

Record of Ordinances

Ordinance No.: 2006-03

Passed: March 27, 2006

ORDINANCE TO REGULATE NOISE

Whereas the objective of the Village of West Lafayette, Ohio is to promote the peace and quiet enjoyment of residential neighborhoods; and,

Whereas prohibiting “unreasonable noise” without further definition in disorderly conduct Section 648.04 (a) (2) of the Village ordinances and other like ordinances such as the City of Columbus Ordinance, Section 2329.11 (c) has been declared unconstitutionally overbroad; and,

Whereas there are devices now available to measure noise levels; and,

Whereas it is the goal of the Village of West Lafayette, Ohio to undertake action for the preservation of the public health, peace, property, safety, and welfare.

NOW THEREFORE BE IT ORDAINED that the Village Code for West Lafayette, Ohio is hereby supplemented through the enactment of Ordinance 2006-03,

SECTION I. Section 648.04 Disorderly Conduct shall be amended to delete the words “unreasonable noise or” at Section (a) (2) and to add a new Section 648.04 (a) (6) as follows:

648.04 (a) (6) Making unreasonably loud or raucous noise in such a manner or at such volume as to disturb the quiet, comfort, or repose of a person of ordinary sensibilities.

It shall be a rebuttable presumption that Section 648.04 (a) (6) has been violated if a person is found to have caused such unreasonably loud or raucous noise at a decibel level in excess of 85 decibels.

For purposes of obtaining the sound level, a decibel meter shall be used, which is approved and maintained in accordance with standards of the American National Standards Institute (ANSI) or its successor body.

For purposes of this Section all definitions or terminology not specifically defined herein shall be in conformance with applicable standards of the American National Standards Institute (ANSI) or its successor body.

The provisions of Section 648.04 (a) (6) shall not apply to the following:

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1. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
2. Warning devices necessary for the protection of public safety.
3. Outdoor gatherings approved and authorized by village council, including, without limitation the West Lafayette Homecoming, public dances, parades, shows, and sporting and entertainment events.
4. An employee of a governmental unit engaged in the lawful furtherance of his official duty.
5. Church bells.
6. Emergency Vehicles.
7. Use of audible warning devices on motor vehicles or trains as required by law and used for a warning.

For purposes of Section 648.04 (a) (6), the following specific definitions are used:

“Decibel” means a unit for measuring the intensity of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals. Decibel is denoted as “dB”.

“Device” means any system or machine devised or constructed to perform one or more tasks.

“Emergency work” means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

“Loud or raucous noise” means any noise or sound that emanates in such manners and/or volume and is of such intensity, character and duration to be offensive or disturbing to a person of ordinary sensibilities.

“Person” means any public corporation, private corporation, individual, firm, partnership, association, or other entity.

“Warning device” means any device, which signals an unsafe or potentially dangerous situation.

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Severability. If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated. All other Sections of 648.04 not amended herein will remain in full force and effect.

Violation of Section 648.04 (a) (6) shall be deemed to be a minor misdemeanor, punishable by a fine of not to exceed One Hundred Fifty and 00/100 (\$150.00) Dollars, community service as provided in the Ohio Revised Code for minor misdemeanors, and court costs.

PASSED IN COUNCIL THIS 27th day of MARCH, 2006

Jack L. Patterson, Mayor

ATTEST:

APPROVED AS TO FORM:

Dru Prater, Fiscal Officer

William M. Owens, Solicitor for the Village
of West Lafayette, Ohio