

**BATAVIA TOWNSHIP BOARD OF TRUSTEES
CLERMONT COUNTY, OHIO**

**RESOLUTION
11-03-2017**

**RESOLUTION PROHIBITING EXCESSIVE NOISE IN THE TOWNSHIP
(O.R.C. 505.172)**

Whereas, the prohibition of excessive noise and sound is necessary to insure to the citizens of Batavia Township the quite enjoyment of their homes;

NOW, THEREFORE BE IT RESOLVED, by the Board of Township Trustees of Batavia Township Ohio:

Section 1. "Property" is defined for purposes of this Resolution to be any premises to which a D permit has been issued by the Ohio Division of Liquor Control or property that is within an area zoned E-R, R-1, R-3, or PD by the Batavia Township Zoning Resolution.

Section 2. No person, firm or corporation shall operate, cause to be operated, or permit to be operated on any Property any radio, phonograph, television, tape player, loud speaker, or any other instrument, machine, or device in such a manner and to be of such intensity and duration as to create unreasonable noise or loud sound and which causes inconvenience and annoyance to persons of ordinary sensibilities. It shall be prima facie unlawful for a person, firm, or corporation to operate, cause to operated, or permit to be generated sound by the above described devices or by any other means under the following circumstances:

- A. No person, firm or corporation by any means, shall between the hours of 11:00 p.m. and 7:00 a.m. make, resume, continue, cause or permit to be generated on any Property any noise of such a character, intensity, and duration as to unreasonably disturb the peace and quiet of the community or to be detrimental to the life or health of any individuals.
- B. Any construction work on Property within hearing distance of property used for residential purposes shall only take place between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturday and between the hours of 11:00 a.m. and 5:00 p.m. on Sunday.
"Construction work" shall be defined as any type of work which requires a building permit. This Resolution shall not apply to any construction work performed by the Township for the health, safety and welfare of the people of Batavia Township.

Section 3. In determining whether a noise is of such character as to unreasonably disturb the peace and quiet of the community, a court shall consider the following factors:

1. Complaints of neighbors regarding the noise;
2. The time of day at which the noise takes place;
3. The intensity and duration of the noise;
4. The type of noise produced;
5. The alternate means available without excessive noise.

Section 4. It shall be presumed to be a violation of this Resolution if notice to cease and desist producing a noise has been given to any person and that person continues to make, cause, or permit a noise of similar intensity and duration.

Section 5. The following uses and activities shall be exempt from noise level regulations:

1. Noises of safety signals, warning devices, and emergency pressure relief valves.
2. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
3. Noise resulting from any work made necessary to restore property to a safe condition or work required to protect persons or property from an imminent exposure to danger.
4. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Township.
5. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction.
6. Noise resulting from the normal use of churches, schools, football, baseball and soccer fields and publicly owned parks.

Section 6. For the purpose of this Resolution, a request to cease and desist means actual notice of the disturbance by any officer or Township official to the offender or to an employee or representative of the offender. Once such a request to cease and desist is made, it shall continue to be effective for the purposes of this Resolution beyond the immediate time period in which it is given, and is effective even if the noise disturbs persons other than the person who make the request to desist.

Section 7.

- A. Whoever violates this Resolution is guilty of a minor misdemeanor pursuant to ORC 505.172 (D).
- B. Any person allegedly aggrieved by another person's violation of this Resolution may seek civil relief pursuant to ORC 505.172(E).
- C. This Resolution is not intended to regulate engine noise of motor vehicles, which may be regulated pursuant to Section 505.17 ORC.


Mr. Dowdney moved to adopt, seconded by: Mr Perry
all yes via poll vote. *JP*

Section 8. This Resolution shall take effect on the earliest date allowed by law.

ADOPTED: November 11, 2017


BOARD OF TRUSTEES
BATAVIA TOWNSHIP


James Sauls, Jr.


Bill Dowdney


Randy Perry

ATTEST:


Fiscal Officer
Jennifer Haley