

MINUTES OF THE VAN WERT CITY COUNCIL

September 14, 2026

Council President Thad Eikenbary called the meeting to order at 6:30 p.m.

President Eikenbary gave the invocation.

On call of the roll: Ringwald, Johnson, Block, Agler, Roberts, Moore, and Hurless were present.

President Eikenbary made note that there are technical difficulties and a video recording of tonight's meeting may not be available.

Council Clerk Stephanie Phillips and Councilman Eric Hurless will be audio recording the meeting.

Block made a motion to approve tonight's consent agenda, regular meeting minutes from August 24, 2026 meeting and August 24 Council of the Whole Meeting Minutes. Agler seconded; all concurred.

Scheduled Public Speakers:

Jim Crocker (JC) with Rewind 102.9 introduced himself as owner and has been live on air for 2 years. He shares his passion and mission for advocating/advertising and supporting non-profits. Crocker has no advertisement radio with "only songs you know". His shows are in the mornings from 7am to 11am. He has two other stations that he built including Rockford and one near Belmont. JC covers all local boys' basketball and boys' football games. Crocker also hosts local "CEO" (Career Education Opportunity) students who wish to be sports broadcasters or something in a similar field.

Moore asks about additional HS Sports coverage to which Crocker stated is determined by his Sports Director who is not present.

Johnson asked if coverage of the area for his station will ever be increased; Crocker stated not at this time.

Administrative Reports:

Mayor: Markward stated brush pickup started today which is going well. Markward reminded the public to be mindful of street parking while the city is picking up the brush.

Markward is asking for an Executive Session at the end of the meeting for a personnel matter with no action taken afterward.

Agler reported to administration that the front door of the city building is locked, so when he arrives for council meetings he must go through the fire department.

Safety Service Director: Fleming stated a resolution is needed to receive "Issue 1" money from the state. The project involves replacing the E. Main Street water main installation from Chestnut to Wayne Street. The resolution must be submitted with the grant request.

One supplemental appropriation is needed to extend Bonnewitz; this supplemental is specific to engineering plans for the project.

Another supplemental appropriation is needed to purchase engineering plans for a project to extend Production Drive as well. The plan is to eventually take Production Drive from in Industrial Park to Dutch John Road.

City Auditor: Blackmore reports one Then & Now in the amount of \$4,615.82 to Van Wert County Treasurer for retired assigned judges' funds. This amount is split in half with the county.

Blackmore reviewed August financials.

Blackmore reported that on August 26, 2026, she received 2 annexation petitions from the county commissioner's office, and she is required by ORC to hold these original documents for 60 days to be inspected by the public if they wish. She will be presenting the 2 annexation petitions to City Council on October 26, 2026.

She states that she is in beginning stages of budgeting and many items will be provided to council leading up to proposing budget.

Blackmore lastly requested that Finance make a motion to prepare legislation to accept county tax rates.

Law Director: No report.

Hurless requested updated information on a Mary Lane. The Board of Zoning Appeals meeting on this topic was cancelled; Hatcher reported the cancellation was the decision of the property owner.

Block requested a litigation update on the Cherry/Main property. Hatcher stated the case is still pending in common pleas court. There was a health issue with the property owner which has delayed litigation. Extensive conversation has ensued between property owner and Hatcher and he believes there may be a settlement outside of court. The case is still pending.

Jeff Dietsch

Requested that a reminder be put on water bills with the trash schedule.

Committee Reports:

Finance: Ringwald made a motion to approve the Then & Now as presented by the auditor. Agler seconded; all concurred.

Ringwald made a motion to prepare a resolution for the application and participation of the Issue 1 grant monies from the State of Ohio as an emergency. Agler seconded; all concurred.

Ringwald made a motion to introduce Resolution Number 26-09-050. Agler seconded; all concurred.

Ringwald made a motion to suspend statutory rules. Agler seconded; all concurred.

Ringwald made a motion to pass on it's First and Final Reading, Resolution Number: 26-09-050; A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED FOR BIDS, AWARD CONTRACTS AND DECLARING AN EMERGENCY. Agler seconded; all concurred.

Ringwald made a motion to have the law director prepare the 2027 County Tax Rates. Agler seconded; all concurred.

Economic Development: Johnson welcomes Brent Stevens, Director of VWAEDC to give an update. Stevens is talking to several landowners who are requesting annexation into the city. Meetings are underway with Hogalin and Ridge Townships; a proposed plan is prepared.

