

SYMMES TOWNSHIP

HAMILTON COUNTY, OHIO

9323 UNION CEMETERY ROAD
SYMMES TOWNSHIP, OHIO 45140-9386

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BOARD OF TRUSTEES
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ROAD SUPERINTENDENT
BILL WAHOFF
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RESOLUTION G-9604

Resolution Prohibiting Excessive Noise in the Township

WHEREAS, the prohibition of excessive noise and sound is necessary to insure to the citizens of Symmes Township the quiet enjoyment of their homes;

NOW THEREFORE BE IT RESOLVED, by the Board of Township Trustees of Symmes Township, Ohio:

Section 1. No person, firm, or corporation shall operate, cause to be operated, or permit to be operated any radio, phonograph, television, tape player, loud speaker, or any other instrument, machine, or device in such a manner and to be of such intensity and duration as to create unreasonable noise or loud sound and which causes inconvenience and annoyance to persons of ordinary sensibilities. It shall be prima facie unlawful for a person, firm, or corporation to operate, cause to be operated, or permit to be generated sound by the above described devices or by any other means under the following circumstances:

A. No person, firm or corporation by any means, shall, between the hours of 11:00 p.m. and 7:00 a.m., make, resume, continue, cause, or permit any noise of such a character, intensity, and duration as to unreasonably disturb the peace and quiet of the community or to be detrimental to the life or health of any individuals.

B. Any construction work on property within hearing distance of property used for residential purposes shall not take place between the hours of 11:00 p.m. and 7:00 a.m. "Construction work" shall be defined as any type of work which requires a building permit. This Resolution shall not apply to any construction work performed by the Township for the health, safety, and welfare of the people of Symmes Township.

C. No person, being the owner, or person in possession, of a motor vehicle with a device described above shall cause or permit any noise emanating from the motor vehicle which is plainly audible at a distance of fifty (50) feet from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this Resolution.

Section 2. In determining whether a noise is of such a character as to unreasonably disturb the peace and quiet of the community, a court shall consider the following factors:

1. Complaints of neighbors regarding the noise;
2. The time of day at which the noise takes place;
3. The intensity and duration of the noise;
4. The type of noise produced;
5. The alternate means available without excessive noise.

Section 3. It shall be presumed to be a violation of this Resolution if notice to cease and desist producing a noise has been given to any person and that person continues to make, cause, or permit a noise of similar intensity and duration.

Section 4. The following uses and activities shall be exempt from noise level regulations:

1. Noises of safety signals, warning devices, and emergency pressure relief valves.
2. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
3. Noises resulting from any work made necessary to restore property to a safe condition or work required to protect persons or property from an imminent exposure to danger.
4. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Township.
5. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction.
6. Noises resulting from the normal use of churches, schools, athletic fields, parks and auditoriums.

Section 5. For the purpose of this Resolution, a request to desist means actual notice of the disturbance by an officer or Township official to the offender or to an employee or representative of the offender. Once such a request to desist is made, it shall continue to be effective for the purposes of this Resolution beyond the immediate time period in which it is given, and is effective even if the noise disturbs persons other than the person who makes the request to desist.

Section 6. A. Whoever is determined to have violated this Resolution shall be fined not more than \$100 for the first violation. On each and every subsequent violation within two years from the first, a fine of not more than \$500 shall be imposed.

B. In addition to the imposition of the civil fine as set forth above, the Board of Township Trustees may authorize the Township Law Director to file for injunctive relief, file a lien upon property of a violator and take such other actions for the collection of an unpaid money judgment, all in accordance with Section 504.8 of the Ohio Revised Code.

C. This Resolution is not intended to regulate engine noise of motor vehicles, which may be regulated pursuant to Section 505.17 O.R.C.

Section 7. This resolution shall take effect on the earliest date allowed by law.

ADOPTED FEBRUARY 6, 1996

Vote Record: Mr. Page Aye Mrs. Grossman Aye Mr. Minamyers aye
BOARD OF TRUSTEES:

Michael D. Page
Michael D. Page, President

Joanne B. Grossman
Joanne B. Grossman, Vice-Pres.

Eric Minamyers
Eric Minamyers, Trustee

Attest:

John C. Borchers
John C. Borchers, Clerk

APPROVED AS TO FORM:

Robert P. Malloy
Robert P. Malloy, Law Director