

VILLAGE OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 24-15

PASSED: April 27, 2015

AN ORDINANCE TO MODIFY SECTION 509.12 RELATED TO THE OPERATION OF RADIOS OR OTHER MECHANICAL SOUNDMAKING DEVICES OR INSTRUMENTS IN VEHICLES.

WHEREAS, Section 509.12 of the Codified Ordinances grants an exemption to the noise regulations for vehicles used for business or political purposes; and,

WHEREAS, Obetz residents desire peaceful neighborhoods; and,

WHEREAS, Obetz desires to remove such exemption;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:

Section 1. Section 509.12 shall be amended to read as follows:

509.12 OPERATION OF RADIOS OR OTHER MECHANICAL SOUNDMAKING DEVICES OR INSTRUMENTS IN VEHICLES.

(a) It is unlawful for any person operating or occupying a motor vehicle within the Village to operate or amplify the sound produced by a radio, tape player or other mechanical sound making device or instrument from within the motor vehicle so that the sound is:

- (1) Plainly audible at a distance of 50 feet or more from the motor vehicle; or
- (2) Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools or hospitals.

(b) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedure.

~~(c) The provisions of this section do not apply to motor vehicles used for business or political purposes, which in the normal course of conducting sound business use sound making devices.~~

~~(d)~~(c) The provisions of this section do not apply to the noise made by a horn or other warning device required or permitted by state law.

~~(e)~~(d) "Plainly audible" shall means any sound produced by a radio, tape player or other mechanical or electronic sound making device, or instrument, from within the interior or exterior of a motor vehicle, including sound produced by a portable sound making device, that can be clearly heard outside the vehicle by a person using his normal faculties, at a distance of 50 feet or more from the motor vehicle.

~~(f)~~(e) Any law enforcement personnel who hears a sound that is plainly audible, as defined herein, shall be entitled to measure the sound according to the following standards:

- (1) The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by a mechanical device, such as a microphone or hearing aid.
- (2) The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he can readily identify the offending motor vehicle and the distance involved.
- (3) The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.

~~(g)~~(f) The motor vehicle from which the sound is produced must be located upon (stopped, standing or moving) within the Village. Parking lots, driveways are included.

~~(h)~~(g) The standards as set forth above shall also apply to the detection of sound that is louder than necessary for the convenient hearing of persons inside the motor vehicle in areas adjoining churches, schools or hospitals.

~~(i)~~(h) Whoever violates this section shall be subject to the following penalty:

First offense A fine of one hundred dollars (\$100.00)

Second Offense A fine of up to two hundred dollars (\$200.00)

Third Offense and thereafter A fine of up to three hundred dollars (\$300.00) and three days in jail.

~~(j)~~(i) Upon conviction for a third violation of this section, in addition to the penalty set forth in subsection (i), the sound device used during the commission of the offense shall be subject to seizure. (Ord. 09-00. Passed 2-22-00.)

Section 2. This Ordinance shall take effect at the earliest opportunity allowed by law.

Passed this 27 day of April, 2015.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk of Council

D. Greg Scott
D. Greg Scott, Mayor

Angela Kirk
Angela Kirk, Council Pres. Pro-Tem

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APPROVED AS TO FORM

Eve M. Ellinger, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 24-15 was duly posted at 3:00 PM (time) on the 11 day of May, 2015, at the Obetz Government Center as well as on the Obetz website.

Stacey Boumis
Stacey Boumis, Clerk

5/11/15
Date