Secondly, Stevens updated council on QTS incentives and estimated groundbreaking timeline. QTS recently met with Lincolnview Schools and local leaders. Next steps on the incentives include a presentation to the CRA Board, then it will sit with Lincolnview for a 14-day review, then lastly it will return to City Council for final approval.

Next, Stevens stated VWAEDC is interviewing three finalist firms to create a robust city-county comprehensive plan, driven by the scale of the \$10 Billion project. Community meetings will gather public input on fund use.

Lastly, a multi-organization board is being formed (Mayor, County, Foundation, United Way, VWAEDC, and others) to manage incoming incentives and align decisions with the comprehensive plan.

Block requested which firms are finalists in creating the comprehensive plan; Stevens did share the three finalist firms.

Hurless asks for the measures in place with the incentive board to avoid conflict of interest. Stevens answers that there will be governance that will be put in place in a very detailed manner, and as a matter of fact the lawyers have already started working on the governance that talks about conflicts of interest such as who has to recuse themselves.

Streets and Alleys: Block summarizes changes to the noise ordinance proposed. Discussion continued on decibel levels, if time restraints should be put in place, that all prohibited noise hours are consistent throughout the ordinance.

Hurless requested an exception in section 102.5 for routine generator testing.

Mayor Markward also brought a duplicate section on the noise ordinance to councils attention that will be combined.

Block made a motion to table 26-08-049. Hurless seconded; all concurred.

Block made a motion to table 26-08-048. Hurless seconded; all concurred.

Lastly, Block requested an executive session at the end of the next council meeting in order to discuss potential appointments for the tree commission.

Properties and Equipment: No report.

Parks and Recreation: Franklin park was cleaned up by the Van Wert County Foundation and looks very nice; Roberts thanked the Foundation for their efforts.

Health, Service, and Safety: Constituents submitted complaints to Moore which were turned over to administration for further assessment.

Judiciary and Annexation: Hurless brought to council a request from a non-profit to inquire on changing legislation to allow non-profits to either waive or have the city pay for their fire inspection due to strict budgeting. Hurless also presented council with an email conversation with the Van Wert Fire Chief that summarized data on annual routine inspections. Chief Jones stated that inspections are not categorized based on tax status and therefore the routine inspection takes the same amount of manpower/training; therefore, the Van Wert Fire Department would not support the decrease or waiver of the fee based on tax status (specifically non-profit organizations). Council took no action.

Hurless made a motion to withdraw Ordinance Number: 26-07-037 due to extensive changes. Agler seconded; all concurred.

Hurless made a motion to have the law director prepare an ordinance to amend sections in chapter 115 relating to the solicitor ordinance. Ringwald seconded; all concurred.

Hurless reminded the law director there was a junk and rubbish ordinance requested to be prepared.

Agler is pushing to have city water lines installed down 127 and 118. Fleming stated there is currently not enough water movement/usage for it to be safe for the homeowners that would be involved. Agler is proposing that as wells fail/dry up for homeowners down these to roadways they must tie in to the city.

Questions and Comments from Council and Public:

Mark Davis, 402 S. Tyler, asks if the large updates to Bonnewitz are why there have not been paving projects this year. Fleming stated that the city will be fronting the money to extend Bonnewitz but it will ultimately be funded/pushed by the QTS development.

Andrew Davis, 1061 Linden Dr., expresses worry about the city fronting money to complete the Bonnewitz extension project. Hurless clarifies that the supplemental proposed would only be for the engineer planning of the project which needs done well in advance from when the project takes place. Davis is insistent that the developer (QTS) could potentially “back out” or “not pay” for the project and the city will be stuck with the bill.

Davis also clarifies the city annexations Mr. Stevens mentioned are not specifically zoned to ban data centers. The mayor stated Mr. Stevens or the city do not know who the potential purchaser of the land would be. Davis asks council to consider conditional zoning that would limit data centers in those areas, propose unique setbacks and other requirements.

Lastly, Davis pushes for the city to have a large hand in the appointment of the people on the incentive board.

Joe Jared, points out that he mentioned Data Centers should be conditional use back in 2024.

Jody Huth, 668 N. Walnut, thinks the data centers are increasing his electric bill and thinks the city is rushing to develop its economy. Huth wrongly assumed tax abatements were already granted to QTS. Council administration made it clear that no tax abatements have been granted at this time; Mayor Markward clarified that the CRA board has yet to meet on this matter. Huth also misconstrued information on the use of the Bonnewitz extension assuming it was for construction use only which is inaccurate.

