

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 7:00 p.m., on the 11th day of February, 2020, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Raj Rajagopal, Dan Unger, Matt Wahlert

Mr. Wahlert introduced the following resolution and moved its adoption:

RESOLUTION NO. 6 -20

AMENDMENT TO RESOLUTION NO. 9-03 FOR CONTROL OF NOISE

WHEREAS, the Board of Trustees of Colerain Township, Hamilton County, Ohio, passed Resolution No. 9-03: Resolution for Control of Noise, on January 28, 2003, controlling various noise and sound amplification devices within Colerain Township; and

WHEREAS, the Board of Trustees of Colerain Township has determined that excessively loud noise in areas within Colerain Township constitutes a nuisance and is detrimental to the public health, welfare, safety, and quality of life within Colerain Township; and

WHEREAS, the Board of Trustees of Colerain Township desires to expand the current types of noise regulated; and

WHEREAS, the Board of Trustees of Colerain Township desires to provide to its residents a mechanism to obtain a permit to temporarily suspend the enforcement of this resolution in very limited circumstances; and

WHEREAS, Ohio Revised Code §504.04 provides for the exercise of all powers of local self-government within the unincorporated area of the township ; and

WHEREAS, Ohio Revised Code §505.172 authorizes Boards 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 areas zoned for residential use; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. The Board specifically finds and hereby determines noise and sound levels occurring between 11:00pm and 7:00am from construction equipment, lawn/landscaping equipment, vehicle repair equipment and general noise generated from gatherings or parties are detrimental to the public health, welfare, safety and quality of life within Colerain Township.

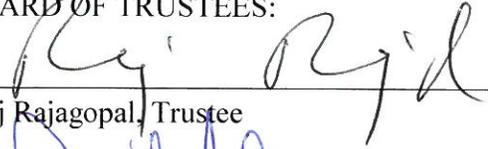
2. That the Colerain Township Board of Trustees also finds that the issuance of permits, to temporarily suspend the enforcement of the Colerain Township Noise Resolution is necessary to allow the citizens of Colerain Township to engage in certain activities.
3. Residents or businesses wishing to obtain an eight (8) hour permit may petition the Colerain Township Board of Trustees by completing a permit application. The application will include the date, time, location and types of noise involved as well as the petitioner's name and address. Should a majority of the board approve of the permit, an eight (8) hour permit shall be issued by the Police Department.
4. No address in an area zoned residential shall be issued more than 4 permits in one calendar year. Establishments that have been issued a D permit by the Division of Liquor Control may have no more than 4 permits within any calendar year.
5. Businesses to which a D permit has been issued by the Division of Liquor Control may obtain a "blanket" permit that suspends this resolution between the dates of May 1 and October 1. Any business to which a D permit has been issued by the Division of Liquor Control issued this permit would also be permitted to have an additional (3) permits in the calendar year.
6. All permits are (8) hour permits and expire at 11:59pm on the date of the permit. All "blanket" permits expire at 11:59pm on each day during the period covered by the permit. No permit will allow violation of the resolution after 12:00am on any day.
7. That Resolution No. 9-03 is hereby readopted in its entirety with the addition of the standards set forth herein.
8. Whoever violates this Resolution shall be subject to a fine of \$500.00.
9. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and
10. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.
11. That this Resolution shall be effective at the earliest date allowed by law.

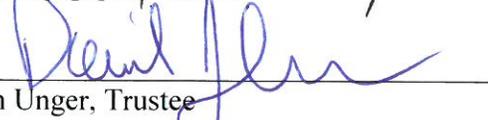
Mr. Unger seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

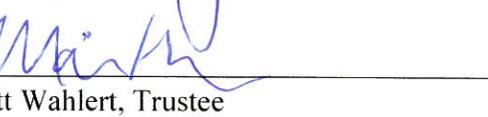
Vote Record: Mr. Rajagopal aye, Mr. Unger aye, Ms. Wahlert aye

ADOPTED this 11th day of February, 2020.

BOARD OF TRUSTEES:


Raj Rajagopal, Trustee

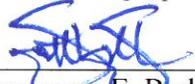
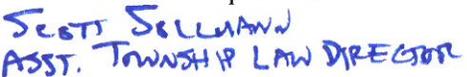

Dan Unger, Trustee


Matt Wahlert, Trustee

ATTEST:


Heather E. Harlow,
Fiscal Officer

Resolution prepared by and approved as to form:


Lawrence E. Barbieri (0027106)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200
Colerain Township Law Director

ASST. TOWNSHIP LAW DIRECTOR

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 11th day of February, 2020.


Heather E. Harlow,
Colerain Township Fiscal Officer