

RESOLUTION NO. 96-530

RESOLUTION ADOPTING AMENDED NOISE NUISANCES LEGISLATION

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 20th day of August, 1996 with the following members present:

Craig C. Snee
Daniel L. McKimm
Michael R. Puterbaugh

Mr. Snee moved for the adoption of the following resolution:

WHEREAS, Ohio Revised Code (hereafter ORC) Section 504.04(A)(1) and (2) authorizes the Board of Trustees to exercise powers of local self-government in the Township and to adopt and enforce within the Township local police, sanitary and other similar regulations.

WHEREAS, ORC Section 504.05 authorizes the Jackson Township Board of Trustees to impose a civil fine up to \$1,000 for the violation of a resolution adopted under ORC Section 504.04 which can be graduated based on previous violations.

WHEREAS, noise can, and does, create nuisance conditions that may adversely affect adjacent or neighboring property owners or persons in the peace and enjoyment of their property.

WHEREAS, when the above described noise nuisance conditions are created, the health and welfare of residents of the unincorporated areas of Jackson Township are threatened and adversely affected.

WHEREAS, there is a public need for the Board of Trustees of Jackson Township to enact the attached legislation to control noise nuisances.

NOW THEREFORE BE IT RESOLVED THAT we hereby dispense with the requirement that this resolution be read on two separate days and authorize the adoption of this resolution upon its first reading.

BE IT FURTHER RESOLVED THAT, pursuant to ORC Chapter 504 and ORC Sections 505.04(A)(1) and (2) and 504.05, that we hereby adopt the attached amended noise nuisance legislation and fines for violations thereof, effective September 21, 1996.

BE IT FURTHER RESOLVED THAT the attached citation form required by ORC Section 504.06 is herein adopted.

BE IT FURTHER RESOLVED THAT, this Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

BE IT FURTHER RESOLVED THAT, the Township Clerk is hereby directed to publish the attached notice of this resolution.

Mr. Puterbaugh seconded the motion and upon roll call the vote resulted as follows:

Mr. Snee	YES
Mr. McKimm	YES
Mr. Puterbaugh	YES

The foregoing is a true and correct counterpart of Resolution Number 96-530, duly adopted on August 20, 1996 and filed with me as the Township Clerk on August 21, 1996.



David L. Osborne,
Clerk, Board of Trustees of
Jackson Township

The foregoing resolution
is approved as to form:



Neal Fitzgerald
Law Director
Jackson Township

Date of Approval: August 21, 1996
Effective Date: September 21, 1996

LIMITED SELF-GOVERNMENT RESOLUTION
NOISE NUISANCES

A. No person shall make, cause, suffer, allow, or permit to be made within Jackson Township, Stark County, Ohio any unreasonably loud, disturbing and unnecessary noise or noises of such character, intensity or duration as to be detrimental to the life, health and right to peace and enjoyment of any individual.

Loud, disturbing and unnecessary noises in violation of this section shall include, but are not limited to, the following:

1. The sounding of any horn, bell or other signal or warning device on any motor vehicle, except as a danger or warning signal.

2. The harboring or keeping of any dog or animal which, by causing frequent or long continued noise that disturbs the peace, enjoyment, comfort and repose of 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 provisions of this paragraph shall apply to owners, operators, or employees of duly licensed veterinary hospitals and blind persons when a dog serves as a guide or leader.

3. No person shall play any music, amplifying sound, radio, music player, television, audio system or musical instrument in such a manner or at such volume as to annoy or disturb the peace and quiet, comfort or repose of neighboring inhabitants having due regard for the proximity of places of residence, hospitals or other residential institutions and to any other conditions affected by such noises or at a volume which is plainly audible to persons other than those who are in the structure or room in which such device or instrument is played and are voluntary listeners thereto.

4. The making of any unnecessary or unseemly noise by a person or by his operation of any instrument, device, agency or vehicle within 150 feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, aged or infirm, or within 150 feet of any school, courthouse, church or building in which religious services are held, during school hours, hours of holding court or hours of public worship, respectively.

B. Whoever violates this resolution is subject to a fine of \$100.00 for the first violation and a fine of \$300.00 for each subsequent violation.