

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE #2006-12**

**AN ORDINANCE ESTABLISHING CHAPTER 1472 PUBLIC DISTURBANCE NOISE**

**Whereas**, the Village Council seeks to reduce the cost and staff time needed to respond to noise complaints from Village residents by using a reasonable person standard, among other means, and

**Whereas**, the Village Manager and Village Solicitor have reviewed the body of case law using a reasonable person standard and have determined that there is a sufficient likelihood of successful prosecution using this standard based on past precedents.

**NOW, THEREFORE, THE COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:**

**Section 1.** Chapter 1472 is established and adopted by reference to Exhibit A.

**Section 2.** Chapter 1472 shall become effective at the earliest period allowed by law.

\_\_\_\_\_  
Jocelyn Hardman, President of Council

Passed: May 1, 2006

Attest: \_\_\_\_\_  
Deborah Benning, Clerk

ROLL CALL:

Hardman \_\_\_Y\_\_

Wintrow \_\_Y\_\_

Rickenbach \_\_Y\_\_

Hempfling \_\_Y\_\_

Chase \_\_Y\_\_

**EXHIBIT A**

**CHAPTER 1472**  
**Public Disturbance Noise**

1472.01       General Prohibition. No person shall cause a sound that is a public disturbance noise, and no person in possession of property shall allow to originate from the property, sound that is a public disturbance noise.

1472.02       Definition. For purposes of this chapter, a “public disturbance noise” is any noise which, in the judgment of person of ordinary sensibilities, is unreasonably loud so as to disturb or interfere with the peace and comfort of owners or possessors of real property.

1472.03       Illustrative Enumeration. The following sounds may, depending upon location, duration, intensity or character, be public disturbance noises in violation of this chapter:

(a)       The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

(b)       The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district;

(c)       Yelling, shouting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m.;

(d)       The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, or dwelling unit, or from any part of the property on which such building, structure or dwelling unit is located, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;

(e)       Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself;

(f)       Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator;

(g)       The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section;

(h)       Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends;

(i) Sounds originating from residential property relating to temporary projects for the maintenance or repair of dwelling units, grounds and appurtenances, including but not limited to sounds from lawnmowers, power hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

1472.04 Exclusion. This chapter shall not apply to the following:

(a) Regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 10:30 p.m.;

(b) Construction or maintenance activities in the city's right-of-way that have been conditioned by the Village Manager or designee to minimize the impact on adjacent property owners;

(c) Construction noise under subsection 1472.03(h) of this section or other noise generated in response to emergency situations (being occasions when unexpected and uncontrollable events result in an imminent risk of physical harm or property damage).

1472.05 Enforcement.

The Village Manager, or his or her designee, shall have the duty and responsibility of carrying out and enforcing the provisions of this chapter.

1472.06 Violation – Penalty.

Any person who violates the provisions of this chapter shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

1472.07 Injunctive Relief.

In addition to the penalties provided in this chapter, injunctive relief for enforcement of the provisions of this chapter may be sought by the Solicitor after authorization by Council.

1472.08 Severability

If any provision of this chapter is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

1472.09 Conflict.

No provision of this chapter shall be construed to impair or limit the ability of the Village to enforce provisions of Chapter 634 of the Codified Ordinances, it being determined by the Village that the provisions of Chapter 634 and this chapter shall co-exist and be independently or conjunctively enforced in the discretion of the Village Manager.

