

AN ORDINANCE REGULATING SOUND AMPLIFICATION SYSTEMS IN MOTOR VEHICLES OPERATED IN THE MUNICIPALITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY.

WHEREAS, the Council of the Municipality of Brookville has received many citizen complaints regarding loud music from sound amplification systems in motor vehicles; and

WHEREAS, the Council deems it necessary to regulate sound amplification systems in motor vehicles to address the problem of loud music disturbing the public peace.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, THAT:

SECTION 1: The Council hereby establishes Chapter 98 of the Code of Ordinances entitled NOISE and hereby adopts and approves Section 98.01, as hereinafter set forth:

SECTION 98.01 SOUND AMPLIFICATION SYSTEMS IN MOTOR VEHICLES

(A) No person shall operate a motor vehicle on a street or highway if the sound from any sound amplifying equipment located inside of, outside of or attached to, or held by a person inside, the motor vehicle, is discernable at a distance of twenty-five feet or more from the vehicle.

(B) This section does not apply to any of the following circumstances:

(1) The sound amplifying equipment of the 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.

(2) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.

(3) The motor vehicle is owned and operated by the state, a political subdivision, or a public utility.

(4) The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits.

(5) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal or state law.

(6) Vendors of ice cream and related products between the hours of 9:00 AM and 8:00 PM.

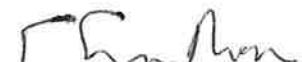
(C) Any person who violates Section 98.01 shall be guilty of a minor misdemeanor; for a second offense committed within one (1) year after the commission of the first offense, the person shall be guilty of a fourth degree misdemeanor; for a third and/or subsequent offense(s) committed within one (1) year after the commission of the first offense, the person shall be guilty of a third degree misdemeanor.

SECTION 2: This Ordinance shall revoke and rescind all Ordinances and parts of Ordinances in conflict herewith.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety of the citizens of the Municipality of Brookville through immediate enforcement of this Ordinance by the Police Department, and this Ordinance shall take effect and be in force immediately upon passage.

Passed this 18th day of April, 1995.

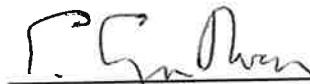
ATTEST:


E. Eugene Roeser, Clerk


Thomas L. Dafler, Vice Mayor

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1995-05, passed by the Council of said Municipality on the 18th day of April, 1995.


E. Eugene Roeser, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that a copy of the foregoing Resolution was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 20th day of April, 1995 to the 19th day of May, 1995, both days inclusive.


E. Eugene Roeser, Clerk