

# City of Willoughby Hills

## ORDINANCE NO. 2008-66

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### **AN ORDINANCE AMENDING PART FIVE – GENERAL OFFENSES CODE, CHAPTER 509 - DISORDERLY CONDUCT AND PEACE DISTURBANCE, SECTION 509.10 – LOUD RAUCOUS AND UNNECESSARY NOISE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.**

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**WHEREAS**, the common good order and quiet of our municipality should allow Officers of the Peace the ability to resolve issues through means of discourse and appealing to one's neighborliness rather than the heavy hand of the law; and

**WHEREAS**, to those who will not abide by the usual and ordinary common courtesy, the officer must have the tools of legal enforcement that Council has the duty to create; and

**WHEREAS**, it is the intent of this Council to broaden the definition of loud raucous and unnecessary noise to include the use of construction equipment, and mechanical or motorized equipment thereby equipping an Officer of the Peace with a guideline for interpreting what is reasonable and to use common sense along with discretion in administering an appropriate means to keep the peace given all extenuating circumstances.

***NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE COUNTY, STATE OF OHIO THAT:***

**SECTION 1. Section 509.10 – Loud Raucous and Unnecessary Noise** of the Codified Ordinances of the City of Willoughby Hills be, and the same hereby is, amended to read and provide, in its entirety, as follows:

**“509.10 LOUD RAUCOUS AND UNNECESSARY NOISE.**

(a) No *person* and/or entity (i.e. *partnership, property owner, tenant, manager, company, firm, corporation*) shall make or continue, or cause to be made or continued, any loud, unnecessary and raucous noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivities in the area of the noise, including, but not limited to, the playing of any radio, music player, television, audio system, musical instrument or any other sound instrument or device; the use of construction equipment; the use of mechanical or motorized equipment.

(b) The standards which shall be considered in determining whether a violation of the provisions of this section exists include, but are not limited to, the following:

- (1) The level of the noise;
- (2) Whether the nature of the noise is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The level and the intensity of the background noise, if any;
- (5) The proximity of the noise to residential sleeping facilities;
- (6) The nature and zoning of the area within which the noise emanates;
- (7) The density of the inhabitation of the area within which the noise emanates;
- (8) The time at which the noise occurs;
- (9) The duration of the noise;
- (10) Whether the noise is recurrent, intermittent, or constant;
- (11) Whether the noise is produced by a commercial or noncommercial activity.

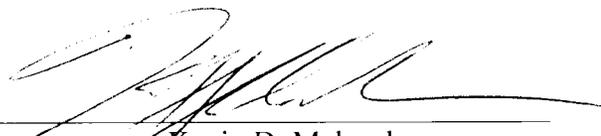
(c) Whoever violates this section is guilty of making loud, unnecessary, raucous noises, a minor misdemeanor of the fourth degree upon conviction for a first offence; if the offender is convicted of a violation of this section twice within any twelve month period the violation for which such second or subsequent offense within such twelve month period shall be a third degree misdemeanor for which the offender may be fined up to five hundred dollars (\$500.00)."

**SECTION 2.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they hereby are, repealed.

**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

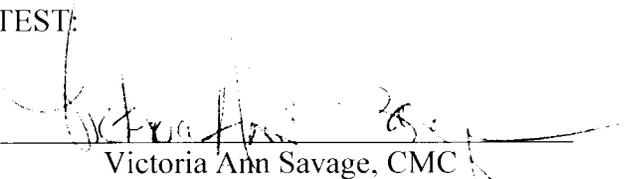
**SECTION 4.** This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

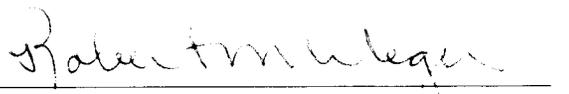
PASSED: \_\_\_\_\_, 2008

  
Kevin D. Malecek  
President of Council

Submitted to the Mayor for his approval  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2008

Approved by the Mayor  
September 11, 2008

ATTEST:  
  
Victoria Ann Savage, CMC  
Clerk of Council

  
Robert M. Weger  
Mayor

**ORDINANCE NO. 2008-66**

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2008-66** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **September 11, 2008**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No.2003-19 in the **Lake County News-Herald** on **September 17, 2008**. Effective date of Legislation: **October 11, 2008**.

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Victoria Ann Savage, CMC  
Clerk of Council