

ORDINANCE 24-12-02

AN ORDINANCE PROHIBITING LOUD AND UNNECESSARY NOISES WITHIN THE VILLAGE LIMITS

WHEREAS, the Council of the Village of Sherwood deems it necessary to have an ordinance prohibiting loud and unnecessary noises within the village limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL, of the Village of Sherwood, State of Ohio as follows:

No person shall make, continue, or cause to be made or continued, or fail to prevent any device, animal, or bird under their control to make or continue, any loud or disturbing noise that is unnecessary, which either annoys, disturbs, injures, endangers, or presents a risk of loss of, the comfort, repose, health, peace, safety, or monetary gains of any person or business within the limits of the Village.

Definitions -

As used in this ordinance, **Unnecessary Noise** refers to sound that exceeds reasonable limits and is not required for lawful activities, public safety, the normal operation of equipment, or the legitimate and customary operations of a business.

As used in this ordinance, **Time**, shall be as defined by Ohio Revised Code (hereinafter O.R.C.), Section 1.04

LOUD OR DISTURBING AND UNNECESSARY NOISES ENUMERATED.

Although not an exclusive list, any of the following acts or omissions shall constitute a violation of this ordinance:

(a) **Engine Acceleration:** The rapid acceleration or running of an engine while the vehicle is in park or neutral or otherwise idle while on public or private property, when it is clearly audible by a person using normal hearing faculties for a distance of 100 feet or more from the place of origin.

(b) **Squealing of Tires:** The operation of a motor vehicle in a way that causes "unnecessary squealing of tires," including rapid acceleration, deceleration, or abrupt turns, unless it is necessary for safe operation or compliance with the law. **Compliance with O.R.C. 2133.071:** It is illegal to squeal tires under O.R.C. 2133.071.

(c) **Radios, Phonographs, Etc.:** The using, operating or permitting to be played, used, or operated any radio, receiving set, instrument, phonograph, machine, compact disk player, tape player, WiFi/Bluetooth, or other machine or device for producing or reproducing sound, including but not limited to, reverberating or rhythmic bass tones, that is plainly audible by a person using normal hearing faculties at the distance of 100 feet or more from the place of origin.

(d) **Yelling, Shouting:** The yelling, shouting, hooting, whistling, or singing, while on a public place, walk, or street, between the hours of 10:00 p.m. and 7:00 a.m. that is plainly audible by a person using normal hearing faculties at the distance of 100 feet or more from the place of origin.

(e) **Animals, Birds:** The frequent or long-continued noise of any animal or bird between the hours of 10:00 p.m. and 7:00 a.m. that is plainly audible by a person using normal hearing faculties across the private property line where the animal or bird is being kept; further, any person who shall allow any such animal or bird to remain, be lodged, or fed within any dwelling, building, yard, or enclosure, which the person occupies or owns, shall be considered as having control over the animal or bird.

(f) **Exhausts:** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or vehicle (vehicle having the same meaning as found in O.R.C. 4501.01), except through a muffler or other device which will effectively prevent loud or explosive noises there from. **Compliance with O.R.C. 4513.22:** All vehicles must comply with muffler and noise requirements under ORC 4513.22.

(g) **Defect in Vehicle or Load:** The use of any automobile, motorcycle, railroad train, or vehicle (vehicle having the same meaning as found in O.R.C. 4501.01) so out of repair, so loaded, or in such a manner as to create grating, grinding, rattling, or other noise that is plainly audible by a person using normal hearing faculties for a distance of 100 feet or more from the place of origin.

(h) **Construction or Repairing of Buildings:** The erecting (including excavating), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m., that produces noise that is plainly audible by a person using normal hearing faculties a distance of 100 feet or more from the place of origin, except in case of urgent necessity in the interest of public health and safety.

