

RECORD OF ORDINANCES

Dayton Legal Blank Co.--10116

Ordinance No. 1995-09

Passed JULY 18 1995

AN ORDINANCE REGULATING CERTAIN NOISES IN THE MUNICIPALITY OF BROOKVILLE, OHIO.

WHEREAS, the Police Department of the Municipality of Brookville and the Council of the Municipality of Brookville have received numerous complaints regarding noise in the Municipality; and

WHEREAS, the Council deems it necessary to regulate and restrict said noise through the adoption of this Ordinance.

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

SECTION 1: The Council of the Municipality of Brookville hereby adopts and approves Section 98.02, NOISE REGULATION, as hereinafter set forth:

SECTION 98.02: NOISE REGULATION

(A) No person or persons shall make the following enumerated noises:

(1) Radios; phonographs; stereos. Using, operating or permitting to be played any radio, musical instrument, phonograph, stereo, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighbors. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building structure, or vehicle in which it is located shall be *prima facie* evidence of a violation of this section.

(2) Animals; birds. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.

(3) Exhausts. The discharge into the open air of the exhaust of any stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(4) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding,

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rattling, or other noise.

(5) Loading; unloading; opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(6) Construction/repairing of buildings. The erection (including excavating), demolition, alteration, or repair of any building other than between the hours of 6:00 AM and 10:00 PM, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed 3 days or less while the emergency continues and which permit may be renewed for periods of 3 days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways within the hours of 10:00PM and 6:00 AM, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 10:00 PM and 6:00 AM, upon application being made at the time the permit for the work is awarded or during the progress of the work.

(7) Schools; courts; churches; medical facilities; funeral homes. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, court or funeral home while the same are in session, or adjacent to any medical facility, which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients of such facilities, provided that conspicuous signs are displayed in such streets indicating that the same is a school, medical facility, funeral home or court street.

(8) Pile drivers; hammers. The operation between the hours of 10:00 PM and 6:00 AM of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud and unusual noise, except in the case of emergency repairs which shall be permitted 24 hours a day until termination of the emergency condition.

(9) Blowers. The operating of any noise-creating blower or power fan or any internal combustion engine, the operation of

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which causes noise due to the explosion of operating gases 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.

(B) Any person who violates Section 98.02 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 shall take effect upon passage by Council as provided in the Charter of the Municipality of Brookville.

Passed this 18th day of July, 1995.

ATTEST:



E. Eugene Roeser, Clerk



Michael A. Duncan, Mayor

CERTIFICATE

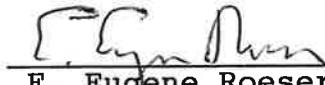
The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1995-09, passed by the Council of said Municipality on the 18th day of July, 1995.

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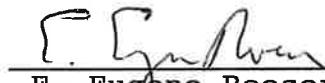
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E. Eugene Roeser, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that a copy of the foregoing Ordinance was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 20th day of July, 1995 to the 21st day of August, 1995, both days inclusive.


E. Eugene Roeser, Clerk