

Ordinance No: 26-08-048

Committee: Judiciary and Annexation

**AN ORDINANCE AMENDING VAN WERT CODE OF ORDINANCES BY AMENDING
SECTIONS OF CHAPTER 72 TRAFFIC RULES.**

WHEREAS, the City Council of Van Wert has met and decided that it needs to amend its definitions in Chapter 72 – Traffic Rules; and

WHEREAS, the Council for the City of Van Wert has been advised of proposed changes and believe those changes are in the best interests of the City of Van Wert; and

Be it **ORDAINED** by the Council of the City of Van Wert, Van Wert County, Ohio, to wit:

Section 1. To approve the proposed amendments to Chapter 72 – Traffic Rules in particular Sections 72.175, 12.95, 72.96, 72.97, 72.98 and 72.99 which are attached hereto and marked as Exhibit “A”.

Passed this _____ day of _____.

Thad R. Eikenbary – President of Council

Attest: _____
Stephanie R. Phillips, Clerk of Council

Kenneth J. Markward, Mayor

EXHIBIT A

CHAPTER 72 – TRAFFIC RULES

72.175 – REMOVED

72.95 -MOTOR VEHICLE: Any automobile, van, motorcycle, motor-driven cycle, motor scooter, dune buggy, snowmobile, all-terrain vehicle, go-cart, minibike, trail bike, **powered scooter, truck, semi-trailer, recreational vehicles** or truck with gross vehicular weight of less than 8,000 pounds.

72.96 – MOTOR VEHICLE NOISE

- (A) No person shall operate a motor vehicle within the City in Violation of Ohio Revised Code Sections 4513.22 or 4513.221, as amended.
- (B) Said sections are adopted and incorporated by reference.
- (C) No person shall intentionally: (1) excessively rev an engine; (2) create excessive exhaust noise; (3) engine brake or Jake brake unless use of the braking device is necessary to avoid a collision or keep the vehicle under control; (4) cause tire squealing; (5) accelerate or decelerate for the purpose of creating noise; (6) cause repeated backfiring; or (7) operate a vehicle in a manner intended or attract attention through excessive noise.
- (D) Noise plainly audible at a distance greater than 200 feet from the vehicle shall be considered evidence of a violation.
- (E) No person shall operate a sound amplification device in a motor vehicle plainly audible beyond 100 feet between the hours of 6:00am and 9:00pm.
- (F) Whoever violates this section is guilty of a minor misdemeanor.

72.97. - EVIDENCE OF NOISE LEVEL

- (A) Evidence may include officer observations, witness testimony, body-camera recordings, audio recordings, video recordings, photographs, sound level meter readings, and any other competent evidence. A sound level meter reading shall not be required where a violation may otherwise be established by competent evidence.

72.98 – NUISANCE

- (A) Any emission of noise from a motor vehicle in violation of this subchapter is declared a public nuisance. The City may pursue criminal, civil, equitable, injunctive, abatement, or other remedies authorized by law.

72.99 – EXCEPTIONS

- (A) The provisions of Chapter 72, Sections 95, 96, 97, and 98 shall not apply to the exceptions as listed under