

ORDINANCE NO. 2017-24

AN ORDINANCE AMENDING SECTION 509.10 -WITHIN THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON

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

SECTION 1. That Section 509.10-Sound Amplifying Violations within the General Offenses Code of the Codified Ordinances of the City of Huron, Ohio **WHICH CURRENTLY READS AS FOLLOWS**, shall be and hereby is amended.

509.10 SOUND AMPLIFYING VIOLATIONS.

(a) No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, disc player, television, video or audio tape player, public address system, bullhorn, loudspeaker, automobile sound system, or any other device designed and/or utilized for the purpose of producing and/or amplifying sound, or by any horn, siren, drum or other musical or percussion instrument.

It is and shall be prima facie evidence of a violation of this section for any person to generate or to permit the generation of sound by any of the devices or instruments described above, under any of the following circumstances:

(1) On private property between the hours of 9:00 p.m. and 8:00 a.m. of the following day in a predominantly residential area, or from property within a residential district established pursuant to the City Zoning Code, regardless of existing nonconforming use or variance, when the sound is audible more than eighty feet from the source of such sound, or the property line on which the sound is generated, whichever is the greater distance;

(2) On a street, highway or alley, within the public right of way, or in the parks or on other public property of the City where the sound is audible more than 100 feet from the device generating such sound, with the exception of the sound generated by or emanating from a parade licensed and permitted pursuant to City ordinances, an appropriate concert, public performance or gathering in the parks or on other public property of the City, or a lawful assembly or demonstration on a street, highway or alley, within the public right of way, or in the parks or on other public property of the City.

(b) No person, being the owner, or person in possession or control of a premises, or person in possession or control of a premises by reason of employment, agency or other relationship or status, whether such ownership, possession or control is exclusive, joint or several, shall permit a violation of this section.

(c) Warning and alarm devices which are designed and utilized to signal unsafe or dangerous situations, to call for or to summon police or emergency personnel, or which are utilized by appropriate law enforcement or emergency vehicles and their occupants in the performance of their duties and responsibilities are exempted from the prohibitions of this section.

(d) Whoever violates this section is guilty of generating unreasonable noise, the first offense of which shall be a minor misdemeanor. Each and every subsequent violation of this section shall be a misdemeanor of the fourth degree, and any violation of this section which persists after a law enforcement officer has made a reasonable request or warning to desist shall be a misdemeanor of the fourth degree.

(e) As to any violation of this section involving sound equipment in or upon a motor vehicle, such sound equipment is hereby deemed and declared to be a public nuisance and contraband subject to seizure and forfeiture pursuant to Ohio R.C. 2933.41 through 2933.43. (Ord. 1998-28. Passed 6-22-98.)

SECTION 2. That, Section 509.10-Sound Amplifying Violations within the General Offenses Code of the Codified Ordinances of the City of Huron, Ohio is **HEREBY AMENDED TO READ AS FOLLOWS:**

509.10 SOUND AMPLIFYING VIOLATIONS.

(a) No person shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, disc player, television, video or audio tape player, public address system, bullhorn, loudspeaker, automobile sound system, or any other device designed and/or utilized for the purpose of producing and/or amplifying sound, or by any horn, siren, drum or other musical or percussion instrument.

It is and shall be prima facie evidence of a violation of this section for any person to generate or to permit the generation of sound by any of the devices or instruments described above, under any of the following circumstances:

- (1) On private property between the hours of 9:00 p.m. and 8:00 a.m. of the following day in a predominantly residential area, or from property within a residential district established pursuant to the City Zoning Code, regardless of existing nonconforming use or variance, when the sound is audible more than eighty feet from the source of such sound, or the property line on which the sound is generated, whichever is the greater distance;
- (2) On private property between the hours of 11:00 p.m. and 8:00 a.m. of the following day in a commercial area established pursuant to the City Zoning Code, regardless of existing nonconforming use or variance, when the sound is audible more than eighty feet from the source of such sound, or the property line on which the sound is generated, whichever is the greater distance;
- (3) On a street, highway or alley, within the public right of way, or in the parks or on other public property of the City where the sound is audible more than 100 feet from the device generating such sound, with the exception of the sound generated by or emanating from a parade licensed and permitted pursuant to City ordinances, an appropriate concert, public performance or gathering in the parks or on other public property of the City, or a lawful assembly or demonstration on a street, highway or alley, within the public right of way, or in the parks or on other public property of the City.

(b) No person, being the owner, or person in possession or control of a premises, or person in possession or control of a premises by reason of employment, agency or other relationship or

status, whether such ownership, possession or control is exclusive, joint or several, shall permit a violation of this section.

(c) Warning and alarm devices which are designed and utilized to signal unsafe or dangerous situations, to call for or to summon police or emergency personnel, or which are utilized by appropriate law enforcement or emergency vehicles and their occupants in the performance of their duties and responsibilities are exempted from the prohibitions of this section.

(d) Whoever violates this section is guilty of generating unreasonable noise, the first offense of which shall be a minor misdemeanor. Each and every subsequent violation of this section shall be a misdemeanor of the fourth degree, and any violation of this section which persists after a law enforcement officer has made a reasonable request or warning to desist shall be a misdemeanor of the fourth degree.

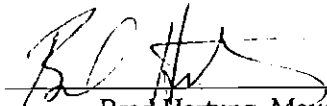
(e) As to any violation of this section involving sound equipment in or upon a motor vehicle, such sound equipment is hereby deemed and declared to be a public nuisance and contraband subject to seizure and forfeiture pursuant to Ohio R.C. 2933.41 through 2933.43.

(Ord. 2017-24. Passed 6-27-17)

SECTION 3. Codified Ordinance Section 509.10-Sound Amplifying Violations as existing prior to the adoption of this Ordinance shall be, and the same hereby is, repealed.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O. R. C. 121.22.

SECTION 5. This ordinance will take effect thirty (30) days following adoption.



Brad Hartung, Mayor

ATTEST: 
Clerk of Council

ADOPTED: JUN 27 2017