Unfinished Business:

No Updates.

New Business:

President Eikenbary stated City Council has scheduled a public hearing on the Purmort Petition for Conditional Zoning filed with the City of Van Wert requesting that certain property be zoned I-2 General Industrial District upon annexation into the City of Van Wert, Ohio.

The public hearing shall be held on October 26, 2026 at 6:00 p.m. in the City Council Chambers, Second Floor, Municipal Building, 515 East Main Street, Van Wert, Ohio 45891.

The property that is the subject of the zoning petition is immediately south of Industrial Drive, and is adjacent to the existing corporate limits of the City of Van Wert, Ohio, which corporate limits adjoin the north boundary of the territory proposed for I-2 zoning, and further identified as Van Wert County Auditor parcel number: 11-015604.0000.

Council further directs the Clerk of Council to:

1. Publish legal notice of the public hearing as required by law beginning **September 26, 2026**, and
2. Mail notice of the public hearing by regular U.S. Mail and certified U.S. Mail to adjacent property owners on **September 21, 2026**.

The notice shall state that the Petition for Conditional Zoning, all related materials, and the report and recommendation of the City Planning Commission will be available for public inspection at the office of the Clerk of Council, City of Van Wert, 515 East Main Street, Van Wert, Ohio, during normal business hours prior to the hearing.

Furthermore, President Eikenbary stated that City Council has scheduled a public hearing on the D & D Farms, Inc. and others Petition for Conditional Zoning filed with the City of Van Wert requesting that certain property be zoned I-2 General Industrial District upon annexation into the City of Van Wert, Ohio.

The public hearing shall be held on October 26, 2026 at 6:00 p.m. in the City Council Chambers, Second Floor, Municipal Building, 515 East Main Street, Van Wert, Ohio 45891.

The property that is the subject of the zoning petition is immediately east of Mendon Road, and north of US Route 30, and is adjacent to the existing corporate limits of the City of Van Wert, Ohio, which corporate limits adjoin the west boundary of the territory proposed for I-2 zoning, and further identified as Van Wert County Auditor parcel numbers: 19-041224.0000, 19-041220.0000, 19-041220.0100, 19-041192.0000, 19-041184.0000, 19-041188.0000, 19-041196.0000, 19-041200.0000, 19-041200.0100, 19-041216.0000, 19-041204.0100, 19-041204.0103, 19-041208.0300, 19-041292.0000, 19-041204.0000, 19-041496.0000, 19-041284.0600, 19-041292.0100, 19-041204.0101, 19-041204.0102, 19-041204.0104, 19-041208.0100, 19-041208.0200, 19-041460.0000, and 19-041444.0100.

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Resolutions and Ordinances:

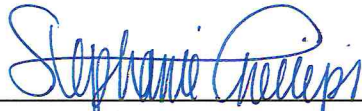
Third and Final Reading for Ordinance Number: 26-08-045; AN ORDINANCE ALLOWING JENNINGS CROSSING SUBDIVISION TO CONSTRUCT SINGLE FAMILY HOMES WITH FIVE-FOOT SIDE YARDS. All concurred. Ordinance passed.

Third and Final Reading for Ordinance Number: 26-08-044; AN ORDINANCE AMENDING ORDINANCE 26-02-010 GRANTING A FRANCHISE TO OHIO POWER, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE CITY OF VAN WERT, STATE OF OHIO, AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES, AND FOR THE TRANSMISSION AND DISTRIBUTION OF THE SAME WITHIN, THROUGH, OR ACROSS SAID CITY OF VAN WERT, STATE OF OHIO THIS AGREEMENT IS AN EXTENSION OF THE AGREEMENT SET OUT IN VAN WERT ORDINANCE NUMBER 5270-75 PASSED OCTOBER 15, 1975. All concurred. Ordinance passed.

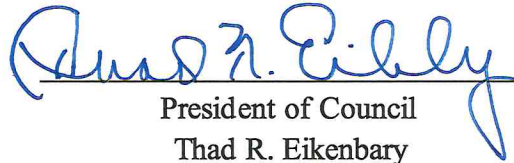
Second Reading Advisory for Ordinance Number: 26-08-046. All concurred.

