

Resolution 8-2025

Board of Township Trustees Brown Township Franklin County, Ohio July 21, 2025

The Board of Township Trustees of Brown Township, Franklin County, Ohio, met in regular session on this 2^{1st} day of July 2025, at the Brown Township Administrative Building, 2491 Walker Road, Hilliard, Ohio 43026, with the following members present:

Joseph Martin, Chair
Pamela Sayre, Vice-Chair
Peter Marsh, Trustee

Becky Kent, Fiscal Officer

Trustee Sayre moved the adoption of the following Resolution:

WHEREAS, the Board of Trustees of Brown Township, Ohio acknowledges certain levels of noise are unavoidable and to be expected in everyday commercial, recreational and other social pursuits; and

WHEREAS, however, unnecessary, unreasonable, and harmful noise, coming from areas zoned for residential use or where a D liquor license has been issued in the unincorporated area of the Township, are detrimental to public health and safety. It is a disturbance to the quiet enjoyment of property constituting a public nuisance; and

WHEREAS, the Board of Trustees believes the elimination of noise beyond that which is essential, reasonable or otherwise acceptable as part of everyday living is beneficial to all residents of the township and to the community and quality of life as a whole; and

WHEREAS, R.C. 505.172 authorizes a board of 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.

BE IT RESOLVED by the *Board of Trustees* of Brown Township, Franklin County Ohio:

SECTION 1: The Board of Trustee of Brown Township hereby creates, establishes, and adopts the followings regulations to control noise in the unincorporated area of the Township:

A. DEFINITIONS

Plainly Audible - As used in this Resolution, plainly audible means any noise or sound produced by any source that can be clearly heard by a person using normal hearing faculties.

B. CERTAIN NOISE PROHIBITED

No landowner or lawful occupant of land in the unincorporated territory of Brown Township 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 between the hours of 11pm and 7am. The noise or sound must be plainly audible at a distance of three hundred (300) feet or more from the property line from which the noise emanates.

C. EXAMPLES OF NOISES

The following noises or sounds, which constitute a non-exclusive list, are considered a violation of this Resolution:

1. Horns or other signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any public street or public place; for any unnecessary and unreasonable length of time. This shall not apply to the use of any such signaling device as a warning of danger.
2. Radios and other related sound producing devices. The use or operation of any radio, television, loudspeaker, or any other machine or device for the producing or reproducing of sound or amplifying sound with louder volume that is necessary for convenient hearing for the person or persons who are in the room, vehicle, or on the property in which such machine or device is operated and who are voluntary listeners thereto.
3. Musical Instruments. The use of any drum or other musical instrument or device with or without electronic amplification.
4. Internal Combustion Engines or Other Power Equipment. The operation of any internal combustion engine or other piece of power equipment excluding power mowers, trimmers, generators (during power outages), chainsaws, or tillers.

D. EVIDENCE

It shall be a prima facie violation of division (B) of this Resolution when the noise can be heard at a distance of three hundred (300) feet or more from the property line where the noise or sound emanates.

E. NOISE FROM MOTOR VEHICLES

No person while operating or occupying a motor vehicle within the unincorporated territory of Brown Township within any area zoned for residential use, or at any premises to which a D permit has been issued by the division of liquor control, shall operate or amplify the noise or sound produced by a radio or other sound making device or instrument from within the motor vehicle so that the noise or sound is plainly audible at a distance of three hundred (300) feet or more from the motor vehicle.

F. EXCEPTIONS

The provisions of this resolution shall not apply to:

1. Any law enforcement motor vehicle equipped with any communication device necessary for the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary for the performance of any emergency procedures.
2. The noise or sound made by a horn or other warning device required or permitted by state law, when used in accordance with state law.
3. Any person engaging in activities described in R.C. 1.61 (Titled: agriculture defined) if the noise is attributed to an activity described in R.C. 1.61.
4. Any person who engages in coal mining and reclamation operations, as defined in R.C. 1513.01(B), or surface mining, as defined R.C. 1514.01(A) if the noise is attributed to coal mining and reclamation or surface mining activities
5. Noise resulting from the drilling, completion, operation, maintenance, or construction of any crude oil or natural gas wells or pipelines or any appurtenances to those wells or pipelines or from the distribution, transportation, gathering, or storage of crude oil or natural gas.
5. Incidental noise such is made by construction operations, repairs, or maintenance of houses or yards.
6. Noise resulting from organized school-related events such as sporting events, parades or other school-sanctioned programs.
7. Noise resulting from permitted hunting and trapping by individuals, on designated public hunting lands, or having the written permission of a private landowner, with the proper license required by the Ohio Department of Natural Resources is exempt from the provisions of this resolution.
8. Noise resulting from civic and neighborhood events that are authorized by the Board of Trustees, such as block parties and church-sponsored events. This exemption shall be in place only during the approved hours of the event.

G. LAW ENFORCEMENT DETERMINATION OF SOURCE

Any law enforcement personnel who hears a sound that is plainly audible as defined herein shall be entitled to measure the sound according to the following standards:

1. The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any mechanical device.
2. Regarding division (E) of this Resolution, the officer must have a direct line of sight and hearing to the motor vehicle producing the noise or sound so that he/she can readily identify the offending motor vehicle, and the distance involved.
3. The officer need not determine any particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a noise, sound, or rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.
4. Any motor vehicle from which the sound is produced must be located (stopped, standing, or moving) within the unincorporated area of the township in an area zoned for residential use or on any premises to which the division of liquor control has issued a D permit. Parking lots and driveways are included.

H. PENALTY

Pursuant R.C. 505.172(D), whosoever violates this Resolution shall be guilty of a misdemeanor of the second degree. Fines levied and collected pursuant to this Resolution shall be paid into the township general revenue fund.

I. PRIVATE CIVIL ACTION

Pursuant R.C. 505.172(F), any person aggrieved by another person's violation of this regulation may seek in a civil action a declaratory judgment, an injunction, or other appropriate relief against the other person for committing an act or practice that violates this Resolution

Pursuant R.C. 505.172(F), the Board of Trustees may seek in a civil action an injunction against any person that commits an act or practice that violates that regulation or order. The court involved in a civil action referred to in this division may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

SECTION 2: It is 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 of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, R.C. 121.22.

SECTION 3: This Resolution shall take effect at the earliest time allowed by law.

Adopted: 7/21/25

BOARD OF TRUSTEES
BROWN TOWNSHIP,
FRANKLIN COUNTY

ATTEST:



Fiscal Officer



Joseph Martin, Chair



Pamela Sayre, Vice-Chair



Peter Marsh, Trustee