

SUBSTITUTE ORDINANCE NO. 44-93By: John H. Offenberg

An Ordinance to amend Section 648.11 of the Codified Ordinances to prohibit the parking and operation of commercial vehicles under specified conditions within <sup>175</sup>150 feet of a residential property.

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

Section 1. That Section 648.11 of the Codified Ordinances is hereby amended as follows:

## 648.11 DISTURBING THE PEACE.

(a) Prohibition. No person shall 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.

(b) Noises enumerated. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, motor scooter 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, television set, 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 11:00 p.m. and 7:00 a.m. of the following day in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima-facie evidence of a violation of this section.
- (3) Loudspeakers, 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 11:00 p.m. and 7:00 a.m. of the following day 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 residence, or of any person in the vicinity;
- (5) Animals, birds, etc. The keeping of any animal or bird which, by causing frequent or long continued noise, disturbs and comfort or repose of any person 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 a 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 7:00 a.m. and 6:00 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 Superintendent of Buildings, which permit may be granted for a period not to exceed three 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 Superintendent of Buildings determines 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 between 6:00 p.m. and 7:00 a.m. of the following day, and if he further determines that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between 6:00 p.m. and 7:00 a.m. of the following day 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 10:00 p.m. and 7:00 a.m. of the following day 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; or
- (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.
- (15) COMMERCIAL VEHICLES. THE PARKING, WITHIN <sup>175</sup>~~150~~ FEET OF ANY RESIDENTIAL PROPERTY, OF A VEHICLE, OTHER THAN A PASSENGER CAR OR EMERGENCY OR SAFETY VEHICLE, WHICH EMITS NOISE FROM ANY SOURCE, INCLUDING, WITHOUT LIMITATION, AN INTERNAL COMBUSTION ENGINE, GENERATOR OR REFRIGERATION UNIT, FOR ANY PURPOSES OR LENGTH OF TIME EXCEPT FOR (A) THE EXPEDITIOUS UNLOADING AND DELIVERY OR PICKUP AND LOADING OF GOODS AND MATERIALS OR (B) OPERATION IN CONNECTION WITH CONSTRUCTION OR DEMOLITION ACTIVITY OTHERWISE PERMITTED BY LAW.

(c) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02.

Section 2. That existing Section 648.11 of the Codified Ordinances is hereby repealed.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 14, 1993

Paul A. Moore  
President of Council

Attest: [Signature]  
Clerk of Council

July 13, 1993 - 1<sup>st</sup> Reading  
July 27, 1993 - 2<sup>nd</sup> Reading  
Sept. 14, 1993 - 3<sup>rd</sup> Reading  
Subst. & Adopted

Approved: Sept 15, 1993

David H. Madison  
David H. Madison, Mayor