

## ORDINANCE C-58-10

### AN ORDINANCE TO ENACT SECTION 337.31 OF THE CODIFIED ORDINANCES OF GROVE CITY, OHIO TITLED LOUD NOISE FROM A MOTOR VEHICLE

---

WHEREAS, the City of Grove City Codified Ordinances currently contains a prohibition against loud noise under Part 5, the General Offence Code; and

WHEREAS, a violation of the General Offence Code must be written on a criminal complaint which is prepared after a violation and then the complaint must be served on the defendant; and

WHEREAS, by including a noise prohibition relating to motor vehicles in Part 3, the Traffic Code, the police may issue a traffic citation at the time they witness a violation, thereby increasing efficiency in enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Section 337.31 is hereby enacted to read as follows:

#### **§ 337.31 LOUD NOISE FROM A MOTOR VEHICLE.**

(a) *Definitions.*

- (1) **Emergency Vehicle.** Any emergency vehicle of municipal or county departments of public utility corporations when identified as such as required by law, the Ohio Director of Transportation, or Safety Director for the city and motor vehicles when commandeered by a police officer.
- (2) **Motorcycle.** An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters, mini bikes, and mopeds.
- (3) **Motor Vehicle.** Any vehicle that is propelled or drawn on land by a motor other than a motorcycle. This definition includes, but is not limited to, the following motor vehicles: automobiles, trucks, campers, go-carts, snowmobiles, dune buggies, or facing vehicles.
- (4) **Noise.** Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- (5) **Person.** Any public or private corporation, individual, firm, partnership, association, or other entity.
- (6) **Public Safety Vehicle.** Ambulances, motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state, and the vehicles used by fire departments, including motor vehicles used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.

(b) No person, firm or corporation being the owner or in possession of a motor vehicle with any radio, phonograph, television, tape players, loudspeaker, or other instrument, machine or device shall cause or

permit any noise to emanate from the motor vehicle in such a manner and to be of such intensity and duration to create unreasonable noise or loud sound which is audible from a distance of 25 feet and causes inconvenience and annoyance to persons of ordinary sensibilities.

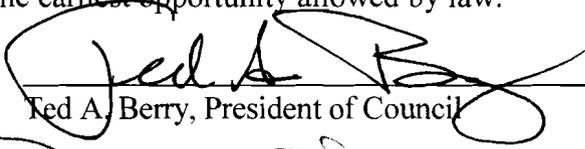
(c) It shall be prima facie unlawful for a person, firm or corporation being the owner or person in possession of a motor vehicle described above to cause or permit any noise emanating from a motor vehicle which is plainly audible at a distance of 25 feet from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this section.

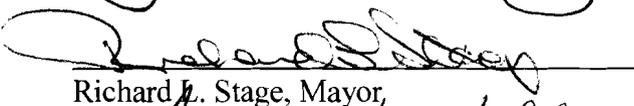
(d) This section shall not apply to any of the following circumstances:

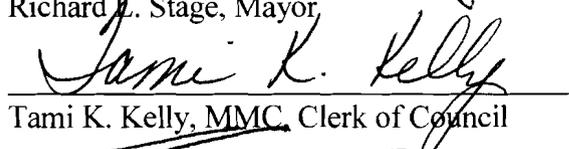
- (1) The sound amplifying equipment of the motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle, or traffic safety condition;
- (2) The motor vehicle is an emergency vehicle of public safety vehicle and is on an emergency run;
- (3) The motor vehicle is owned and operated by the state or political subdivision, or a public utility;
- (4) The motor vehicle is participating in a parade or other activity for which the sponsors have obtained the necessary permit or authorization; or
- (5) The motor vehicle is being operated under a valid ice cream vendor license and is following the restrictions set forth in Chapter 717; or
- (6) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal, state, or local law.

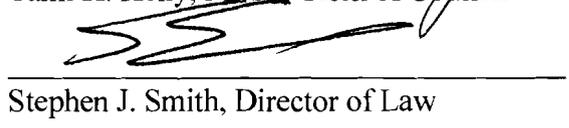
(e) Whoever violates this section is guilty of generating excessive sound from a motor vehicle, a minor misdemeanor. If the offender persists in generating or permitting to be generated unreasonable noise after reasonable warning or request to desist, generating unreasonable noise is a misdemeanor in the fourth degree

SECTION 2. This Ordinance shall take effect at the earliest opportunity allowed by law.

  
 Ted A. Berry, President of Council

  
 Richard J. Stage, Mayor

  
 Tami K. Kelly, MMC, Clerk of Council

  
 Stephen J. Smith, Director of Law

Passed: 09-20-10

Effective: 10-20-10

Attest:

I certify that this ordinance is correct as to form.