

ORDINANCE NO. 12-65

By:

*Schroedinger*

To regulate and prohibit unnecessary noises.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
BEXLEY, OHIO:

SECTION 1. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

SECTION 2. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

(1) Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, motorscooter, or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, 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 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 set, instrument, phonograph, machine or device between the hours of eleven o'clock P. M. and seven o'clock A. M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) Loud Speakers, Amplifiers for Advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11 P. M. and 7 A. M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of

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residence, or of any persons in the vicinity.

(5) Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorcycle, motor-scooter, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(8) Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7 A. M. and 6 P. M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 P. M. and 7 A. M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 P. M. and 7 A. M. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(9) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(10) Hawkers, Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(11) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(12) Metal Rails, Pillars and Columns, Transportation Thereof. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(13) Pile Drivers, Hammers, etc. The operation between the hours

of 10 P. M. and 7 A. M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(14) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

SECTION 3. Penalties. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$50.00.

SECTION 4. Separability. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 5. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted: Aug 13 1965

Attest: [Signature]  
Clerk of Council

[Signature]  
President of Council

Approved: Aug 13 1965

[Signature]  
Mayor

posted  
8-14-65

Maximum Capacity exceeds fifty (50) kilowatts or the total energy consumed exceeds twenty thousand (20,000) kilowatt-hours in any one (1) month, this Schedule should not be available for a minimum period of twelve (12) months.

SECTION 2: That, in the event the term of any contract for standard secondary electric service hereafter made with consumers in the Municipality pursuant to the provisions of this Ordinance shall extend beyond the termination date of this Ordinance, the rates, including the Minimum Monthly Charge, chargeable thereunder shall be the rates in effect within the Municipality at the time such charge is made.

SECTION 3: That the Rules and Regulations contained in the Company's P. U. C. O. No. 1, on file with The Public Utilities Commission of Ohio (as the same may from time to time be amended or supplemented) as are not in conflict with the express provisions of this Ordinance are applicable to all service rendered under and pursuant to this Ordinance. Nothing contained within this Ordinance shall prevent any consumer from taking advantage, within the effective period of this Ordinance, of any applicable rule, regulation, supplement or optional rate which the Company may make available in its P. U. C. O. No. 1 on file with The Public Utilities Commission of Ohio for the class of service involved.

SECTION 4: The rates contained herein shall be effective with respect to bills based on regular meter readings made on or after the effective date of this Ordinance and shall end on November 10, 1968.

Section 5. That the clerk be, and he is hereby, directed to certify a copy of this ordinance to the Board of Elections of Franklin County, Ohio.

Section 6. That to pay the cost of printing and mailing said copies of said proposed charter amendment and of publishing said notice, there be, and is hereby, appropriated from the general fund the sum of \$ 1000<sup>00</sup> or so much thereof as may be needed.

Section 7. That this ordinance is hereby declared to be an emergency measure because it must be filed with the Board of Elections in time to be on the November 2, 1965, ballot and for the preservation of the public peace, health, welfare and safety and shall take effect and be in force from and after its passage and approval by the Mayor.

Adopted: Aug 13, 1965

Attest: R. C. Linscott  
Clerk of Council

C. Kurtz  
President of Council

Approved: Aug 13<sup>th</sup>, 1965

N. A. Schmidt  
Mayor

I, R. C. Linscott, Clerk of Council, City of Bexley, Ohio do hereby certify that this is a True Copy of Ordinance No. 13-65, passed by Bexley, City Council on August 13, 1965.

R. C. Linscott  
Clerk of Council  
City of Bexley