

ORDINANCE NO: 14-0-01
SPONSOR: MAYOR BOLLAS
INTRODUCED: APRIL 16, 2014

AN ORDINANCE TO AMEND SECTION FIVE OF NEW FRANKLIN ORDINANCE NO: 05-65 WHICH REGULATES NOISE CREATED BY ADVERTISING, SOUND AMPLIFYING EQUIPMENT, MACHINERY, NOISE PRODUCING INSTRUMENTS, VEHICLES, AND ANIMALS AND DECLARING THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

WHEREAS, on October 5, 2005, New Franklin Council adopted Ordinance No: 05-65 which regulates noise created by advertising, sound amplifying equipment, machinery, noise producing instruments, vehicles, and animals; and

WHEREAS, Ordinance No: 05-65, Section Five, granted an exemption to any person, association, firm or corporation who operates, pursuant to a permit or license issued by a governmental agency, a restaurant, hotel, summer garden, or other place of refreshment or entertainment in the municipality; and

WHEREAS, because of the exemption, the New Franklin Police are unable to intervene when a restaurant, hotel, summer garden or other place of refreshment or entertainment in the municipality generates unreasonable noise during certain hours of the day; and

WHEREAS, it is in the best interest of New Franklin to put some time restrictions on the exemption.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Section Five of Ordinance No: 05-65 is amended as follows:

Sound Amplifying Devices. No person shall generate or permit to be generated an unreasonable noise or sound which is likely to cause inconvenience or annoyance to a person of ordinary sensibilities by means of a radio, phonograph, television, tape player, loud speaker, or any other sound amplifying device, or by any horn, drum, piano, or any other musical or percussion instrument.

This section is not intended to apply, BETWEEN THE HOURS OF 12:00 PM AND 10:00 PM, to any person, association, firm or corporation who operates, pursuant to a permit or license issued by a governmental agency, a restaurant, hotel, summer garden, or other place of refreshment or entertainment in the municipality.

SECTION TWO:

The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

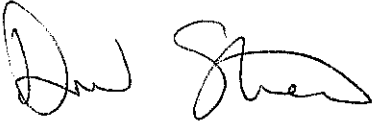
SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force 30 days after its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: May 21, 2014



Tami Stefan, Clerk



David Stock, President

APPROVED: May 21, 2014



Al Bolinas, Mayor

ENACTED EFFECTIVE: May 21, 2014

ON ROLL CALL: Adamson, Yes. Harget, Yes. Jones, Yes.
Gehm, Yes. Kalapodis, Absent Norris, Absent
Stock, Yes.

Publications in the Leader on May 30, 2014 and June 6, 2014.



Tami Stefan, Clerk

ORDINANCE NO: 05-65
SPONSOR: MR. LEE
INTRODUCED: JUNE 15, 2005
(AMENDED SEPTEMBER 21, 2005)
(AMENDED OCTOBER 5, 2005)

A ORDINANCE REGULATING NOISE CREATED BY ADVERTISING, SOUND AMPLIFYING EQUIPMENT, MACHINERY, NOISE-PRODUCING INSTRUMENTS, VEHICLES, AND ANIMALS.

WHEREAS, the Ohio Constitution grants the Village of New Franklin authority to enact and amend laws for the preservation of the public health, safety and welfare; and

WHEREAS, New Franklin has received complaints regarding noise created by various individuals, machinery and equipment and animals; and

WHEREAS, the noise created by various individuals, machinery and equipment and animals disturbs the quiet and peaceful enjoyment of property by residents; and

WHEREAS, it is in the best interest of the public and the health, safety and welfare of New Franklin residents to regulate and restrict noise in the Village of New Franklin.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Noisy Advertising. No person shall, by ringing a bell or gong, or by using a phonograph or other instrument for producing or reproducing sounds, or by using loud or boisterous language or by any unusual or unreasonable noise, advertise goods, wares, or other merchandise for sale, either at auction or in any other manner, or by any such means advertise any show, theater, exhibition, or entertainment to the annoyance and discomfort of persons of ordinary sensibilities.

