

**ORDINANCE AMENDING SECTION 509.09 OF THE CODIFIED
ORDINANCES OF THE CITY OF NORWOOD, OHIO, ENTITLED
“DISTURBING THE PEACE”.**

WHEREAS, Council desires to amend Section 509.09 of the Codified Ordinances of the City of Norwood, Ohio, entitled “Disturbing the Peace” to better protect the health, safety, and welfare of the community; now therefore,

BE IT ORDAINED by the Council of the City of Norwood, State of Ohio, that:

Section 1. Section 509.09 of the Codified Ordinances of the City of Norwood, Ohio, entitled “Disturbing the Peace” is hereby amended to read as follows:

Section 509.09 Disturbing the Peace.

No Person shall:

- (a) Construction: Power Tools. Create, construct, alter, repair, or demolish any building between the hours of 9:00 p.m. and 6:00 a.m., or operate any mechanical, electrical, or battery-operated apparatus, excluding outdoor equipment, which produces loud sound which disturbs the peace and quiet of the neighborhood within 500 feet of places of residence, hospitals, or other residential institutions, between the hours of 9:00 p.m. and 7:00 a.m., except in case of urgent necessity in the interest of public safety and then only with a permit from the Building Commissioner. Nothing herein shall be construed to affect the usual and reasonable operation of firms or corporations or to prohibit the reasonable and ordinary noises attendant upon such operation in those areas properly zoned for this purpose.
- (b) Loading and Unloading. Make loud or excessive noise in connection with loading or unloading any vehicle or the opening and/or destruction of bales, boxes, crates, and containers. Nothing herein shall be construed to affect the usual and reasonable operation of persons, firms, or corporations or to prohibit the reasonable and ordinary noises attendant to such operations in those areas properly zoned for this purpose.
- (c) Loud Speakers. Operate a motor vehicle on a street or highway if the sound from any sound amplifying equipment located inside of, outside or attached to, or held by a person inside, the motor vehicle, is discernible at a distance of fifty feet or more from the vehicle.
- (d) Horns and Signaling Devices. Sound any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning.
- (e) Promotional Sound or Music Producing Devices. Use any musical or other instrument or device capable of reproducing sound for the purpose of commercial advertising or attracting the attentions of the public to any performances, show, sale, or display of merchandise after 8:00 p.m.
- (f) Televisions, Radios, Electronic Sound Devices, Electronic Music Devices, and Musical and Sound Instruments. Use, operate or permit to be played, used or operated any television, radio receiving set, musical instrument, electronic sound device, electronic music device, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such radio set, musical instrument, or other machine or sound device in

such a manner as to be plainly audible at a distance of fifty feet from the vehicle or at a distance of fifty feet from the lot upon which the building or structure is located shall be a violation of this section.

- (g) Outdoor Equipment. No person shall operate engine or motor powered lawn or maintenance tools intended for use in residential areas, typically capable of being used by homeowners (such as power mowers, garden tools, riding tractors, power saws, and edgers) between the hours of 9:00 p.m. and 9:00 a.m.
- (h) Unreasonable Noises. Between the hours of 9:00 p.m. and 9:00 a.m. make, continue, or cause to be made or continued any loud, unnecessary, or unusual sound which is plainly audible at a distance of fifty feet from any lot.
- (i) Exceptions. This section shall not apply to noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have received a permit from the Safety-Service Director.
- (j) Owner Liability. The owner of any land on which a violation of any regulations in Section 509.09 occurs shall be liable for the violation. Any other person or persons involved may also be held liable for the violation.
- (k) Misdemeanor Classification. Whoever violates this section is guilty of a minor misdemeanor. Each day that a violation occurs is a separate offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree.

Section 2. This ordinance shall go into effect on the earliest date allowed by law.

PASSED _____
Date

Jane M. Grote
President of Council

ATTEST:

Cassandra N. Brown, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular/special meeting of Norwood City Council on the _____ day of ____, 2010 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the ____ day of _____, 2010.

Cassandra N. Brown
Clerk of Council

APPROVED _____
Date

Thomas F. Williams
Mayor

CERTIFICATE OF PUBLICATION:

Cassandra N. Brown, the duly appointed Clerk of Council, attests that this ordinance was published in the _____ on _____ and _____.
(Name of Newspaper) (date) (date)

Cassandra N. Brown
Clerk of Council