

AN ORDINANCE ESTABLISHING NOISE LIMITATIONS ON SOUND AMPLIFICATION SYSTEMS AND PUBLIC DISTURBANCES WITHIN THE VILLAGE OF NEW HOLLAND.

WHEREAS, the Council of the Village of New Holland, is authorized by statute to regulate noise and other nuisances within the Village under its police powers and for the preservation of the health, safety and welfare of its citizens; and

WHEREAS, the Council has determined a need to regulate the use of loud sound amplification systems within the Village for the protection of its citizens; and

WHEREAS, the Council believes that such regulation would not be detrimental to the general public and is in the best interests of the citizens of the Village;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW HOLLAND, OHIO, THAT:

SECTION I:

DEFINITIONS.

As used in this chapter, the following words and terms shall have the meanings hereinafter set forth. All terminology used in this chapter and not defined in this section shall be in conformity with applicable publications of the American National Standards Institute (ANSI) or its successor body:

- (1.) "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(a) or dBA.
- (2.) "B-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the B-weighting network. The level so read is designated dB(b) or dBB.
- (3.) "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.
- (4.) "Decibel (db)" means a unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
- (5.) "Demolition" means any dismantling, intentional destruction or removal of a structure, utility, public or private right-of-way surface or similar property.
- (6.) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.
- (7.) "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.
- (8.) "Industrial area" means those areas specified in the village zoning.

SECTION II. That for the purpose of regulating the use of loud sound amplification systems in the Village of New Holland, the following shall apply to the use of such systems within the Village:

- A.** No operator or passenger of a motor vehicle shall operate, or permit the operation of any sound amplification system which can be heard outside the vehicle from 100 or more feet when the vehicle is being operated or parked upon a street, alley or highway within the Village of New Holland.
- B.** No person shall operate or permit the operator of any sound amplification system in any residence or other location within the Village in such a manner as to disturb the quiet and peaceful enjoyment of the surrounding neighborhood or so as to create a public nuisance in the Village. It shall be prima facie evidence that the sound amplification system is disturbing the quiet and peaceful enjoyment of the surrounding neighborhood or is creating a public nuisance if such system can be heard above the acceptable dB level stated in Section II, B at 120 feet or more from the source. See Table 1 for sound level limits and hours. There is to be no profanity at any time/day over any amplification, yelling, etc.

Table 1 sound level limit chart.

Sound level limit and hours are as follows:

1.	From 10:00 pm -8:00 am Sunday – Thursday	8:00am-10:00 pm Sunday - Thursday	
	Residential	60 dB	65 dB
	Business commercial	70 dB	90 dB
	Industrial	80 dB	90 dB
2.	From 11:00 pm -8:00 am Friday-Saturday	8:00am-11:00 pm Friday-Saturday	
	Residential	65 dB	75 dB
	Business commercial	70 dB	90 dB
	Industrial	80 dB	90 dB

C. "Sound Amplification System" shall include any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of the human voice, music, or any other noise or sound.

D. Exemptions.

Exempted from these nuisance noise regulations:

- (1.) Noise of safety signals and warning devices.
- (2.) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (3.) Noises resulting from emergency work or noise levels for which a special permit or permits have been granted, including but not limited to construction permits.
- (4.) Noises from lawfully scheduled events.
- (5.) Noises resulting from school bells and playground activity.
- (6.) Construction sounds occurring between 8:00 a.m. and 9:00 p.m.
- (7.) Refuse collection occurring between 7:00 a.m. and 9:00 p.m.
- (8.) Permits exempting certain noises from this code may be authorized by the local political subdivision.
- (9.) The Village has the right to suspend for special events.
- (10.) Special permission can be granted for exemption by Mayor, Village Administrator, and Council.
- (11.) 30 day written request for exemption must explain specifics for request by requester.
- (12.) Basic Home and Yard care occurring during Dawn to Dusk hours

SECTION III: Penalties

Penalties

- (1.) Any person who is found to be in violation of this Noise Nuisance Code shall be issued a verbal warning and a request to desist from a law enforcement officer. If the offender persists in creating a noise nuisance after first verbal reasonable warning or request to desist from a law enforcement officer, the officer will issue a written warning. If the offender persists in creating a noise nuisance after the two previous warnings, the noise nuisance is a minor misdemeanor with a \$150.00 fine.
- (2.) Any subsequent violation of this Noise Nuisance Code shall be creating a noise nuisance, a misdemeanor of the fourth degree and may result in fines up to \$250.00.
- (3.) Each day such violation is committed or permitted to continue shall constitute a separate offense.

