

ORDINANCE 19- 15

DISTURBING THE PEACE

Whereas, The South Point Village Council deems it necessary to establish the following Disturbing The Peace Ordinance for the protection of the public health, safety and welfare of the Village residents.

Now Therefore, Be It Ordained by the South Point Village Council:

Section 1. Disturbing the Peace

- A. No person shall disturb the good order and quiet of the municipality by clamors or noises, by intoxication, drunkenness, fighting, quarreling, wrangling, committing assault, assault and battery, using obscene or profane language in the streets and other public places to the annoyance of the citizens, or otherwise violate the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior.
- B. Whoever violates this section is guilty of a minor misdemeanor.

Section 2. Noise

- A. Noisy Advertising. No person shall, by ringing a bell or gong, or by using a phonograph or other instrument for producing or reproducing sounds, or by using loud or boisterous language or by any unusual noise whatever, advertise goods, wares, or merchandise for sale, either at auction or in any other manner, or by any such means advertise any show, theater, exhibition, or entertainment.
- B. Noisy Machinery. No person shall maintain, run, or operate any steam, gas, gasoline, or other engine, boiler, press, machine, or other apparatus so constructed or operated as to make any unnecessary noise, to the annoyance and discomfort of the people of the village.
- C. Noise-Producing Instruments. No person shall operate or maintain any radio, phonograph, player piano, calliope, or any noise-making device or noise-amplifying or noise-producing instrument or device in any public or private place, by which the peace and good order of the neighborhood is disturbed, or by which persons owning or occupying property in the neighborhood are subjected to a nuisance.
- D. Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Section 3. Sound amplifying devices.

- A. No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, loudspeaker or any other sound amplifying device or by any horn, drum, piano or other musical or percussion instrument.
 - 1. It is prima facie unlawful for a person to generate or permit to be generated sound by the above described devices or instruments in the following circumstances:
 - a. On private property between the hours of 10:00 p.m. and 8:00 a.m. of the following day in a predominantly residential area regardless of existing nonconforming use or variance, where the sound is audible more than eighty feet from the property line of the property on which the source of the sound is located;
 - b. On a street, highway or in the public right-of-way where the sound is audible one hundred feet from the device generating the sound.
- B. No person, being the owner, or person in possession of a premises or person in control of the premises by reason of employment, agency, or otherwise whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.
- C. Warning and alarm devices which have the purpose of signaling unsafe or dangerous situations or calling for police are exempted from the prohibitions of this section when used for such purposes.
- D. Whoever violates this section is guilty of generating unreasonable noise and a minor misdemeanor. If the offender persists in generating or permitting to be

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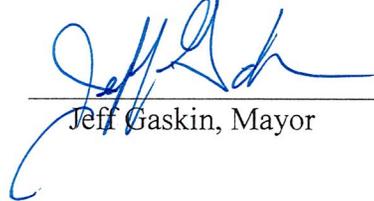
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generated unreasonable noise after reasonable warning or request to desist, generating unreasonable noise is a misdemeanor of the fourth degree.

- E. In any violation of this section involving sound equipment in a motor vehicle, both the sound equipment and the motor vehicle are hereby deemed contraband and subject to seizure and forfeiture under Ohio Revised Code §§ 2933.41 through 2933.43.

Section 4. This ordinance shall take effect and be in force after the earliest period allowed by law.

Adopted This 12th Day of November, 2019



Jeff Gaskin, Mayor

Attest: 
Scott Thomas, Clerk

	<u>Yes</u>	<u>No</u>
1st Reading <u>9/3/19</u>	<u>4</u>	<u>0</u>
2nd Reading <u>10/1/19</u>	<u>5</u>	<u>0</u>
3rd Reading <u>11/12/19</u>	<u>6</u>	<u>0</u>