

NOTICE OF ADOPTION OF NOISE REGULATION BY WEATHERSFIELD TOWNSHIP

Take Notice that the Board of Trustees of Weathersfield Township has adopted a Noise Regulation prohibiting noise within the Township in areas zoned for residential use or at any premises with a D liquor permit which annoys or disturbs the comfort, peace, or health of a person of ordinary sensibilities, at any time after 10:00 PM on Sundays or after 11:00 PM Monday through Saturday, or before 8:00 AM on all days on the week. A complete copy of the Noise Regulation may be viewed on the township website at <https://weathersfieldtp.org>.

Fred Bobovnyk, Fiscal Officer

Noise Control Resolution:

WHEREAS, Ohio Revised Code §505.172 authorizes Boards of Township Trustees to adopt Resolutions that are necessary to control noise within the unincorporated territory of the Township that is generated within any areas zoned for residential use or at any premises to which a D permit has been issued by the Division of Liquor Control; and

WHEREAS, Ohio Revised Code §955.221 authorizes Board of Trustees to adopt resolutions to control dogs, including noise from dogs as a public nuisance; and

WHEREAS, Ohio Revised Code §505.17 authorizes Boards of Township Trustees to make such regulations and orders as are necessary to control passenger car, motorcycle, and internal combustion engine noise, as permitted under Revised Code Section 4513.221; and

WHEREAS, Revised Code Section 4513.221 (E) (1), (2), and (3) authorizes Boards of Township Trustees to regulate noise from passenger cars, motorcycles, or other devices using internal combustion engines in the unincorporated area of the township by requiring said engines to be equipped and operated with a factory installed or equivalent muffler; and

WHEREAS, the Board of Trustees of Weathersfield Township, Trumbull County, Ohio has determined that excessive noise in Weathersfield Township serves no public purpose, constitutes a nuisance and is detrimental to the public health, welfare, safety, and quality of life within Weathersfield Township, while recognizing that certain levels of noise are unavoidable; and

WHEREAS, the Board of Trustees of Weathersfield Township has determined that it is in the best interest of the residents of the Township to adopt regulations to govern and control noise in the Township.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Weathersfield Township, Trumbull County, Ohio, to adopt the following Noise Control Resolution:

A. NOISE PROHIBITED IN RESIDENTIAL AREAS AND LIQUOR PREMISES

1. No person within the unincorporated territory of Weathersfield Township that is zoned for residential use, and no landowner or lawful occupant of any premises to which a D permit has been issued by the division of liquor control in any zoning district, shall make or permit the making of any noise or sound, which is plainly audible and which, by reason of volume, pitch, frequency, intensity, duration, or nature annoys or disturbs the comfort, peace, or health of a person of ordinary sensibilities, after 10:00 PM on Sundays or after 11:00 PM Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays, or before 8:00 AM on all days on the week.
2. Plainly Audible means any noise or sound produced by any source that can be clearly heard by a person using normal hearing or ordinary auditory senses.
3. No person, who is the owner, person in possession of a premises, person in control of the premises by reason of employment, agency, or otherwise, whether such ownership, possession, or control is exclusive or joint, shall violate or permit a violation of this Resolution.

B. EVIDENCE

It is prima facie a violation of this Resolution when the noise is plainly audible in the following circumstances:

1. In an area zoned for residential use, where the sound is plainly audible more than 50 feet from the property line of the property on which the source of the sound is located:
2. On a street, highway, or in the public right of way where sound is plainly audible 50 feet from the vehicle generating the sound;
3. From premises to which a D permit has been issued by the Division of Liquor Control, where the sound is plainly audible more than 50 feet from the property line of the said premises, without regard to whether the said premises is within or adjacent to a district which is zoned for residential use.

C. NOISE FROM MOTOR VEHICLES

No person shall operate within the Township a passenger car or motorcycle subject to registration, at any time or under any condition of load, acceleration or deceleration, in such manner as to exceed the following maximum noise limits, based on a distance of not less than 50 feet from the center of the line of travel:

1. For passenger cars:

- (a) When operated at a speed of 35 mph or less, a maximum noise limit of 70 decibels;
- (b) When operated at a speed of more than 35 mph, a maximum noise level of 79 decibels.

2. For motorcycles:

- (a) When operated at a speed of 35 mph or less, a maximum noise limit of 82 decibels.
- (b) When operated at a speed of more than 35 mph, a maximum noise limit of 86 decibels.

D. MUFFLERS REQUIRED

Passenger cars, motorcycles, or other devices using internal combustion engines, in the unincorporated area of the township are required to use mufflers as follows:

1. No person shall operate or cause 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.
2. No person shall remove or render inoperative or cause to be removed or rendered inoperative, any muffler, other than for purposes of maintenance, repair, or replacement.
3. No person shall discharge into the open area 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.
4. No person shall race the motor of any vehicle described in this section in such a manner that the exhaust system emits a loud, cracking, or chattering noise unusual to its normal operation.
5. No person shall use an engine retarder (including but not limited to, so-called 'Jake breaks') on a motor vehicle that causes the motor vehicles motor to race in such a manner as to cause its exhaust system to emit a loud cracking or chattering noise unusual to its normal operation.

E. PENALTIES

Whoever violates Section A of this resolution is guilty of a misdemeanor of the second degree, and all fines collected hereunder shall be paid into the Township General Fund. Whoever violates Section C or D of this Resolution is guilty of a minor misdemeanor, and all fines collected hereunder shall be paid into the Township General Fund.

F. EXEMPTIONS

The following activities are exempt from the noise restrictions of this Resolution:

1. Any person engaging in activities described in Section 1.61 of the Ohio Revised Code (Titled: "Agriculture defined") is exempt from the provisions of this Resolution if the noise is attributed to an activity described in section 1.61 of the Revised Code.
2. Any person who engages in coal mining and reclamation operations, as defined in division (B) of Section 1513.01 of the Ohio Revised Code, or surface mining, as defined in division (A) of Section 1514.01 of the Ohio Revised Code, is exempt from the provisions of this Resolution if the noise is attributed to coal mining and reclamation or surface mining activities.
3. Noise resulting 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 is exempt from the provisions of this Resolution.

G. CIVIL ACTION

Pursuant to division (F) of section 505.172 of the Ohio Revised Code, any person aggrieved by another person's violation of this Resolution may seek in a civil action a declaratory judgment, an injunction, or other appropriate relief against the other person for committing an act or practice that violates this Resolution. In addition, the Board may also seek in a civil action an injunction against each person that commits an act or practice that violates this Resolution. A court involved in any civil action concerning a violation of this Resolution may award to the prevailing party reasonable attorneys' fees limited to the work reasonably performed.

H. NOTICE

Signs conforming to ORC Section 4511.09, giving notice of these regulations, shall be posted as provided R.C. 4513.221(D).

Notice of adoption of this resolution (a) shall be posted by the Township Fiscal Officer in five conspicuous public places in the township for thirty (30) days before becoming effective, and (b) shall be published in a newspaper of general circulation in the township, as provided in Ohio Revised Code 505.17(B)(1).

Motion by: Rich Harkins Seconded by: Marvin McBride

Vote: Steve Gerberry - Yes Rich Harkins - Yes Marvin McBride - Vote

Motion Carried