SECTION TWO:

Noisy Machinery. No person shall maintain, run, or operate any steam, gas, gasoline, or other engine, boiler, press, machine, or other apparatus so constructed or operated as to make excessive noise, to the annoyance and discomfort of persons of ordinary sensibilities.

SECTION THREE:

Noise-producing Instruments. The use of any device, apparatus, radio ticker or other noise-making and noise-emitting device for general advertising purposes, or for the purpose of soliciting trade or attracting attention to any wares, goods, merchandise, instrument or device offered for sale is prohibited.

SECTION FOUR:

Noise-producing Vehicles. No person shall operate on private property or permit to be operated on private property a snowmobile, all-purpose vehicle, off-highway motorcycle or other similar vehicles which creates such noise, smoke, or dust, as to cause inconvenience, annoyance, or discomfort to any person of ordinary sensibilities.

SECTION FIVE:

Sound Amplifying Devices. No person shall generate or permit to be generated an unreasonable noise or sound which is likely to cause inconvenience or annoyance to a person of ordinary sensibilities by means of a radio, phonograph, television, tape player, loud speaker or any other sound amplifying device, or by any horn, drum, piano or any other musical or percussion instrument.

THIS SECTION IS NOT INTENDED TO APPLY TO ANY PERSON, ASSOCIATION, FIRM OR CORPORATION WHO OPERATES, *PURSUANT TO A PERMIT OR LICENSE ISSUED BY A GOVERNMENTAL AGENCY*, A RESTAURANT, HOTEL, SUMMER GARDEN OR OTHER PLACE OF REFRESHMENT OR ENTERTAINMENT IN THE MUNICIPALITY.

SECTION SIX:

Noisy Animals. No person shall keep, harbor or maintain any animal out of doors within the municipality which, by loud, frequent or habitual barking, yelping or howling, disturbs the peaceful living of any person or makes such a noise as is likely to cause inconvenience or annoyance to persons of ordinary sensibilities.

THIS SECTION IS NOT INTENDED TO APPLY TO ANY PERSON, ASSOCIATION, FIRM OR CORPORATION WHO KEEPS, HARBORS, OR MAINTAINS LIVESTOCK ANIMALS AS PART OF A FARM OR OTHER AGRICULTURAL BUSINESS.

SECTION SEVEN:

It is prima facie unlawful for a person to generate or permit to be generated sound in violation of Sections One through Six of this Ordinance between the hours of 10:00 p.m. and 6:00 a.m. the following day in a predominantly residential area where the sound is audible ten (10) feet from the property line on which the source of the sound is located.

SECTION EIGHT:

No person, being the owner or person in possession of a premises, or being the person in control of the premises by reason of employment, agency, or otherwise, whether such ownership, possession, or control is exclusive or joint, shall permit a violation of this Ordinance.

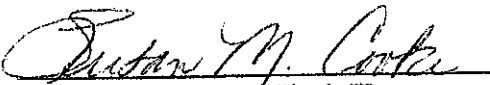
SECTION NINE:

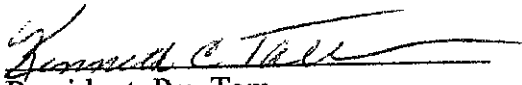
Penalty. Whoever violates any of the provisions of this Ordinance is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

SECTION TEN:

The Village of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

ADOPTED: October 5, 2005


Susan M. Cooke, Clerk/Treasurer


Kenneth C. Thall
President, Pro-Tem

APPROVED: October 5, 2005


Al Bollas, Mayor

ENACTED EFFECTIVE: November 4, 2005

ROLL CALL:

Mr. Adamson, yes.

Mrs. Jones, no.

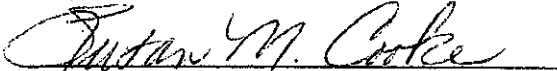
Mr. Lee, yes.

Mr. Mobley, no.

Mr. Stock, yes.

Mr. Tallman, yes.

Akron Legal News publications on October 14, 2005 and October 21, 2005.


Susan M. Cooke, Clerk/Treasurer