

ORDINANCE NO. 2014-04-T&S

**ADOPTING CHAPTER 511 OF THE VILLAGE OF GREENHILLS
CODIFIED ORDINANCES REGARDING NOISE CONTROL**

WHEREAS, Council for the Village of Greenhills has previously repealed codified provisions related to noise control; and

WHEREAS, it is the desire of Council to adopt new and modified regulations regarding excessive sound.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Greenhills, Ohio, six members elected thereto concurring.

SECTION 1.

That Chapter 511 Noise Control of the Village of Greenhills Codified Ordinances is hereby adopted as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2.

That all other provisions of the Village of Greenhills Codified Ordinances shall remain in full force and effect.

SECTION 3.

That this ordinance shall take effect and be in force from and after the earliest period provided by law.

Adopted this 24th day of June, 2014.

David Moore, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

ORDINANCE NO. 2014-04-T&S
Exhibit A

CHAPTER 511 NOISE CONTROL

511.01 EXCESSIVE SOUND PROHIBITED.

- (a) No person, firm or corporation shall operate, cause to be operated or permit to be operated any device, in a manner to such intensity and duration as to create unreasonable noise or loud sound 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 any means under the following circumstances:
- (1) No person, firm or corporation by any means, shall between the restricted hours stated below 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.
- i. After 10:00 p.m. each night
ii. Before 7:00 a.m. Monday through Friday
iii. Before 10:00 a.m. Saturdays, Sundays, and legal holidays
- (2) Any construction work on property within hearing distance of property used for residential purposes shall not take place between the restricted hours stated below. "Construction work" means any type of work which requires a building permit. This section shall not apply to any construction work performed by the Village or under contract with the Village for the health, safety, and welfare of the people of the Village.
- i. After 10:00 p.m. each night
ii. Before 7:00 a.m. Monday through Friday
iii. Before 10:00 a.m. Saturdays, Sundays, and legal holidays
- (3) No person being the owner, or person in possession of a motor vehicle shall cause or permit any noise emanating from the motor vehicle which is plainly audible at a distance of fifty 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 testing equipment, responding to an emergency call or acting in time 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;
 - (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 uses of churches, schools, athletic fields, parks, and auditoriums; and
 - (7) Village projects and work.
- (e) For the purposes of this section, a request to desist means actual notice of the disturbance by any person 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 any provisions of this section is guilty of a minor misdemeanor. Each day's violation constitutes a separate offense.