

ORDINANCE 579-03-2013

AN ORDINANCE AMENDING 513.01 OF THE VILLAGE CODIFIED
ORDINANCES REGULATING NOISE LEVELS WITHIN THE VILLAGE OF
ROAMING SHORES AND NOT DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio:

SECTION 1. Except as herein provided, That the following is hereby prohibited within the Village between the hours of 11:00 p.m. and 8:00 a.m.: music, speech and noise of any character which is amplified by any electronic means which is generated outdoors or from indoors and audible beyond the property line of the location from which said music, speech, or noise of any character is generated.

a) Any commercially licensed food and beverage establishment may play live music during the times set forth in Section 1, and until midnight on Fridays and Saturdays only, provided that such music is not unreasonably loud, disturbing and annoying to anyone outside the property lines of such establishment.

~~**SECTION 2.** No person shall, after a reasonable request to desist, shall make, continue or cause to be made- any noise, music or speech by the use of any horn, bell, radio, or loud speaker, or by the operation of any instrument or device, any unreasonably loud, disturbing, and unnecessary noises of such a character, intensity, and duration, that is unreasonably loud, disturbing and annoying to others. as to disturb the peace and quiet of the community or to be detrimental to the life and health of any individual.~~

~~**Section**~~**SECTION 3.** It is unlawful for anyone operating or occupying a vehicle on a street, highway, parking lot or driveway within the Village, to operate or amplify the sound produced by a radio, CD player or other mechanical sound-making device or instrument from within a motor vehicle, so that the sound is audible a+ distance of 100 feet or more from the motor vehicle or is louder than necessary for the convenient hearing by persons inside the vehicle. The primary means of detection shall be by the officer's ordinary auditory senses. The officer must have a direct line of sight and hearing to the motor vehicle. The officer need not determine the particular words or phrases being produced. The detection of a rhythmic bass reverberating-type sound is sufficient to constitute an audible sound. This Section does not apply to a motor vehicle used for an emergency, business, political purposes or noise made by a horn, siren or other warning device required or permitted by State law or these codified Ordinances.

~~**SECTION**~~**SECTION 4.** No person shall keep or harbor any dog within the Village which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Village. Any person, who shall allow any dog to remain, be lodged

or fed within any dwelling building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

~~SECTION 5~~. Whoever violates this Ordinance is guilty of this Ordinance is guilty of a minor misdemeanor, punishable by a fine not in excess of One Hundred Dollars (\$100.00), for a first offense. Whoever violates this Ordinance after having been previously convicted of a first offense is guilty of a fourth degree misdemeanor, punishable by a fine not in excess of Two Hundred Fifty Dollars (\$250.00) and a jail sentence not in excess of 30 days.

SECTION 6. That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. Any ordinance inconsistent with the provisions of this ordinance is hereby repealed

SECTION 8. This Ordinance is not an emergency and shall take effect thirty days after passage.

~~NOTE: Also see Ordinance No. 420-03-05 (An Ordinance Regulating Levels of Noise from Grading, Excavation, Landscaping, and Construction Activity within the Village of Reaming Shores).~~

PASSED this _____ day of _____, 2013

John Ball, Mayor

ATTEST:

Leeann Moses, Fiscal Officer

Kyle B. Smith, Solicitor

| I hereby certify that a summary of the foregoing ordinance was published by the Shore News on the ____ day of _____ 2013.

| _____
| Village Clerk