Hurless made a motion for council to move into executive session for reason of employment of personnel matters. Block seconded; all concurred. Council went into executive session at 8:11 pm.

Following the executive session, Hurless made a motion to adjourn at 8:20 pm. Roberts seconded; all concurred.



Clerk of Council
Stephanie R. Phillips



President of Council
Thad R. Eikenbary

Approved on: September 28, 2026

Fire Inspection Info

Chief Jones response:

“Thank you for your inquiry. Below is my input on this matter.

Background on Our Inspection Program

We maintain approximately 575 commercial occupancies on our inspection list. In 2026, the City funded a Deputy Chief position to increase inspection capacity. Despite this addition, we have only achieved a complete annual inspection cycle once in my ten years as Fire Chief. Our inspection capacity is constrained by the volume of occupancies, emergency response demands, staffing limitations, and training requirements. To date this year, we have completed 277 inspections.

Fee Structure and Cost Recovery

Inspection fees under Ordinance 34.05 offset program costs: personnel time, recordkeeping, follow-up inspections, and compliance work. The fee structure has been in place over 20 years and remains appropriate for the services provided.

Annual inspection: \$95

New occupancy inspection: \$195

Your Specific Questions

1. How many 501(c)(3) buildings are on the inspection list?

We do not track buildings by tax status in our inspection program. Compiling this information would require significant staff time to cross-reference our records with tax data. Our team is already fully committed to core fire prevention, inspections, and emergency response duties. We cannot divert resources to this analysis.

2. What is the revenue per year for inspections? Can you break that down for just 501(c)(3)s?

2025 total revenue: \$8,268

2026 revenue (as of August 31): \$18,785

The increased revenue this year reflects the Deputy Chief position's impact on inspection capacity.

My Position on the Exemption

I do not support a 501(c)(3) exemption for the following reasons:

Fire risk does not change based on tax classification. Our inspection program must apply uniformly across all commercial occupancies to ensure consistent fire safety standards. Creating exemptions for one class of organization sets a difficult precedent and complicates administration and compliance.

These fees offset the cost of providing inspection services. Exempting any group shifts costs to other taxpayers and the general fund.

I am available to discuss this further with council.”

Follow-up email:

“Thank you, Chief. I appreciate the time and effort you put into your response. A follow up question, if you don't mind. You stated not wanting to create an exemption for specific

classes of commercial properties, however I see child daycares and foster homes have their own fee. Does anyone know why they are specifically carved out and much lower than the other fees?"

-Eric Hurless

Chief Jones' response:

"The daycare and foster home categories are different from other occupancies because they are typically residential homes, not commercial properties. The inspection is generally limited to a basic safety certification required for licensing or placement purposes, rather than a full commercial fire inspection program.

These inspections are usually conducted to verify that the residence meets minimum life safety requirements for children in care. Because they involve a much narrower scope and less time than a commercial occupancy inspection, they have historically been assigned a separate, lower fee category.

By contrast, the fees established under Ordinance 34.05 apply to commercial occupancies that are part of our ongoing fire inspection program and require a broader review of fire and life safety systems, code compliance, documentation, and follow-up activities.

Please let me know if I can provide any additional information."

CHAPTER 102 - NOISE.

102.01 Purpose.

(A) This section is intended to protect persons from excessive noise levels, which interfere with the comfortable enjoyment of life, property, and recreation because excessive noise can interfere with sleep, communication, relaxation, and the full enjoyment of one's property.

(B) Nothing in this chapter shall be interpreted to conflict with or inhibit the enforcement of Chapter 72 Sections 95, 96, 97, or 98 relating to Motor Vehicle Noise Control.

102.02 Definitions.

(A) "Amplified sounds" means any sound augmented by any electronic means that increases the sound level or volume.

(B) "Device" means any mechanism, which actually produces noise.

(C) "Live music" means any sound comprised of instrumental music, song, or a combination of instrumental music and song, produced in whole or in part by a singer vocalizing or by a musician playing a musical instrument on the same premises as the sound source.

(D) "Receiving property" means any lot, parcel of land, public space, institution, or dwelling unit onto which sound, not originating therefrom, travels.

(E) "Recorded music" means any sound comprised of instrumental music or song, or combination thereof, produced and generated by a speaker, loudspeaker, radio, television, tape deck, record player, compact disc player, jukebox, computer, or synthesizer, or other sound producing devices.

