

BOARD OF TRUSTEES  
EDWIN H. HUMPHREY  
JOSEPH W. UECKER  
MARY MAKLEY WOLFF

CLERK  
ERIC C. FERRY

ADMINISTRATOR  
DAVID D. DUCKWORTH



## MIAMI TOWNSHIP

5900 MCPICKEN DRIVE – MILFORD, OH 45150-4905

ADMINISTRATION  
248-3725  
248-3730 (FAX)  
COMMUNITY DEVELOPMENT  
248-3731  
SERVICE DEPARTMENT  
248-3728  
POLICE DEPARTMENT  
248-3721  
FIRE / EMS  
248-3700  
PARKS / RECREATION  
248-3725

### RESOLUTION 2003 - 48

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Building on December 2, 2003 with the following members present: Mary Makley Wolff, Edwin H. Humphrey and Joseph W. Uecker.

Mr. Humphrey made a motion to adopt the following Resolution:

#### **RESOLUTION AMENDING RESOLUTION 2003-25, DISPENSING WITH THE SECOND READING**

WHEREAS, the Board of Trustees ("Board") has previously adopted a Resolution establishing standards for noise; and

WHEREAS, the Board desires to amend Resolution 2003-25.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio by authority of Chapter 504 of the Ohio Revised Code, as follows:

SECTION 1: That Resolution 2003-25, Section 3, be amended as follows (*changes bolded*):

"The provisions of this **Resolution** 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 **Resolution** do not apply to the noise made by a horn, siren or other warning device required or permitted by state law. **Furthermore, the provisions of this Resolution shall not apply to the noise made by any motorized equipment that that is used in the reasonable performance of the usual and customary maintenance activity of parks and recreation facilities, schools, churches, cemeteries and golf courses.**

SECTION 2: The Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.

SECTION 3: That this Board 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.

SECTION 4: This Resolution shall take effect at the earliest period allowed by law.

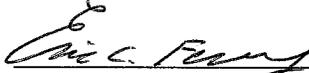
First Reading: December 2, 2003  
Second Reading: Dispensed with  
Effective: January 1, 2004

Mr. Uecker seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

Mrs. Wolff	<u>AYE</u>
Mr. Humphrey	<u>AYE</u>
Mr. Uecker	<u>AYE</u>

Resolution 2003-48 adopted December 2, 2003.

ATTEST:

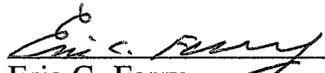
  
Eric C. Ferry, Clerk

APPROVED AS TO FORM:

  
John C. Korfhagen,  
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Clerk of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.

  
Eric C. Ferry  
Clerk, Miami Township

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### RESOLUTION 2003-25 (amended)

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Building on June 17, 2003 with the following members present: Mary Makley Wolff, Edwin H. Humphrey and Joseph W. Uecker.

Mr. Humphrey made a motion to adopt the following Resolution:

#### RESOLUTION ESTABLISHING STANDARDS FOR NOISE

WHEREAS, the Board of Trustees of Miami Township (“the Board”) have received numerous complaints regarding noise in Miami Township; and

WHEREAS, the Board is empowered by Ohio Revised Code Section 504.04 to exercise all powers of local government not in conflict with general law of the State and to establish local police, sanitary and other regulations; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio by authority of Chapter 504 of the Ohio Revised Code, as follows:

SECTION 1: 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. It is prima facie unlawful for a person to generate or permit to be generated sound by the above described devices or instruments in the following circumstances:

- (1) On all property or where the sound is plainly audible 150 feet from the device generating the sound.
- (2) On a street, highway or in the public right-of-way where the sound is plainly audible 150 feet from the device generating the sound. Persons in possession of a current public assemblages permit are exempt from the provisions of this subsection.

SECTION 2: No person, being the owner, or person in possession of a premises or person in control of the premises by reason of employment, agency or otherwise whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.

SECTION 3: The provisions of this Resolution 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 Resolution do not apply to the noise made by a horn, siren or other warning device required or permitted by state law. Furthermore, the provisions of this Resolution shall not apply to the noise made by any motorized equipment that that is used in the reasonable performance of the usual and customary maintenance activity of parks and recreation facilities, schools, churches, cemeteries and golf courses.

SECTION 4: Any and all complaints under this section shall be made in writing and signed by the complainant or law enforcement officer.

SECTION 5: As used in this section, PLAINLY AUDIBLE means any sound produced by a live performance, radio, phonograph, television, tape player, compact disc player, loudspeaker, or any other sound amplifying device, 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 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.

SECTION 6: 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; 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.

SECTION 7: That the fine imposed for violation of this Resolution be set at \$100 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation.

SECTION 8: That this 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.

SECTION 9: This Resolution shall take effect at the earliest period allowed by law.

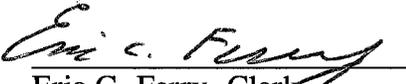
First Reading: June 3, 2003  
Second Reading: June 17, 2003  
Effective: July 17, 2003

Mr. Humphrey seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

Mrs. Wolff	<u>AYE</u>
Mr. Humphrey	<u>AYE</u>
Mr. Uecker	<u>AYE</u>

Resolution 2003 - 25 adopted June 17, 2003

ATTEST:

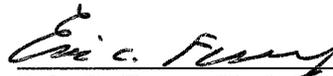
  
Eric C. Ferry, Clerk

APPROVED AS TO FORM:

  
John C. Korfhagen,  
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Clerk of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.

  
Eric C. Ferry, Clerk