

ORDINANCE NO. 4-95  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Sally Beels ON THE 20th DAY  
OF March, 1995.

AN ORDINANCE ENACTING SECTION 648.09 OF THE CENTERVILLE  
MUNICIPAL CODE REGULATING NOISE AND PROHIBITING  
DISTURBING THE PEACE.

The Municipality of Centerville hereby ordains:

Section 1. That the Centerville Municipal Code is hereby amended by the addition  
of the following section:

*648.09 Noise - Disturbing the Peace*

- (a) *No person shall disturb the good order and quiet of the municipality by clamors or noises, by intoxication, drunkenness, fighting, quarreling, wrangling, committing assault, assault and battery, using obscene or profane language in the streets and other public places to the annoyance of the citizens, or otherwise violate the public peace by indecent and disorderly conduct, by lewd and lascivious behavior or by making, continuing to make or causing to be made any unreasonable and unnecessary noise of such a character, intensity and duration as to disturb the peace and quiet of the community or to be detrimental to the life or health of any individual.*
- (b) *The following acts are declared to be unreasonable and unnecessary noises in violation of subsection (a) hereof, but this enumeration shall not be deemed exclusive:*
- (1) *Horns, Signaling Devices, Etcetera. The sounding of any horn or signaling device on any automobile, motorcycle, trolley coach 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 any other device operated by engine exhaust; and the use of any such signaling device when traffic is held up for any reason.*
  - (2) *Radios, Phonographs, Etcetera. The using, operating, or permitting to be played, used or operated of any radio receiving set, musical instrument,*

*phonograph, or other machine or device for the producing or reproducing of sound in such a 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 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 12:00 mid and 7:00 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 Section 648.09.*

(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, loud speaker, 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 except by special permission of the City Manager.*

(4) *Yelling, Shouting, Etcetera.* *Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 12:00 mid 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, dwelling, hotel or other type of residence or of any persons in the vicinity.*

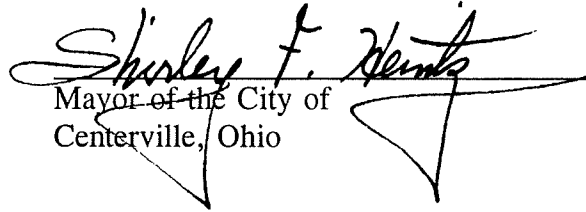
(5) *Animals, Birds, Etcetera.* *The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity.*

(6) *Steam Whistles.* *The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.*

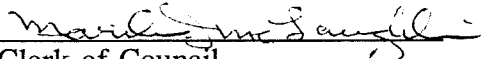
(c) *Whoever violates this section is guilty of disturbing the peace, a misdemeanor of the fourth degree, and shall be subject to the penalty as provided in Section 698.02.*

Section 2. This Ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 20th day of March, 1995.

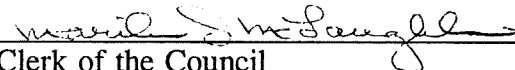
  
Mayor of the City of  
Centerville, Ohio

ATTEST:

  
Clerk of Council  
City of Centerville, Ohio


CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 4-95, passed by the Council of the City of Centerville, Ohio on the 20th day of March, 1995.

  
Clerk of the Council

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Approved as to form, consistency  
with existing laws, the  
charter & constitution of Ohio.

  
Robert M. Rogg  
Municipal Attorney