

RESOLUTION #271-04

The Board of Trustees of Bazetta Township, Trumbull County, Ohio, met in Regular Session on Monday, November 15, 2004 with the following members present:

Bill Glancy – Mike Piros – Jeff Bates

Mr. Bates moved to adopt the above resolution on noise and that five certified copies to be placed in various township buildings or businesses for 30 days.

Mr. Glancy seconded the motion to pass the Resolution and upon roll call, the vote resulted as follows:

Mr. Piros	Yea
Mr. Glancy	Yea
Mr. Bates	Yea

Adopted: November 15, 2004

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State of Ohio)
) ss: **CERTIFICATE OF THE CLERK**
County of Trumbull)

I, Martha J. Urchek, Clerk of the Board of Trustees of Bazetta Township, Trumbull County, Ohio in whose custody and control the files and records of such Board are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original resolution, and that the same is a true and correct copy thereof.

Martha J. Urchek
Martha J. Urchek, Clerk

Date: 12/21/04

RESOLUTION ESTABLISHING STANDARDS FOR NOISE

WHEREAS, the Board of Trustees of Bazetta Township ("the Board") have received complaints regarding noise in Bazetta Township; and

WHEREAS, Ohio Revised Code, Section 505.17 authorized the Board to make such regulations and orders as are necessary to control passenger cars, motorcycle and internal combustion engine noise as permitted under Revised Code Section 4513.22.1; and

WHEREAS, Ohio Revised Code Section 4513.22.1(B)(1)(2)(3) authorizes the Board to regulate noise from passenger cars, motorcycles and internal combustion engines in the unincorporated area of the township by requiring engines to be equipped and operated with a factory installed or equivalent muffler; and

WHEREAS, Ohio Revised Code Section 4513.22.1(B)(4) authorizes the Board to regulate noise from passenger cars, motorcycles and internal combustion engines in the unincorporated area of the township by prohibiting racing the motor of any vehicle using an internal combustion engine in such a manner that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation; and

WHEREAS, Ohio Revised Code Section 505.17.2 authorizes the Board to regulate noise within the unincorporated territory of the township that is generated at any premises to which a D Permit has been issued by the Ohio Division of Liquor Control and/or also to regulate noise that is generated within any areas zoned for residential use; and

WHEREAS, the Board finds and declares that it is in the best interest of Bazetta Township and the residents of Bazetta Township and consistent with public health and safety to provide standards for noise in the unincorporated areas of Bazetta Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Bazetta Township, Trumbull County, Ohio by authority of Chapter 505 of the Ohio Revised Code, as follows:

No person shall make, continue or cause to be made or continue or to permit on his or her premises any excessively loud noise of such a nature so as to disturb the peace, quiet and tranquility of the residents of Bazetta Township.

No person shall generate or permit to be generated noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a live performance, radio, phonograph, television, tape player, compact disc player, loudspeaker or any other sound amplifying device or by operation of a motorized vehicle with an internal combustion engine, including but not limited to trucks, passenger cars, motorcycles, dirt bikes or all terrain vehicles when the sound emanating therefrom is plainly audible at a distance of 150 feet or more from the source of the noise or loud sound.

No person, owner, occupant or employee of any premises to which a D Permit has been issued by the Ohio Division of Liquor Control shall allow, permit, make, continue or cause to be made or continued, any loud, unnecessary unreasonable noise which disturbs the peace and quiet of the neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary sensitivities in the area of the noise.

These provisions shall not apply to any law enforcement motor vehicle in the performance of law enforcement duties or to any emergency vehicle in the performance of any emergency procedures. Furthermore, the provisions of this section do not apply to the noise made by a horn, siren or other warning device required or permitted by state law.

Any law enforcement officer or person who hears a sound that is plainly audible 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; and

(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.

Whoever violates this order is guilty of a minor misdemeanor subject to a fine of up to \$100 per offense.

It is further resolved that the township clerk shall post a copy of this resolution in five conspicuous public places in the township for thirty days before becoming effective and shall publish this resolution in a newspaper of general circulation in the township for three consecutive weeks. The five locations for which this resolution shall be posted are as follows:

1. Bazetta Township Hall, 3372 State Route #5, Cortland, OH 44410
2. Handyman Hardware, 3947 State Route #5, Cortland, OH 44410
3. Lakeside Sport Shop, 2115 State Route #305, Cortland, OH 44410
4. Hovis Tire, 2958 State Route #5, Cortland, OH 44410
5. Bazetta Mall, 3649 Hoagland-Blackstub Road, Cortland, OH 44410

The Board of Trustees hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.