(F) "Sound source" means the place from which sound emanates without limitation to a speaker, loudspeaker, or any other sound producing instrument or person.

102.03 Prohibition.

(A) Noise shall be presumed unreasonable given the following:

(1) If uninvited noise is plainly audible at a receiving property, or part thereof, greater than fifty (50) feet away from the property line of the sound source;

(B) Vibration shall be presumed unreasonable given the following:

(1) If steady state vibration reaches or exceeds 0.20 inches peak particle velocity, or its equivalent in displacement or acceleration, in any one of the three mutually perpendicular components of motion: vertical, longitudinal, or transverse.

(2) If impulsive vibration reaches or exceeds 4.0 inches peak particle velocity, or its equivalent in displacement or acceleration, in any one of the three mutually perpendicular components of motion: vertical, longitudinal, or transverse.

(3) All vibration recordings shall be made on the ground at the property line of the nearest adjacent property.

(4) Construction operations by the City, by contractors for the City, or by parties permitted by the City to perform such construction shall be exempt from subsection (B).

102.04 Noise Enumerated. The following acts, among others, are declared to be loud, disturbing, and unreasonable noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(A) Radios, stereo, etc.. The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, television set, stereo, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person or persons who are in the room, yard, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, stereo, machine, or device between the hours of 9:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the source of such sound including but not limited to a yard, building, structure, or vehicle in which it is located shall be prima-facie evidence of a violation of this section.

(B) Loudspeakers, amplifiers for advertising. The using, operating, or permitting to be played, used or operated of any radio receiving set, musical instrument, stereo, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

(C) Street sales. Offering for sale, selling, or advertising an object or service within the City, its streets or sidewalks, by shouting or outcry in a louder voice than would be used in ordinary conversation in transacting, promoting, or procuring business;

(D) Animals. The permitting of animals to make loud and frequent or habitual noises in the way of barking, yelping, howling, meowing, whining, yowling, crying, wailing,

or other similar sound, which causes serious annoyance or disturbance to the neighborhood.

Remove paragraph 90.09 (A)(2)

(E) Industrial and mechanical. The general operation of industrial or mechanical uses or any use exclusive to I-1 or I-2 Districts as defined by 150.08, and all uses of the site thereon, including but not limited to the operation of fans, chillers, cooling towers, electrical equipment, generators, and any accessory activities.

(1) The sound level of any operation by such industrial or mechanical uses as experienced within the nearest residential district shall be presumed to be plainly audible if it exceeds 55 dBA as measured at the property line by the use of a Type 2 sound level meter as defined in ANSI S1.4-2014, or the most recent revision. ~~not exceed the average intensity of street traffic noise in said residential district.~~

(F) Inaudible sound. Sound of low or high frequencies which may or may not be audible but that otherwise disturb the peace and inhibit quality of life.

102.05 Exceptions. The provisions of this chapter shall not apply to the following:

(A) The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work;

(B) Warning devices necessary for the protection of public safety;

(C) Use of any mechanical device, apparatus, or equipment used, related to or connected with emergency activities or emergency work or associated with work performed by private or public utilities in the maintenance or modification of its facilities;

(D) Noise sources resulting from emergency work, being work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger;

(E) Public gatherings, assemblages, processions or other entertainment events that have been permitted by the City. Such events may be permitted by the Safety-Service Director to extend to 11 p.m. with written permission;

(F) The sound system established and operated in the Central Business District by the Historic Main Street Van Wert;

(G) Lawn maintenance including the use of lawnmowers, blowers, edge trimmers, electric trimmers, or tree trimming equipment, except that such maintenance shall not be conducted on any day between the hours of 9:00 p.m. and 6:00 a.m.;

(H) Snow clearing including the use of snow blowers, plows, and shovels;

(I) Noise sources resulting from activities sponsored by a public entity and taking place on public property;

(J) Noise sources resulting from construction operations by the City or by contractors for the City, or by parties permitted by the City to perform such construction. This exception shall not apply when in conflict with Chapter 102, Sections 20, 21, 22, and 23 relating to hours of work;

(L) The emission of sounds from I-1 or I-2 districts when those sounds are only audible within I-1 or I-2 districts. This exception shall not apply when sounds are audible within other districts.

(M) The emission of sounds from I-1 or I-2 districts when those sounds have been part of regular operation of a permitted industrial use in the district prior to adoption of this ordinance.

