

**CARLISLE TOWNSHIP
Lorain County, OH
RESOLUTION NO. 2009-14**

IN THE MATTER OF ADOPTING A RESOLUTION AMENDING RESOLUTION NO. 2002-40 TO REGULATE NOISE WITHIN THE UNINCORPORATED TERRITORY OF CARLISLE TOWNSHIP PURSUANT TO OHIO REVISED CODE SECTION 505.172:

Be it resolved by the Board of Trustees of Carlisle Township, Lorain County, OH, that:

Trustee _____ moved to adopt the following:

WHEREAS; Section 505.172 of the Ohio Revised Code authorizes a board of township trustees to adopt regulations and orders that are necessary to control noise within the unincorporated territory of the township that is generated at any premises to which a D permit has been issued by the division of liquor control or that is generated within any area zoned for residential use.

WHEREAS, it is the opinion of this Carlisle Township Board of Trustees that unnecessary noise in residential areas of this township is detrimental to the public health and safety and constitutes a public nuisance, and

WHEREAS, this Board of Trustees also recognizes that certain levels of noise are unavoidable, and

WHEREAS; it is the opinion of this Board of Trustees that the elimination of noise beyond that which is essential to everyday living is beneficial to all residents of this Township and

WHEREAS; it is the intent of this Resolution to prohibit noise that is unnecessary in residential areas of this township, and

NOW THEREFORE BE IT RESOLVED No person in the unincorporated territory of Carlisle Township and no landowner or lawful occupant of land shall permit at any premises to which a D permit has been issued by the division of liquor control or that is zoned for residential use, the making of any noise or sound, 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 and not a resident of the property from which the noise or sound emanates. The following noises or sounds, which constitute a non-exclusive list, are in violation of this Resolution:

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 disabled persons when a dog serves as a guide or leader.

Whoever violates any regulation or order adopted under Res. 2002-40 as amended herein, is guilty of a misdemeanor of the second degree. Fines levied and collected under this section shall be paid into the township general revenue fund.

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of Board of Trustees of Carlisle Township concerning and relating to the adoption of this resolution were adopted in an open meeting of the Carlisle Township Board of Trustees, and that all deliberations of the Board of Trustees and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of Ohio.

Seconded by Trustee _____, vote resulted as follows:

Trustee Berry A. Taylor _____ Trustee Robert C. White _____ Trustee James L. Wright _____

Adopted on this _____ day of _____ 2009.

Carlisle Township Board of Trustees:

Robert C. White, Chairman

Berry A. Taylor, Trustee

James L. Wright, Trustee

Attested: _____
Marlene Thompson, Fiscal Officer

APPROVED AS TO FORM:

Law Director

Date

First Reading _____
Second Reading _____
Passed _____