

**BOARD OF TRUSTEES
SYLVANIA TOWNSHIP, LUCAS COUNTY, OHIO**

First Reading 6/20/86
Second Reading: dispensed

RESOLUTION NO. 06-229

RESOLUTION TO AMEND RESOLUTION NUMBER 02-01-0205 (CONTROLLING NOISE NUISANCES); TO REPEAL EXISTING RESOLUTION NUMBER 02-01-0205; TO DISPENSE WITH THE SECOND READING AND DECLARE AN EMERGENCY

WHEREAS, O.R.C. Section 504 (A) authorizes a Township to exercise the powers of local self-government within the unincorporated area of a Township and to adopt and enforce within the unincorporated area of a Township, local police, sanitary and other similar regulations; and,

WHEREAS, noise can and does create a nuisance that may adversely affect adjacent or neighboring property owners or persons; and,

WHEREAS, when a nuisance condition is created, the health, safety, comfort, repose, peace, and welfare of Township residents are threatened and adversely affected; and,

WHEREAS, O.R.C., Section 504.5 authorizes the Board of Trustees of Sylvania Township (Lucas County, Ohio) to impose civil fines up to \$1,000.00 for the violation of a resolution adopted pursuant to Chapter 504 of the Ohio Revised Code, which fines may be graduated based upon previous violations; and,

WHEREAS, the Board of Trustees proposes to amend existing Resolution Number 02-01-0205

NOW THEREFORE BE IT RESOLVED, by the Trustees of Sylvania Township, Lucas County, Ohio, that the following legislation be adopted.

SECTION 1:

- A. No person shall make, continue, cause to be made, suffer, or allow or permit within the unincorporated area of Sylvania Township, Lucas County, Ohio, any loud, unnecessary, or unusual noise or noises of such character, intensity or duration that annoy, disturb or endanger the peace, health, comfort, safety, or repose of reasonable persons of ordinary sensibilities at such volume which is plainly audible at a distance of 150 feet or more from the source of the noise or sound.
- 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. Engaging any horn, bell or other signal or warning on a motor vehicle, except as a danger or warning signal, for any unnecessary reason or for any unreasonable period of time.
2. Operating or causing to be operated any motor vehicle, agricultural tractor, motorcycle, all purpose vehicle, or snowmobile not equipped with a factory installed muffler or equivalent muffler in good working order and in constant operation.
3. Removing or rendering inoperative, or causing to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler.

4. Discharging into the open air the exhaust of any stationary or portable internal combustion engine except through a factory installed muffler or equivalent muffler in good working order and in constant operation.
5. Manipulating the motor speed, either by racing the motor or slowing down the motor of any vehicle described in Section I.B.2 or by manipulating the transmission of any vehicle described in Section I.B.2 in a manner, that includes but is not limited to the use of engine brake or retarder, which results in the exhaust system emitting a loud, cracking, or chattering noise unusual to its normal operation (commonly referred to as "Jake Braking").
6. The harboring or keeping of any dog or animal which, by loud, frequent, habitual and 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, lodged or fed within any dwelling, building, yard or enclosure, which that person occupies or owns, shall be considered as harboring such dog or animal. None of the provisions of this section 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. Nothing in this resolution is intended to limit or prohibit the application of Chapter 955 of the Ohio Revised Code.
7. 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, at such volume which is plainly audible to persons other than those who are on or about the premises or in a motor vehicle in which such device or instrument is being played and are voluntary listeners thereto.
8. 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. This resolution is not intended to regulate the location of any such operation or activity.

C. As used in this section, "Plainly audible" means any sound produced that can be clearly heard by a person using his normal hearing faculties, at a distance of 150 feet

or more from the source of the noise or loud sound.

D. Any law enforcement officer or person who hears a sound that is plainly audible as defined herein shall be entitled to measure the sound according to the following standards:

1. The primary means of detection shall be by means of the officer's or person's ordinary auditory senses, so long as the officer's or person's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid;
2. The officer or person must have a direct line of sight and hearing to the source that is producing the sound so that the officer or person can readily identify the offending person and the distance involved; and
3. The officer or person need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute plainly audible sound.

E. No person shall engage in any excavation, exterior construction, exterior building repair or renovation, tree removal activities, lawn care services, trash collection, delivery of goods, site maintenance (excluding the use of snow blowers and snow plows during inclement weather) between the hours of 10:00 p.m. and 7:00 a.m.

F. Regardless the time of day, the following uses and activities shall be exempt from noise level regulations:

1. Noises resulting from an authorized emergency vehicle, responding to an emergency call or acting in time of emergency;
2. Noises resulting from emergency work;
3. Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities whose sponsors have submitted an "Application for Noise Resolution Exemption" to the Township Police Department and subsequently approved by the Township Administrator.
4. Noises resulting from sports events authorized by the Sylvania Board of Education, private schools, colleges or universities.

G. None of the provisions of this section is intended to limit or prohibit the Application of Section 505.712 of the Ohio Revised Code.

H. Whoever violates this resolution shall be fined \$100.00 for the first violation, \$200.00 for the second violation, and \$500.00 for each subsequent violation.

I. Existing Resolution Number 02-01-0205 is hereby repealed.

SECTION 2:

The Trustees of Sylvania Township upon majority vote do hereby dispense with the requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

SECTION 3:

Upon the unanimous vote of the Sylvania Township Trustees, this Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety or welfare of Sylvania Township.

SECTION 4:

This resolution shall take effect on June 30, 2006 being ten (10) days following the filing of this Resolution with the Sylvania Township Fiscal Officer.

SECTION 5:

It is hereby determined that all formal actions of the Board of Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meetings open to the public in compliance with all legal requirements including O.R.C. Section 121.22.

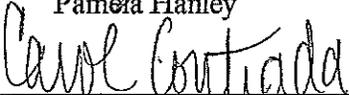
INTRODUCTION AND VOTE RECORD: Trustee Wanover introduced the foregoing Resolution and moved its adoption. Trustee Liedel seconded the Motion. The roll being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

Mrs. Hanley Yes Mrs. Contrada Yes Mrs. Liedel Yes

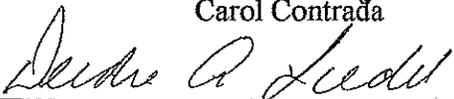
Adopted at the meeting of the Board of Trustees this 20 day of June, 2006.



Pamela Hanley



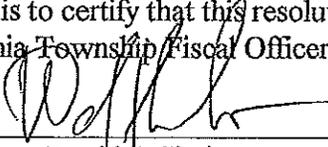
Carol Contrada



Deidre Liedel

AUTHENTICATION

This is to certify that this resolution was duly adopted by the Board of Trustees, and filed with the Sylvania Township Fiscal Officer, this 20 day of June, 2006.



David J. Simko
Sylvania Township Fiscal Officer

APPROVED AS TO FORM:

Truman A. Greenwood, Law Director

CERTIFICATE OF PUBLICATION

I, David J. Simko, Fiscal Officer of Sylvania Township, Lucas County, Ohio do hereby certify that a Summary of this Resolution was published in the below listed newspapers on the below listed dates.

Sylvania Herald July 5, 2006 and July 12, 2006

David J. Simko
Sylvania Township Fiscal Officer