

The Board of Trustees of Hamilton Township, County of Warren, Ohio, met at a special meeting, 6:00 p.m. on March 20, 2024 at Hamilton Township, Warren County, Ohio, with the following Trustees present:

- Darryl Cordrey – *Board Chair*
- Joseph P. Rozzi – *Board Vice Chair*
- Mark Sousa – *Trustee*

Mr. Cordrey introduced the following resolution and moved its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY OHIO
RESOLUTION NUMBER 24-0320B**

**A RESOLUTION ADOPTED UNDER OHIO REVISED CODE CHAPTER 504
AND PROHIBITING UNREASONABLE NOISE ON REAL PROPERTY
IN THE UNINCORPORATED TERRITORY OF
HAMILTON 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;

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 heath, 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 Hamilton 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.”
 - 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 R.C. 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.
- 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 generate or maintain 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. With respect to noise occurring on a Sunday, Monday, Tuesday, Wednesday or Thursday:
 - (i) 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 beyond any property line of the subject property from which the noise emanates.
 - (ii) 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 beyond any property line of the subject property from which the noise emanates.
- B. With respect to noise occurring on a Friday or Saturday:
 - (i) The loud or raucous noise occurs between the hours of 7:00 AM and 11:00 PM in any 24-hour period, and exceeds a sound level of 70 dB beyond any property line of the subject property from which the noise emanates.
 - (ii) The loud or raucous noise occurs between the hours of 11:00 PM and 7:00 AM in any 24-hour period, and exceeds a sound level of 50 dB 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.

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 emanating from a neighborhood block party; provided, the block party concludes by 11:00 PM and block party activities are otherwise compliant with applicable State and local laws. For purposes of this Resolution, a "neighborhood block party" means an outdoor party organized by residents of a particular area of Hamilton Township for the purpose of interacting informally with surrounding neighbors.
- E. Sounds generated by power tools, landscaping or yard maintenance tools, equipment or motor vehicles; and/or construction tools, equipment or motor vehicles being used for lawful activities between the hours of 7:00 AM and 10:00 PM (on any day of the week).
- G. 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 R.C. 519.01.
- F. Sounds emanating from hunting, trapping or fishing activities, or generated by the use of firearms.
- G. Sounds emanating from coal mining and reclamation activities, or surface mining activities, as defined in R.C. 1513.01 or 1514.01.
- H. Sounds emanating from the drilling, completion, operation, maintenance or construction of any crude oil or natural gas wells or pipelines, or any appurtenances to those wells or pipelines, or from the distribution, transportation, gathering or storage of crude oil or natural gas.
- I. Sounds emanating from garbage/refuse collection services.

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. Sounds emanating from lawful and approved uses located within M-1 Light Industry Zones and M-2 Heavy Industry Zones.

SECTION 5. Whoever violates this Resolution shall be subject to the following graduated civil fines per violation:

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.

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. Rozzi seconded the Resolution and the following being called upon the question of its adoption, the vote resulted as follows:

Darryl Cordrey	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Joseph P. Rozzi –	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Mark Sousa	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

Resolution adopted this 20th day of March, 2024.

Attest:



Kurt Weber, Fiscal Officer

Approved as to form:



Brodi J. Conover, Assistant Law Director

I, Kurt Weber, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify that this is a true and accurate copy of a Resolution duly adopted by the Board of Trustees of Hamilton Township, County of Warren, Ohio, at its special meeting on March 20, 2024.

Date: 3/20/2024



Kurt Weber, Fiscal Officer