

RESOLUTION No. 10-01-17

A RESOLUTION TO AMEND THE CANTON TOWNSHIP NOISE RESOLUTION WITHIN ALL RESIDENTIALLY ZONED AREAS AND UPON ANY PREMISES TO WHICH A "D" LIQUOR PERMIT HAS BEEN ISSUED WITHIN THE UNINCORPORATED AREAS OF CANTON TOWNSHIP, STARK COUNTY

The Board of Trustees of Canton Township, Stark County, Ohio met in regular session on the 3rd day of October, 2017, with the following members present:

Christopher B. Nichols

William G. Mittas

Mark R. Shaffer

Trustee Nichols moved the adoption of the following resolution:

WHEREAS, Ohio Revised Code Sections 505.172 permits a township board of trustees to adopt a noise control resolution 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

WHEREAS, the Board previously adopted Resolution 07-01-10, 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

WHEREAS, law enforcement officers and residents have requested revisions to the Canton Township Noise Resolutions; and

NOW THEREFORE BE IT RESOLVED that the Board of Trustees for Canton Township, Stark County, pursuant to the express authority of ORC 505.172 does hereby adopt and amend the following

NOISE CONTROL RESOLUTION:

(A) No person shall make, cause, suffer, allow or permit to be made within the

unincorporated territory of the township that is generated from 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, any unreasonably loud, disturbing, and unnecessary noise or noises of such character, intensity or duration as to be detrimental to the life, health and right to peace and enjoyment of any individual.

(B) No person who is the owner, lessee, or occupant, or who has custody, control, or supervision, of premises or real estate, including vacant land, shall knowingly permit the premises or real estate, including vacant land, to be used for the commission of a violation of this Noise Control Resolution by another person.

(C) Loud, disturbing and unnecessary noises in violation of this section shall include, but are not limited to, the following:

1. Sounding any horn, bell, signal or other warning device on any motor vehicle or equipment, except as a danger or warning signal.
2. Playing music, amplifying sound, radio, music player, television, audio system or musical instrument in such a manner as to annoy or disturb the peace and quiet, comfort, or repose of neighboring inhabitants or those to whom the noise is audible within one hundred fifty (150) feet of the sound source, having due regard for the proximity of places of residence, hospital, or other residential institutions and to any other conditions affected by such noise or at a volume which is audible or within one hundred fifty (150) feet of the sound source or to persons other than those who are in the vehicle, structure, or room in which such device or instrument is played and are voluntary listeners thereof.
3. Making any unnecessary or unseemly noise by a person or by operation of any instrument, device, agency, or vehicle within one hundred fifty (150) feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, aged, or infirm, or any school, courthouse, church, or building in which religious services are held, and during school hours, court hours, or worship periods.
4. Operating any internal combustion engine, lawn or grounds maintenance equipment, or similar power equipment, between the hours of 10:00 p.m. and 7:00 a.m.

BE IT FURTHER RESOLVED, pursuant to the specific authority of RC 505.172(E) that whoever violates this Resolution is guilty of a misdemeanor of the second degree (M2) and that the fines levied and collected under this section shall be paid into the Canton Township general fund.

BE IT FURTHER RESOLVED, that when the offender (person upon whom the citation is served) is not the owner of the premises upon which the offense occurred NOTICE of the citation shall also be served upon the owner of the real property at the Owner's last known address by

personal service, certified mail service with return receipt requested or by posting a copy of the citation on the premises.

BE IT FURTHER RESOLVED, that nothing in this NOISE CONTROL RESOLUTION shall be construed or interpreted in any manner against the creation of common noises during Canton Local School's sporting events held at the Canton South High School Stadium and other Canton Local School's sporting venues.

BE IT FURTHER RESOLVED, that the Canton Township Resolution controlling BARKING DOGS, Resolution 06-01-08, shall remain in effect and shall not be affected by this Resolution.

Trustee Mittas seconded the motion and

Upon a roll call the vote resulted as follows:

Mr. Nichols YES

Mr. Mittas YES

Mr. Shaffer YES

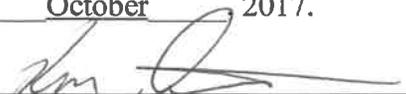
ADOPTED: October 3, 2017.

CERTIFICATE OF CLERK

STATE OF OHIO)
) SS:
COUNTY OF STARK)

I, Ron Smith, Fiscal Officer and Clerk of the Board of Trustees of Canton Township, Stark County, Ohio, in whose custody and control the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution now on file, and that the foregoing has been compared by me with said original Resolution, and that the same is a true and correct copy thereof.

WITNESS my signature this 4th day of October 2017.



Ron Smith, Fiscal Officer and Clerk

of the Board of Trustees of

Canton Township, Stark County, Ohio

Approved as to form and legal sufficiency by Charles D. Hall III, Additional Legal Counsel, Canton Township, Stark County, Ohio.



Charles D. Hall III (#0017316)
Additional Legal Counsel –Canton
Township Board of Trustees, Stark County,
Ohio