noise abatement devices which are not as effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

Noise means any loud or unusual sound.

Person means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality.

Plainly audible means any sound produced by a sound amplification system from its source, which clearly can be heard at a distance of 75 feet or more. Measurement standards shall be the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bees reverberations are included. If the source is a motor vehicle, it may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

Traffic noise means sound produced by a motor vehicle operated either on a public right-of-way or on private property.

Vehicle includes but is not limited to automobiles, private and commercial trucks, motorcycles, minibikes, go-carts, snowmobiles or any other recreational vehicle.

Motor Vehicles

The following circumstances apply specifically to vehicles and shall be enforced 24 hours per day. No person shall:

(a) Operate a motor vehicle which causes excessive noise levels, as a result of a defective or modified exhaust system, or as a result of an unnecessary rapid acceleration, deceleration, revving of the engine or tire squealing. (b) Operate a motor vehicle on a street or highway if the sound from any sound-amplifying equipment located inside of, outside of, but attached to, or held by a person inside the motor vehicle, is plainly audible at a distance to 75 feet or more from the vehicle. (c) Sound any horn or signaling device on any automobile, motorcycle, commercial or private truck, or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. (d) Use any vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

Fixed Sound Sources in Residential or Commercial Districts

The following circumstances apply to fixed sound sources located in any residential or commercial district and shall be enforced between the hours of 10:00 p.m. and 8:00 a.m. No person shall:

(a) Use, operate or permit to be played, any radio receiving set, musical instrument or any other sound-amplifying device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The operation of any such set, instrument or sound-amplifying device in such manner as to be plainly audible at a distance of 75 feet from the building or structure in which it is located shall be prima facie evidence of a violation of this section. (b) Operate any noise-creating blower or power fan or an internal combustion engine, the operation of which causes noise due to the explosion of operating gasses or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise. (c) Operate any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist tractor, or other mechanical apparatus operated by fuel or electric power, the use of which produces loud and unusual noise. (d) Operate any other motorized or non-motorized device which causes noise which is plainly audible at a distance of 75 feet from the building, structure or open-air site in which the source of the noise is located.

Disorderly Conduct

No person shall recklessly cause inconvenience, annoyance, or alarm to another, by doing any of the following:

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or an offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;
- (3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;
- (5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.

(b) No person while voluntarily intoxicated shall do either of the following:

- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if he or she were not intoxicated, should know is likely to have such effect on others;
- (2) Engage in conduct or create a condition that presents a risk of physical harm to himself, herself or another, or to the property of another.

(c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse is not a violation of division (b) of this section.

(d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that the person is voluntarily intoxicated for purposes of division (b) of this section.

(e) Whoever violates this section is guilty of disorderly conduct.

- (1) Except as otherwise provided in division (e)(2) and (e)(3) of this section, disorderly conduct is a minor misdemeanor.
- (2) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
 - a. The offender persists in disorderly conduct after reasonable warning or request to desist.
 - b. The offense is committed in the vicinity of a school or in a school safety zone.
 - c. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.
 - d. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.

(4) If an offender previously has been convicted of or pleaded guilty to three or more violations of division (b) of this section, a violation of division (b) of this section is a misdemeanor of the fourth degree.

(f) As used in this section:

- (1) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01.
- (2) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
- (3) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (4) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.

Barking or Howling Dogs

No person shall keep or harbor any dog within the municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the municipality. Any person who allows any dog habitually to remain or be lodged or fed within any dwelling, building, yard or enclosure, which he or she occupies or owns, shall be considered to be harboring such dog.

Exemptions

This chapter shall not apply to any of the following circumstances:

- (a) The sound-amplifying equipment of a motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle operating or traffic safety condition.
- (b) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.
- (c) The motor vehicle is owned and operated by the state, a political subdivision thereof, or a public utility.
- (d) The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits.
- (e) The sound-amplifying equipment of the motor vehicle is being operated as a requirement of federal or state law.
- (f) The motor vehicle is operated by vendors of ice cream and related products between the hours of 9:00 a.m. and 9:00 p.m.
- (g) Any sound produced at a fixed source arising from a normal procedure or special event by the state, a political subdivision thereof, or a public utility.

Violations as Nuisance

Any violation of this chapter shall be deemed to be a nuisance.

Penalty

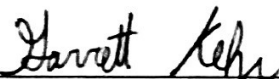
Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor; for a second offense committed within one year after the commission of the first offense, the person shall be guilty of a fourth degree misdemeanor; for a third and/or subsequent offense committed within one year after the commission of the first offense, the person shall be guilty of a third degree misdemeanor.

First Reading: 8/14 2023
Second Reading: 9/11 2023
Third Reading: 10/2 2023
PASSED: 10/2 2023

Signature: 
MELISSA MICK, Mayor

APPROVED AS TO FORM:

Signature: 
KYLE M. RAPIER
Director of Law

ATTEST: 
Clerk of Council