



## **RESOLUTION #15-06-058**

### **A RESOLUTION CONTROLLING NOISE NUISANCES**

WHEREAS, O.R.C. SECTION 505.172 AUTHORIZES A TOWNSHIP TO ADOPT NOISE CONTROL REGULATIONS WITHIN AREAS ZONED FOR RESIDENTIAL USE; AND

WHEREAS, O.R.C. SECTION 505.172 PROVIDES THAT A VIOLATION OF THE TOWNSHIP NOISE CONTROL RESOLUTION IS A MINOR MISDEMEANOR; AND

WHEREAS, NOISE CAN, AND DOES, CREATE A NUISANCE THAT MAY ADVERSELY AFFECT THE ADJACENT OR NEIGHBORING PROPERTY OWNERS OR PERSONS IN RESIDENTIAL AREAS; AND

WHEREAS, WHEN A NUISANCE CONDITION IS CREATED, THE HEALTH, SAFETY AND WELFARE OF TOWNSHIP RESIDENTS IS THREATENED AND ADVERSELY AFFECTED; THEREFORE

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP, MIAMI COUNTY THAT THE FOLLOWING LEGISLATION BE ADOPTED:

#### **Section I.**

- A. No person shall make, continue, cause to be made, suffer, allow, or permit within the unincorporated area of Bethel Township, Miami County, Ohio any unreasonably loud, disturbing or unnecessary noise or noises of such character, intensity or duration that annoy, disturb, injure or endangers the peace, health, comfort, safety or quiet of any individual.
- B. The creation of noise or noises in the following manner are declared to be in violation of Section A, but this enumeration shall not be deemed exclusive:
  1. The sounding of any horn, bell or other signal or warning on any motor vehicle, except as a danger or warning signal, for any unnecessary reason or for any unreasonable period time.
  2. The harboring or keeping of any dog or animal which, by loud, frequent, habitual or continued barking, howling or yelping, disturbs or annoys any person in the vicinity, where such noise can be heard outside the property line of the premises at which the dog or animal is kept. Any person who shall allow any dog or animal to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall

be considered as harboring such dog or animal. None of the provision of this paragraph shall apply to owners, operators, or employees of duly licensed veterinary hospitals; or to blind persons when a dog serves as a guide or leader.

3. The playing or permitting to be played of any music, radio, music player, television, audio system or musical instrument or the amplification of any sound in such a manner so as to annoy or disturb the peace, enjoyment, quiet, comfort or repose of any person of ordinary sensibilities, or at such volume which is plainly audible to persons other than those who are on or in the premises in which such device or instrument is being played and are voluntary listeners thereto.
4. The making of any unnecessary or unreasonable noises by a person or by his operation of any instrument, device, agency or vehicle within 150 feet of any school, church or building in which religious services are held, during school hours, or during public worship, respectively.

C. Whoever violates this resolution shall guilty of a minor misdemeanor.

**Section II.** This resolution shall take effect at the earliest time as permitted by law.

**Section III.** It has been determined that all formal actions of the Board of Trustees of Bethel Township concerning and relating to the adoption of this resolution were adopted in open meetings of the Bethel Township Board of Trustees; and that all deliberations of the Bethel Township Board of Trustees that resulted in such formal action, were in meetings open to the public.

#### **CERTIFICATE OF RECORDING OFFICER**

I, DEBORAH WATSON, HEREBY CERTIFY THAT THE FORGOING IS A TRUE AND CORRECT COPY OF RESOLUTION # 15-06-058 ADOPTED BY THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP MIAMI COUNTY HELD ON THE 23<sup>RD</sup> DAY OF JUNE, 2015, AND THAT I AM DULY AUTHORIZED TO EXECUTE THIS CERTIFICATE.