(i) **Schools, Courts, Churches, Hospitals:** The creation of any noise on any street adjacent to any school, institution of learning, church, or court while such place is in use, or adjacent to any hospital, which is plainly audible by a person using normal hearing faculties in such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street with the words indicating "quiet zone."

(j) **Alarms:** The sounding of any audible alarm causing frequent or long-continued noise when no emergency exists, unless being performed at a reasonable time for a reasonable duration for prearranged testing.

PUBLIC NUISANCE DECLARATION.

Persistent or egregious violations of this ordinance may be declared a public nuisance under O.R.C. 3767.11, subject to abatement and additional legal remedies. The operation or maintenance of any device, instrument, vehicle, equipment, or machinery in violation of any provision of this ordinance and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, monetary gains, or peace of residents or businesses in the area shall be deemed, and is declared to be, a public nuisance.

REMEDY; INJUNCTION.

The operation or maintenance of any device, instrument, vehicle, equipment, or machinery in violation of any provision of this chapter, and which causes discomfort or annoyance to reasonable persons of normal sensitiveness, or which endangers the comfort, repose, health, monetary gains, or peace of residents or businesses in the area, shall be deemed a public nuisance under O.R.C. 3767.11.

Such nuisances are subject to:

1. **Abatement Orders:** The responsible party may be required to cease the activity immediately, and failure to comply may result in further enforcement actions.
2. **Injunctive Relief:** A court of competent jurisdiction may issue an injunction to restrain or prevent the continuation of the nuisance.
3. **Additional Penalties, Fines, and Fees:** Remedies under this ordinance are in addition to any penalties imposed under Section "Penalties" listed below; any costs to the Village shall be collected in accordance with O.R.C. 2949.09

EXEMPTIONS FOR BUSINESSES AND SPECIAL PERMITS.

(a) Permanent Exemptions for Established Businesses:

Businesses may apply for a **permanent noise exemption** provided that:

1. **Eligibility:**
 - The business is a lawful and licensed operation.
 - The nature of the business inherently involves generating intermittent or recurring noise (e.g., live music, outdoor gatherings, or events).
2. **Application Process:**
 - The business owner must submit an application to the Village Council or designated authority, outlining:
 - The type of noise to be generated.
 - Typical hours of operation or events.
 - Measures in place to mitigate excessive noise (e.g., sound barriers, directional speakers).
3. **Approval Conditions:**
 - Permanent exemptions must specify:
 - Approved noise-generating activities (e.g., music, ceremonies, or outdoor gatherings).
 - Hours during which noise exemptions apply.
4. **Revocation or Modification:**

○ **Due Process for Revocation:**

Noise exemptions for businesses operating within approved conditions shall not be revoked without due process, including an investigation and opportunity for the business to respond to complaints or concerns.

(b) Special Permits for Temporary Noise:

Businesses or organizations may apply for a special noise permit for activities or events that may temporarily exceed the noise limits established in this ordinance.

(c) Emergency Operations:

Noise produced by emergency operations, vehicles, or services shall be exempt from this ordinance.

(d) Construction and Maintenance Activities:

Noise generated by construction or maintenance activities shall be exempt when performed:

1. During the hours of 7:00 a.m. and 10:00 p.m.
2. In the interest of public health, safety, or welfare.

PENALTIES.

Any person convicted of violating any provision of this ordinance shall be guilty of a minor misdemeanor, except that failing to cease the noise disturbance after being warned by a law enforcement officer to do so shall constitute a misdemeanor of the fourth degree; moreover, a subsequent offense under this ordinance within one year shall constitute a misdemeanor of the fourth degree.

If this ordinance conflicts with any previous codes or ordinances, such previous codes and ordinances are hereby repealed and shall no longer be enforced.

This Ordinance shall be in full force and effect from and after the earliest period allowed by law

Passed: 2/19/25



David M. Weaner, Mayor



Sherri Ramey, Administrator/Fiscal

1st Reading 12/18/24

2nd Reading 1/15/25

3rd Reading 2/19/25