

City of Willoughby Hills

ORDINANCE NO. 2008-71

Council
CHRISTOPHER L. BIRO
NANCY E. FELLOWS
DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

AN ORDINANCE AMENDING PART FIVE – GENERAL OFFENSES CODE, CHAPTER 509 – DISORDERLY CONDUCT AND PEACE DISTURBANCE, SUB-SECTION (C) OF SECTION 509.10 – LOUD RAUCOUS AND UNNECESSARY NOISE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, on September 11, 2008, the Council of the City of Willoughby Hills adopted Ordinance No. 2008-66; and

WHEREAS, while it was 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, it was not Council's intent to arrest violators of said Ordinance on the first offense; rather to have a citation issued.

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.

(c) Whoever violates this section is guilty of making loud, unnecessary, raucous noises, a minor misdemeanor upon conviction for a first offense; 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 special 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 All Ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they hereby are, repealed.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. In conjunction with the effective date of Ordinance No. 2008-66, this Ordinance shall become effective October 11, 2008.


SECTION 4. 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.

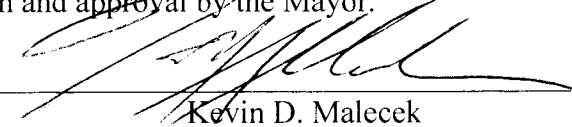
SECTION 5. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the Police Department and further reason being to allow the effective date of this Ordinance to be in conjunction with Ordinance No. 2008-66; thereby any and all amendments to Section 510.10 shall become effective October 11, 2008; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: September 25, 2008

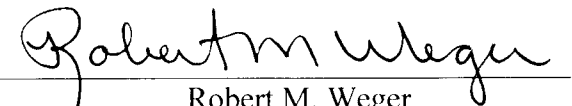
Submitted to the Mayor for his approval
on this 25 day of September, 2008

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor
September 25, 2008


Robert M. Weger
Mayor

ORDINANCE NO. 2008-71

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2008-71** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **September 25, 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 **October 1, 2008**. Effective date of Legislation: **September 25, 2008**.

Victoria Ann Savage, CMC
Clerk of Council