(N) Those exceptions listed in Chapter 102, Sections 20, 21, 22, and 23 relating to hours of work.

(O) Sounds created by church bells or chimes or calls to worship from places of worship.

102.06 Inspections.

(A) The Building and Zoning Officer of the City or other member of his or her staff may enter at any reasonable time, with reasonable notice, into or upon any private or public property, except the administrative offices of any person, for the purposes of inspection and investigation of any condition or equipment which the Building and Zoning Officer has reasonable cause to believe is causing the unnecessary noise or vibration in violation of any of the provisions of subsections (a) through (e) hereof.

(B) No person shall refuse entry, nor obstruct, delay, prevent, or in any way interfere with the Building and Zoning Officer or other member of his or her staff while carrying out an inspection or in the performance of his or her duties. If such entry is unreasonably denied, then the Building and Zoning Officer is authorized to obtain a search warrant.

102.07 Evidence.

(A) Evidence may include officer observations, witness testimony, body-camera recordings, audio recordings, video recordings, 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.

102.08 Penalty.

(A) Any person violating any provision of this chapter, after receiving a warning of said violation, and ignoring or refusing to comply with such order, or permitting the

violation to continue, shall be guilty of a minor misdemeanor on the first offense, and shall be fined not more than one hundred fifty dollars (\$150.00). On a second or subsequent offense, if less than twelve months have elapsed since the last offense of the same provision, a person is guilty of a misdemeanor of the fourth degree and shall be fined not more than five hundred dollars (\$500.00). Each day such violation continues shall constitute a separate offense and shall be punishable as such.

102.09 Civil Enforcement.

(A) In addition to criminal penalties, the City may pursue injunctive relief, nuisance abatement, declaratory relief, equitable relief, temporary restraining orders, preliminary injunctions, permanent injunctions, and any other remedy authorized by law.

102.10 Nuisance Determination.

(A) Three or more violations occurring upon the same property within any twelve-month period shall constitute prima facie evidence that the property is being maintained as a nuisance.

102.11 Construction and Interpretation.

(A) This Chapter shall be construed consistently with Ohio law and constitutional requirements. Interpretations preserving validity shall be preferred.

102.12 Severability.

(A) If any provision is held invalid, the remaining provisions shall remain in full force and effect.

HOURS OF WORK.

102.20 Purpose.

(A) These standards are intended to protect persons from excessive noise levels, which interfere with the comfortable enjoyment of life, property, and recreation because they can interfere with sleep, communication, relaxation, and the full enjoyment of one's property.

102.21 Work Enumerated.

(A) The following types of work conducted outside are considered to be loud, disturbing, and unnecessary noises and shall not be performed in the City between the hours of 9:00 p.m. and 6:00 a.m.

(1) Pile drivers, hammers, etc.: The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.

(2) Tools: The use of or operation of any noise producing power tool, generator, air compressor, or other tools or appliances which can be heard from the property boundaries. Interior work may be conducted if the work does not emit noise to the exterior which is plainly audible at the property line.

(3) Construction: The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building, structure, or infrastructure, the operation or the permitting or causing the operation of any tools, or equipment used in construction, excavation, drilling, demolition, alteration, or repair work.

(4) Sweeping: Cleaning of non-residential parking lots.

102.22 Near Residential Areas.

(A) The loading, unloading, or engine idling of any commercial truck or van in a commercially zoned area which borders a residential area shall not be performed in the City between the hours of 9:00 p.m. and 6:00 a.m. Sunday through Saturday; and between the hours of 10:00 p.m. Saturday and 9:00 a.m. Sunday. This section shall include the usage of any hydraulic trash compacting equipment.

102.23 Exceptions.

(A) The following types of work shall be exempt from the provisions of this ordinance:

(1) Use of any mechanical device, apparatus, or equipment used, related to, or connected with emergency activities or emergency work;

(2) Noise sources resulting from emergency work, being work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger;

(3) Lawn maintenance including the use of lawnmowers, blowers, edge trimmers, electric trimmers, or tree trimming equipment may be conducted on Sunday but shall not be conducted on any day between the hours of 9:00 p.m. and 6:00 a.m.

(B) The Safety-Service Director shall, at their discretion, and upon formal request received in writing by the permittee, permit special exceptions to Chapter 102, Sections 20, 21, 22, and 23 relating to hours of work. Special exceptions may be revoked by the Safety-Service Director at any time for any reason, or by a majority vote of Council.