

Post: Beginning November 21, 2008,
for fifteen days

RESOLUTION NO. 08-1120-07

**A HOME RULE RESOLUTION REGARDING
NOISE AND DECLARING AN EMERGENCY**

WHEREAS, by virtue of passage of Resolution No. 03-0918-18, effective October 19, 2003, this Board of Township Trustees ("Board") adopted limited home rule government for Anderson Township ("Township");

WHEREAS, this Board has long recognized that noise can create a nuisance that may adversely affect adjacent or neighboring property owners or persons, and when a nuisance is created, the peace, health, safety, and welfare of Township residents are threatened and adversely affected;

WHEREAS, Revised Code Section 504.05 authorizes the Board to impose civil fines up to \$1,000.00 for violation of a resolution adopted pursuant to Chapter 504 of the Revised Code, which fines may be graduated based upon prior violations; now, therefore,

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

SECTION 1. This resolution is passed in the exercise of this Board's limited home rule powers under Chapter 504 of the Revised Code.

SECTION 2. The preambles hereto are incorporated herein and shall for all purposes be construed as integral and operative parts of this resolution.

SECTION 3. That the following regulation is hereby adopted by this Board:

No person shall engage in any excavation, construction, exterior building repair or renovation, site maintenance (excluding the use of snow blowers or snow plows during inclement weather) between the consecutive hours of 11:00 p.m. and 7 a.m. local time. "Construction" shall mean any type of work which requires a building permit. The following uses and activities shall be exempt from this regulation: noises resulting from any emergency work made necessary to restore property to a safe condition or work required to protect persons or property from exposure to imminent danger.

Whoever violates this resolution and regulation is guilty of generating unreasonable noise and shall be fined \$100.00 for the first offense; \$500.00 for the second offense within one year; and \$1000.00 for the third offense within one year and for each and every offense thereafter.

SECTION 4. None of the provisions in Section 3, above, are intended to limit or prohibit application of Section 505.172 of the Ohio Revised Code.

SECTION 5. This Board upon majority vote hereby dispenses with the requirement that this resolution be read on two separate days, pursuant to Section 504.10 of the Revised Code, and authorizes the passage of this resolution upon its first reading.

SECTION 6. If passed by a unanimous vote, pursuant to Revised Code Section 504.11(B), this resolution shall take effect immediately; and shall be posted for fifteen days in five of the most public places in the Township, as previously determined by the Trustees, which posting is hereby ordered. If passed by a majority vote then this resolution shall take effect thirty days after filing with the Fiscal Officer, and shall be posted for fifteen days in five of the most public places in the Township, as previously determined by this Board, which posting is hereby ordered.

SECTION 7. 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) Section 121.22 of the Revised Code, except as otherwise permitted thereby.

SECTION 8. This resolution is declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the Township, and for the further reason that the Township requires the elimination of excessive noise within the Township immediately.

INTRODUCTION AND VOTE RECORD: Mr. Jackson introduced the foregoing resolution and moved its passage. Mrs. Reis seconded the motion. The roll being called by the Fiscal Officer upon the question of passage of the resolution, the vote resulted as follows:

Mr. Peter _____yes_____ Mrs. Reis ____yes____ Mr. Jackson _____yes_____

PASSED at the regular meeting of the Board of Township Trustees this 20th day of November, 2008.

AUTHENTICATION

The undersigned, duly elected and acting Township Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 20th day of November, 2008, 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 20th day of November , 2008.

Kenneth G. Dietz
Township Fiscal Officer

CERTIFICATE OF POSTING

I, Kenneth G. Dietz, Fiscal Officer of Anderson Township, Hamilton County, Ohio, do hereby certify that in accordance with Section 731.25 of the Revised Code, the attached Resolution was posted in accordance with its terms, beginning on November 20, 2008.

This 20th day of November , 2008.

Kenneth G. Dietz
Township Fiscal Officer