

**ORDINANCE NO.: 2020-54**

**INTRODUCED BY: Mrs. Kozminski-VanderHart**

**AN ORDINANCE AMENDING SECTION 509.11, "NOISE," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO, AND DECLARING AN EMERGENCY.**

WHEREAS, this Council desires to amend Section 509.11, "Noise," of the Codified Ordinances of the Village of Moreland Hills, Ohio as set forth herein in the interest of the Village residents' peaceful use and enjoyment of their properties.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:**

**Section 1:** Existing Section 509.11, "Noise," of the Codified Ordinances of the Village of Moreland Hills, be and the same hereby is amended to read as follows:

**"509.11 NOISE.**

(a) No person shall create, or allow, permit or suffer the creation of, a loud, disturbing and unnecessary noise in the Municipality. As used in this section, the following acts shall be deemed to be loud, disturbing and unnecessary noises, but such enumeration shall not be deemed to be exclusive, namely:

- (1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (2) Radios, phonographs, etc. The use or operation of any radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. Such operation between the hours of 11:00 p.m. and 7:00 a.m. of the following day, in such manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located, shall be prima-facie evidence of a violation of this section.
- (3) Loudspeakers, amplifiers for advertising. The use of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast

upon the public streets for the purpose of commercial advertising or attracting the attention of the public.

- (4) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (5) Shouting. The shouting and crying of peddlers, hawkers, vendors and others, which shouting and crying disturb the peace and quiet of the neighborhood.
- (6) Heavy equipment. The use of heavy earth-moving and construction equipment in close proximity to residential dwellings during the hours of 7:00 p.m. and 7:00 a.m. of the following day, and no such equipment shall be used before 8:00 a.m. on Saturdays. In addition, no operation of heavy earth-moving and construction equipment is permitted on Sundays and the following holidays: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday immediately after Thanksgiving Day, Christmas Day, Yom Kippur, and Rosh Hashanah. The above regulations shall apply except in periods of emergency upon a permit issued pursuant to a resolution of Council.
- (7) Landscaping equipment. The operation of any powered lawn mower, leaf blower, edger, chainsaw or similar power-driven landscaping equipment in close proximity to residential dwellings before 7:00 a.m. or after 9:00 p.m. on weekdays, or before 8:00 a.m. or after 9:00 p.m. on Saturdays and Sundays.

- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.”

**Section 2:** Existing Section 509.11, “Noise,” of the Codified Ordinances of the Village of Moreland Hills, be and the same is hereby repealed.

**Section 3:** The actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings held in compliance with all legal requirements.

**Section 4:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the residents of the Village and for the further reason that this Ordinance must be immediately effective to protect the Village residents’ peaceful use and enjoyment of their properties.

WHEREFORE, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

Placed on First Reading September 9, 2020  
Placed on Second Reading and Passed October 14, 2020

  
MAYOR

PASSED: October 14, 2020

ATTEST:

Sam Deitler

CLERK