

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2022-34**

REPEALING CHAPTER 634 "Noise Control" AND REPLACING IT IN ITS ENTIRETY

Whereas, Codified Ordinance Chapter 634 entitled "Noise Control" has proven impractical if not impossible to enforce due to the specificity of its parameters, and a new Chapter 634 with practical and enforceable parameters is needed; and,

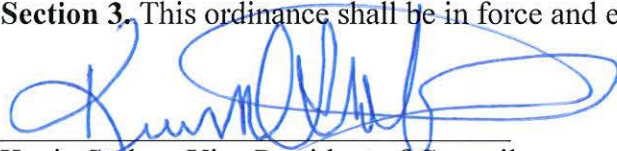
Whereas, After hearing recommendations from the Village Manager and Chief of Police as well as interested Villagers, Council has determined that it would be in the best interest of the Village to adopt a new Chapter 634,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Chapter 634 of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 634 entitled "Noise Control" of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A.

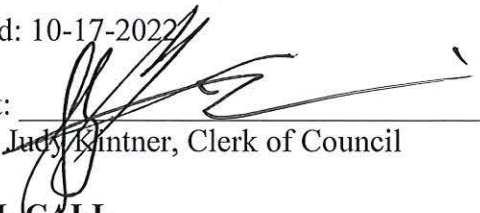
Section 3. This ordinance shall be in force and effect at the earliest period allowed by law.



Kevin Stokes, Vice President of Council

Passed: 10-17-2022

Attest:



Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Kevin Stokes __Y__ Marianne MacQueen __Y__

Carmen Brown __Y__ Gavin DeVore Leonard __Y__

(c) It shall be presumed to be a violation of this section if notice to cease and desist producing a noise has been given to any person and that person continues to make, cause or permit a noise of similar intensity and duration.

(d) Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control of a property, individually or jointly with others, from which prohibited excessive sound is emanating can be cited for violation of this Section.

(e) The following uses and activities shall be exempt from noise level regulations:

- (1) Noises of safety signals, warning devices, and emergency pressure relief valves;
- (2) Noises resulting from any authorized emergency vehicle, when testing equipment, responding to an emergency call or acting in time of emergency;
- (3) Noises resulting from any work made necessary to restore property to a safe condition or work required to protect persons or property from an imminent exposure to danger;
- (4) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Village;
- (5) Any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction;
- (6) Noises resulting from the normal uses of churches, schools, athletic fields, parks, and auditoriums; and
- (7) Village projects and work.

(f) The provisions of this chapter shall not apply to:

- (1) Emergency work to provide electricity, water or other public utility when public health or safety is involved;
- (2) Emergency and/or defense sirens or bells;
- (3) Bells, chimes, or carillons while being used in conjunction with a religious service;
- (4) Sounds created by sporting events;
- (5) Lawn, garden, or tree care when used between the hours of 7:00 a.m. and 9:00 p.m., except Sundays or legal holidays, when the hours shall be 10:00 a.m. to 9:00 p.m.;
- (6) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
- (7) Noise generated from municipally sponsored or approved celebrations or events.

(g) Whoever violates any provisions of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree.