

BOARD OF TOWNSHIP TRUSTEES
BATAVIA TOWNSHIP
CLERMONT COUNTY, OHIO

The Board of Township Trustees met in regular/duly called special session at 6:00 pm. this 18th day of July, 2000, with the following members present:

Danny D. Bare
James H. Bushman
Deborah Clepper

Mr. Bushman, introduced the following resolution and moved its passage:

RESOLUTION NO. 7-2-2000

RESOLUTION TO CONTROL NOISE IN THE OPERATION
OF RADIOS OR OTHER SOUND GENERATING DEVICES
OR INSTRUMENTS IN OR ON VEHICLES

WHEREAS, this Board believes that for the general health, safety and welfare of the citizens of Batavia Township, Clermont County, Ohio, it is appropriate to adopt regulations necessary to control noise that is generated by certain sources within areas of Batavia Township zoned for residential use: now, therefore,

BE IT RESOLVED that the Board of Township Trustees of Batavia Township hereby adopts the following regulations:

- (A) It is unlawful for any person operating, occupying, or being on or about a motor vehicle within any area zoned for residential use within Batavia Township to operate a radio, tape player or other sound-generating device or instrument from within or upon the motor vehicle so that the sound generated thereby is plainly audible at a distance of one hundred (100) feet or more from the motor vehicle.
- (B) The provisions of these regulations shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties, nor to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedure.
- (C) The provisions of these regulations do not apply to the noise made by a motor vehicle horn or other warning device required or permitted by state law.
- (D) "Plainly audible," as used herein, means any sound that can be clearly heard by a person using his or her normal hearing faculties at a distance of one hundred (100) feet or more from the motor vehicle associated with that sound.
- (E) The following standards shall apply with respect to enforcement of these regulations:

- (1) The person hearing the sound must have a direct line of sight and hearing to the motor vehicle associated with the sound so that he or she can readily identify the source of the sound and determine his or her distance from that source.
- (2) The identity of particular words or phrases being produced or the name of any song, or artist producing the sound, need not be ascertained.
- (F) The motor vehicle associated with production of the sound must be located (stopped, standing or moving) within an area zoned for residential use.
- (G) 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.

For the purpose of this Resolution, a request to desist means actual notice of the disturbance by a police officer, sheriff's deputy or Township official to the offender or to an employee or representative of the offender. Once such a request to 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 makes the request to desist.

- (H) Anyone who violates these regulations is guilty of a minor misdemeanor, Fines levied and collected by virtue of any such violation shall be paid into Batavia Township's general Revenue Fund.

BE IT FURTHER RESOLVED, that this resolution shall take effect on the thirtieth (30th) day after its passage.

BE IT FURTHER RESOLVED, that this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

Mrs. Clepper seconded the Motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mr. Bare yes

Mrs. Clepper yes

Mr. Bushman yes

CERTIFICATION

The undersigned, duly elected and acting Township Clerk of Batavia Township, Clermont County, Ohio, hereby certifies that the foregoing is a true copy of a resolution duly passed at a

regular/duly called special meeting of the Board of Township Trustees of said Township on the 18th day of July, 2000, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 18th day of July, 2000.



Rex Parson, Township Clerk