

RESOLUTION XXXX
CLEARCREEK TOWNSHIP TRUSTEES
Warren County, Ohio
January 13, 2025

**A RESOLUTION ADOPTED UNDER OHIO REVISED CODE CHAPTERS 504 AND 505
PROHIBITING UNREASONABLE NOISE ON REAL PROPERTY IN THE
UNINCORPORATED TERRITORY OF CLEARCREEK TOWNSHIP, WARREN COUNTY,
OHIO, AND DISPENSING WITH THE SECOND READING**

WHEREAS, Ohio Revised Code Chapter 504 empowers a limited home rule township to adopt and enforce within unincorporated township territory local police, sanitary, and other similar regulations that are not in conflict with general laws, and impose civil fines for violations of such regulations, and;

WHEREAS, Ohio Revised Code Section 505.172 authorizes a Board of Township Trustees to adopt regulations and orders that are necessary to control noise with the unincorporated territory of the township that is generated at any premise to which a D permit has been issued the division of liquor control or that is generated within any area zoned for residential use, and;

WHEREAS, the Board of Trustees recognizes that the creation or maintenance of excessively loud or prolonged noises, and/or or noises which are otherwise unusual or unnatural by reason of time, place or other circumstance, are a detriment to the public health, comfort, convenience, safety and general welfare; and;

WHEREAS, the Board finds it necessary, in order to preserve the public peace and welfare in the Township, to adopt regulations prohibiting the creation of unnecessary, unreasonable and excessive noise on real property in the unincorporated territory of the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Clearcreek Township, Warren County, Ohio:

SECTION 1. For purposes of this Resolution, the following definitions shall apply:

- A. "Decibel" means a unit for measuring the intensity of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals. Decibel is denoted as "dB." An A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute which automatically takes account of the varying effect on the human ear of different pitches, shall be used on lay sound level meter taking measurements required by this Resolution. All decibel (dB) measurements shall be expressed in dB(A) to reflect the use of this A-weighted filter.
- B. "Loud or raucous noise" means any sound that is unreasonably loud and disturbing, and of such a character, intensity and duration, to be offensive or disturbing to a person of ordinary sensibilities.
- C. "Motor vehicle" has the same definition as set forth in Ohio Revised Code 4511.01.
- D. "Person" means an individual, corporation, firm, partnership, association or other entity.
- E. "Sound" means any kind or type of humanly audible stimulus.

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- F. "Sound generating or sound amplifying device" means any item, equipment or machine designed to generate or amplify any sound, and includes but is not limited to a radio, television, tape player, record player, loudspeaker, speaker system, and musical instrument.

SECTION 2. No person shall make, generate, permit or allow a loud or raucous noise in the unincorporated territory of the Township in such a manner as to disturb the peace and quiet of surrounding properties, or to otherwise be detrimental to any individual's life and health. The following constitutes *prima facie* evidence of a violation of this Resolution:

- A. The loud or raucous noise occurs between the hours of 7:00 AM and 10:00 PM in any 24-hour period and exceeds a sound level of 70 dB(A) beyond any property line of the subject property from which the noise emanates.
- B. The loud or raucous noise occurs between the hours of 10:00 PM and 7:00 AM in any 24-hour period and exceeds a sound level of 50 dB(A) beyond any property line of the subject property from which the noise emanates.
- C. An officer enforcing this Resolution shall make a good-faith effort to ascertain the subject property lines without the need to consult a formal survey of the subject property in question.

SECTION 3. No person shall operate a sound generating or amplifying device from a motor vehicle, or allow a sound generating or amplifying device to be operated from a motor vehicle the person owns, in the unincorporated territory of the Township in a manner which causes a loud or raucous noise to emanate from the vehicle at a volume which can be heard by a person of ordinary sensibilities at a distance of 100 feet or more from the vehicle. For purposes of this Section, the motor vehicle may be parked, stopped, idling, driving or in any other manner of motion.

