

RESOLUTION NO. _____

**A RESOLUTION TO REGULATE NOISE WITHIN THE UNINCORPORATED
TERRITORY OF PERRY TOWNSHIP, STARK COUNTY, OHIO,
PURSUANT TO R.C. 505.172**

RECITALS

WHEREAS, this date, October 21, 2025, Trustee Miller moved to adopt the following Resolution:

WHEREAS, the Board of Trustees of Perry Township, Stark County, Ohio (the "Board") necessarily acknowledges that certain levels of noise are unavoidable and to be expected in everyday commercial, residential, recreational and other social pursuits; and

WHEREAS, it is the judgment of the Board, however, that unnecessary, unreasonable and harmful noise in residential areas of the township, and those areas where a D liquor license is applicable, is detrimental to the public health and safety, and it is a disturbance to the quiet enjoyment of property constituting a public nuisance; and

WHEREAS, it is further the judgment of the Board that 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, it is declared the intent of this Resolution to regulate and prohibit noise that is unnecessary and unreasonable in residential areas of the township; and

WHEREAS, it is declared the intent of this Resolution to regulate and prohibit noise that is unnecessary and unreasonable in areas of the township where a D liquor license is applicable; and

WHEREAS, Revised Code Section 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 within any area zoned for residential use; and

WHEREAS, Revised Code Section 505.172 further authorizes a board of trustees to adopt regulations and orders necessary to control noise within the unincorporated territory of the township that is generated at any premises to which a D license has been issued by the division of liquor control.

NOW, THEREFORE, be it Resolved by the Board that:

REGULATIONS AND ORDERS

1. No person in the unincorporated territory of Perry Township shall make, and no landowner or lawful occupant of land shall allow or permit, at any premises that is zoned for residential use or abutting premises zoned for residential use or at any premises to which a D license has been issued by the division of liquor control, the making of any noise or sound louder than (70) decibels, 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. The noise or sound must be louder than (70) decibels from within the property line of the property of a complaining resident or from any adjacent public street, highway or right-of-way where the sound can be measured. 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.
2. In addition to the limits established in Section 1, the period between **11:00 p.m. and 7:00 a.m.** is designated as *quiet hours* in all residentially zoned areas of Perry Township and at any premises to which a D liquor license applies. During quiet hours, any noise or sound that is louder than (55) decibels from within the property line of the property of a complaining resident or from any adjacent public street, highway or right-of-way where the sound can be measured.

This restriction does not apply to emergency work, essential utility repair, authorized public events, or agricultural operations permitted under R.C. 1.61.
3. It is the intent to regulate noise under these regulations which are disturbances, when the sound level

exceeds seventy (70) decibels for one hour out of twenty-four hours outside of the quiet hours period of **11:00 p.m. and 7:00 a.m.** This shall be applied if the noise created is one cumulative hour of noise at or above seventy (70) decibels. An exception to this one-hour limitation applies in emergency situations like a power outage when residents and businesses may need to run power generators.

4. In determining whether a noise is of such character as to unreasonably disturb the peace and quiet of the neighborhood or the comfort, peace, or health of a person of ordinary sensibilities, a court shall consider the following factors: (a) complaints of neighbors regarding the noise; (b) the time of day at which the noise takes place; (c) the intensity and duration of the noise (i.e., decibel level); (d) the type of noise produced; (e) any alternative means available to eliminate the noise; and (f) any emergency.

5. The following noises or sounds, which constitute a non-exclusive list, may be considered a violation of this Resolution when they violate the prohibitions set forth in this Resolution:

a. **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; a creation by means of any such signaling unreasonably loud or harsh sound; and the sounding of any such device 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.

b. **Radios, TVs and Other Devices that Project Sound:** The use or operation of any radio, smart phone/table or other device for the projecting, producing or reproducing sound or amplifying sound with louder volume than 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.

c. **Yelling: Shouting.** Yelling, shouting, hooting, whistling, or singing.

d. **Musical Instruments.** The use of any drum or other musical instrument or device with or

without electronic amplification.

e. 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 (allowed during power outages), chain saws, or tillers during reasonable hours or emergencies.

f. Gunfire. Repeated discharging of firearms for an unreasonably long period of time under the circumstances then existing.

6. 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:

a. The primary means of detection shall be the use of Sound Level Meters to measure sound decibel levels.

b. 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 at a level greater than (70) decibels is sufficient to constitute a plainly audible sound.

c. 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 at a premises to which a D license has been issued by the division of liquor control. Parking lots and driveways are included.

7. Any person engaging in activities described in section 1.61 of the Revised Code (Titled: "Agriculture defined") is exempt from the provisions of this Resolution if the noise is attributed to an activity described in section 1.61 of the Revised Code.

8. Any person who engages in coal mining and reclamation operations, as defined in division (B) of section 1513.01 of the Revised Code, or surface mining, as defined in division (A) of section 1514.01 of the Revised Code, is exempt from the provisions of this Resolution except quiet hours if the noise is

attributed to coal mining and reclamation or surface mining activities.

9. 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 is exempt from the provisions of this Resolution except quiet hours.

10. Nothing in this Resolution shall be deemed to prohibit noise resulting from an emergency or for the performance of emergency work.

11. Noise resulting from organized school-related events such as sporting events, parades or other school sanctioned programs is exempt from the provisions of this Resolution.

12. Noise resulting from civic and neighborhood events that are authorized by the Board or its designee, such as block parties and church-sponsored events, is exempt from the provisions of this Resolution. This exemption shall only be in place during the approved hours of the event.

13. Refuse collection operations conducted between the hours of 7:00 a.m. and 11:00 p.m. shall be exempted provided that all equipment is operated in accordance with the manufacturer's specifications and all standard manufacturer's mufflers and other noise-reducing equipment are in use and in proper functioning condition.

14. Pursuant to division (E) of Section 505.172 of the Revised Code, whosoever violates the prohibitions of 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.

15. Pursuant to division (F) of section 505.172 of the Revised Code, 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. Further, the Board may seek in a civil action an injunction against any person that commits

an act or practice that violates the regulations and orders of this Resolution.

16. Pursuant to division (G) of Section 505.172, any officer of the Perry Township Police Department is authorized to issue a cease-and-desist order directed to the owner, occupant, operator or manage of any premises to which a D license has been issued by the division of liquor control deemed to be in violation of this regulation.

17. No provision of this Resolution shall be construed to impair any common law or statutory cause of action or legal remedy of any person or entity for injury or damage arising from any violation of this Resolution or from other law.

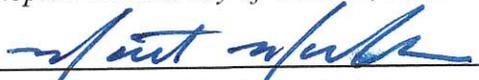
18. This Resolution shall become effective immediately upon its passage.

19. The purpose of these Regulations and Rules is to protect against only those noises which amount to, and would be enforceable as public nuisances, those which represent an unreasonable interference with rights common to the general public.

Trustee _____ seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted 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 in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 21st day of October, 2025

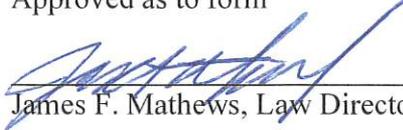

Matt Miller, President Board of Trustees


Lisa Nelligan, Trustee


Ralph DeChiara, Trustee

Attest: _____
Township Fiscal Officer

Approved as to form



James F. Mathews, Law Director

VER 3 (10.17.25)