SECTION IV: Places of Public Entertainment.

- (1.) Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 95 dBA as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT;"
- (2.) Any outdoor entertainment, within the Limits of the Village of New Holland, must obtain a permit to be approved by the Mayor of the Village of New Holland. Approval must be obtained 30 days prior to the date of said entertainment.

SECTION V: MAY CAUSE PERMANENT HEARING IMPAIRMENT;

IMMEDIATE THREATS TO HEALTH AND WELFARE. (a) No person shall operate, cause to be operated, or permit on public or private property, any source of continuous and/or impulsive sound in such a manner as to create a sound level which exceeds the limits set forth in Table 1 when measured at a distance of fifty feet or fifteen meters from such source and the duration prescribed below.

Table 1

CONTINUOUS SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE (MEASURED AT 50 FEET OR 15 METERS)*

Sound Level Limit (dBA)	Duration
90	24 hrs.
93	12 hrs.
96	6 hrs.
99	3 hrs.
102	1.5 hrs.
105	45 min.
108	22 min.

***Use equal energy time-intensity trade-off if level varies; find energy equivalent over twenty-four hours.**

SECTION VI: Noise Disturbances Prohibited. In addition to the specific prohibitions outlined in this Ordinance, no person shall unreasonably make, continue or cause to be made, continued or permitted, any noise disturbance. This section shall not apply to non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way. 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 Village.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this Ordinance:

- (1.) Horns; signaling devices. 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 other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (2.) Radios; Record, Tape, and Digital devices. 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 in such a manner as to be plainly audible 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. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m and 8:00 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 residence, or of any persons in the vicinity.
- (5.) 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 8:00 p.m. on weekdays, 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 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 6:00 p.m. and 7:00 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 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (6.) Hawkers; peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood

SECTION VII: Replaces Ordinance 92-16 Noise Limitations.

SECTION VII: That this Ordinance shall take effect and be in full force from and after the earliest period permitted by law.

First reading April 11, 2022, motion by: Greg Shaw, 2nd by Joe Inskeep.

Affirmed vote's 4 Yea 2 Nay 0 Abstain.

Second reading May 9, 2022, motion by: Zachary Fisk 2nd by: Danny Kirkpatrick

Affirmed vote's 4 Yea 0 Nay 0 Abstain.

Final Reading:

Motion to Pass the Ordinance 2022-01 made by Joe Inskeep and seconded by Jimmy Thompson

**PASSED AND ADOPTED BY THE COUNCIL OF THE VILLAGE OF NEW HOLLAND, OHIO,
ON THIS 13th day of June, 2022.**

Joe Inskeep	Y /N/A	_____
Danny Kirkpatrick	Y /N/A	_____
Greg Shaw	Y /N/A	_____
Jimmy Thompson	Y /N/A	_____
Floyd Woolever	Y /N/A	_____
Zachary Fisk	Y/N/A	_____

Upon roll call on the adoption of this Ordinance, the vote was as follows:

Council Votes Recorded: Yea 5 Nay 0 Abstain 0

ATTEST

VILLAGE OF NEW HOLLAND,
PICKAWAY COUNTY, OHIO

BY _____
Mayor

Fiscal Officer

I the under signed, Clerk of the Council of the Village of New Holland, Ohio, do hereby certify that publication of this Ordinance was duly made by posting of a summary thereof at five public places in said municipality, as determined by the Council, each for the period of fifteen days, commencing on the 14th day of June, 2022. A complete text of the Ordinance may be obtained or viewed at the office of the Fiscal Officer of Village of New Holland.

Clerk of the Council of the Village of New Holland, Oh.