SECTION 4. The following uses and activities shall be exempt from the noise regulations set forth in this Resolution:

- A. Sounds emanating from a warning or alarm device, safety signal or emergency pressure relief valve (which sounds are intended to alert a person to an actual or potential unsafe or dangerous situation).
- B. Sounds emanating from an emergency vehicle when responding to an emergency call or otherwise acting in response to an emergency situation.
- C. Sounds emanating from government-sponsored or authorized special events.
- D. Sounds resulting from the normal use of churches, schools, athletic fields and parks.
- E. Sounds resulting from any emergency work made necessary to restore property to a safe condition or work required to protect persons or property from an imminent exposure to danger.
- F. Sounds generated by power tools, landscaping or yard maintenance tools, equipment or motor vehicles; and/or construction tools, construction equipment, or motor vehicles being used for lawful activities between the hours of 7:00 AM and 10:00 PM, provided that all equipment is operated in accordance with the manufacturer's specifications

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and/or with all standard manufacturers' mufflers and other noise reducing equipment in use and in proper operating condition.

- G. Sounds generated by garbage/refuse collection services being used for lawful activities between the hours of 7:00 AM and 10:00 PM, provided that all equipment is operated in accordance with the manufacturer's specifications and/or with all standard manufacturers' mufflers and other noise reducing equipment in use and in proper operating condition.
- H. Sounds generated by animals, tools, equipment or motor vehicles when in active use for lawful agricultural purposes. For purposes of this Resolution, "agricultural" has the same definition as set forth in Ohio Revised Code 519.01.
- I. Sounds emanating from hunting, trapping or fishing activities, or generated by the use of firearms.
- J. Sounds emanating from the setting off of fireworks during any State recognized fireworks days; provided, fireworks-related activities cease by 11:00 PM.
- K. Delivery of goods, materials or merchandise to commercial properties adjacent to residentially zoned property between the hours of 7:00 AM and 10:00 PM.
- L. Sounds generated by manufacturing equipment, tools or motor vehicles being used for lawful activities between the hours of 7:00 AM and 10:00 PM, provided that all equipment is operated in accordance with the manufacturer's specifications and/or with all standard manufacturers' mufflers and other noise reducing equipment in use and in proper operating condition.

SECTION 5. Penalties

- A. Pursuant to Section 515.172(E) of the Ohio Revised Code, whoever violates any regulation or order adopted under this Resolution is guilty of a misdemeanor of the second degree. Fines levied and collected under this Resolution shall be paid to the Township General Fund.
 - a. For a single violation, a fine of \$100.
 - b. For a second violation in a single calendar year, a fine of \$250.
 - c. For a third violation in a single calendar year, a fine of \$500.
 - d. For a fourth and subsequent violations in a single calendar year, a fine of \$750.

Or

- B. Pursuant to Sections 504.05 to 504.07 of the Ohio Revised Code, whoever violates any regulation or order adopted under this Resolution is subject to the following graduated civil fines. Fines levied and collected under this Resolution shall be paid to the Township General Fund.
 - a. For a single violation, a fine of \$100.
 - b. For a second violation in a single calendar year, a fine of \$250.
 - c. For a third violation in a single calendar year, a fine of \$500.
 - d. For a fourth and subsequent violations in a single calendar year, a fine of \$1,000.

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SECTION 6. By a majority vote of the Board of Trustees, the Board hereby dispenses with the requirement that this Resolution be read on two separate days, and authorizes the passage of this Resolution upon its first reading.

SECTION 7. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION 8. This Resolution shall take effect on the earliest date allowed by law.

Mr. _____ moved to adopt the foregoing Resolution. Mr. _____ seconded the motion and upon the call of the roll the following vote resulted:

Mr. Wade	-
Mr. Gabbard	-
Mr. Muterspaw	-

Resolution adopted at a regular public meeting conducted January 13, 2025.

**THE BOARD OF
CLEARCREEK TOWNSHIP TRUSTEES**

**Law Director Bryan Pacheco
Approved as to form**

