



COPY

KENNETH C. PRECHTEL
440/323-7355

JAMES L. WRIGHT
440/458-5055

BERRY A. TAYLOR
440/458-6934

CARLISLE TOWNSHIP

RESOLUTION 2002-40

A RESOLUTION TO SUPPORT A NOISE DISTURBANCE REGULATION FOR THE RESIDENTS OF CARLISLE TOWNSHIP.

NOISE DISTURBANCES:

1. No person shall unreasonably make or continue, cause to be made or continued, or permit any noise disturbance.
2. As used in this section, "noise" means any sound which annoys or disturbs persons or which causes or tends to cause an adverse psychological effect on persons. "Noise disturbance" means any sound which:
 - A. Endangers or injures the safety or health of persons or animals
 - B. Annoys or disturbs a reasonable person of normal sensibilities
 - C. Endangers or injures personal or real property
3. The following acts, and the causing or permitting thereof, are hereby declared to be violations of this section, but such enumerations are neither deemed to be exclusive of nor limited to:
 - A. Radios, television sets, musical instruments, and similar devices which produce, reproduce, or amplify sound in such a manner or which such volume as to annoy or disturb the peace, quiet, comfort, or repose of persons where such noise is plainly audible from 12:00 p.m. midnight until 8:00 a. m. For the purpose of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses, however, words or phrases need not be discernible and said sound shall include bass reverberation.
 - B. Radios and sound-producing devices such as "boom boxes". No person shall play any radio, music player such as a "boom box", tape cassette, disc player, television, audio system, musical instrument or any other type of sound device upon any public road, street, highway or private property within the Township in a manner or at a volume as to disturb the peace, comfort or repose of other persons. An exception is made for organized events.

2.

- C. No person shall play any radio, music player such as "boom box", tape cassette, disc player, television, audio system, musical instrument or any other type of sound device in a manner or at a volume as to disturb the peace, quiet, comfort, or repose of neighboring inhabitants or at a volume which is plainly audible to persons other than those who are in the room in which such device or instrument is played and who are voluntary listeners thereto.**
- D. No person shall play any radio, music player, or audio system in a motor vehicle at such a volume as to disturb the peace, quiet, comfort, or repose of other persons or at a volume, which is plainly audible to persons other than the occupants of said vehicle.**
- E. This section shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or to the emission of sound in the performance or emergency work. Non-commercial public speaking and public assembly activities conducted on any public space or public right of way are also exempt from this regulation.**
- F. Whoever willfully or knowingly violates any of the provisions of this regulation for which no penalty is otherwise provided, is guilty of minor misdemeanor. Whoever willfully or knowingly persists in violating any of the provisions of this regulation, for which no penalty is otherwise provided, is guilty of misdemeanor of the fourth degree. A separate offense shall be deemed committed each day, or part thereof, during or on which a violation occurs or continues:**
- 1. Whoever violates the paragraph A., B., C., or D., hereof shall upon a first offense, be fined one hundred (\$100.00), which fine shall not be suspended, waived, or otherwise reduced below that amount. In addition, the equipment or device used in the commission of violation of paragraph A., B., C., or D. hereof may be seized and held as evidence. After disposition of any charges there under, said equipment of devices shall be returned to the owner thereof.**
 - 2. Whoever violates paragraph A., B., C., or D., hereof within thirty-six hours of having been warned by an officer of the law to desist from violating one of those sections is guilty of a misdemeanor of the third degree.**
 - 3. Whoever violates paragraph A., B., C., or D., hereof shall, upon subsequent offense, be fined not less than one hundred (\$100.00) and not more than five hundred (\$500.00)**

3.

4. Each day upon which a violation occurs or continues shall be a separate offense and punishable as such hereunder.

WHEREAS, The Board of Trustees of Carlisle Township, Lorain County, State of Ohio, are in agreement that a noise disturbance regulation is necessary for the well-being of the residents of this Township and

WHEREAS, The proposed noise disturbance regulation is new to address the problem for law enforcement officials in the Township,

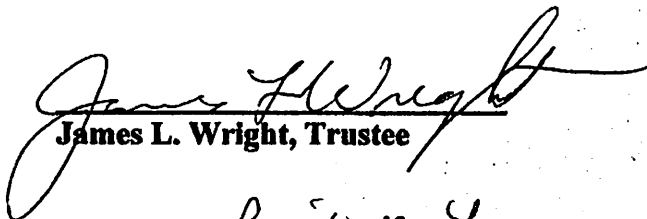
NOW, THEREFORE, BE IT RESOLVED by the Carlisle Township Trustees that the Board desires and determines to support such noise disturbance regulation, and that the Board wishes to express their support for such regulation and

BE IT FURTHER RESOLVED that it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were adopted in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code:

CARLISLE TOWNSHIP BOARD OF TRUSTEES


Berry A. Taylor, Chairperson


Kenneth C. Prechtel, Trustee


James L. Wright, Trustee

Attested: 
Linda M. Lowery, Clerk

Date: 11/18/02