

RESOLUTION NO. 111225. *OL*

ADOPTION OF RESOLUTION FOR CONTROL OF NOISE

The Montville Township Board of Trustees, Medina County, Ohio met in regular session on November 12, 2025 at 1:00 p.m. with the following members present:

Trustee Sally Albrecht - Trustee Allen Biehl - Trustee Jeff Brandon

Trustee Allen Biehl offered the following resolution and moved the adoption of same which was duly seconded by Trustee Jeff Brandon:

A RESOLUTION CONTROLLING NOISE AND PROHIBITING UNREASONABLE NOISE ON REAL PROPERTY WITHIN THE BOUNDARIES OF MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO.

WHEREAS, the Montville Township Board of Trustees 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; and

WHEREAS, the Montville Township Board of Trustees, Medina County, Ohio has determined the excessively loud noise from certain sound amplification devices and other sources in areas within Montville Township zoned for residential use, serve no public purpose, and constitutes a nuisance and are detrimental to the public health, welfare, safety, and quality of life within Montville Township; and

WHEREAS, the Montville Township Board of Trustees has determined that excessive noise generated from premises to which a D Permit has been issued by the Division of Liquor Control, serves no public purpose, and constitutes a nuisance and is detrimental to the public health, welfare, safety, and quality of life within Montville Township; and

WHEREAS, Ohio Revised Code Section 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

WHEREAS, Revised Code Section 505.17 authorizes Boards of Township Trustees to make such regulations and orders as are necessary to control passenger car, motorcycle, and internal combustion engine noise, as permitted under Revised Code Section 4513.221; and

WHEREAS, Revised Code Section 4513.221 (E) (1), (2), and (3) authorizes Board of Township Trustees to regulate noise from passenger cars, motorcycles, or other devices using internal combustion engines in the unincorporated area of the

township by requiring said engines to be equipped and operated with a factory installed or equivalent muffler; and

WHEREAS, Revised Code Section 4513.221 (E) (4) authorizes Board of Township Trustees to regulate noise from passenger cars, motorcycles, or other devices using internal combustion engines in the unincorporated area of the township by prohibiting racing the motor of any vehicle using an internal combustion engine in such a manner that the exhaust system emits a loud, cracking, or chattering noise unusual to its normal operation; and

WHEREAS, the Montville Township Board of Trustees, Medina County, Ohio, has received complaints from citizens residing along streets and roadways traveled by trucks with regards to loud noises emitted by trucks using diesel engine retarders known as "Jake brakes," which reduce the trucks' rate of speed, but cause the trucks' exhaust system to emit loud, cracking, or chattering noises unusual to the normal operations; and

WHEREAS, such residents have complained that these noise emissions have occurred at all times of the day and night, and the Montville Township Board of Trustees finds that the noise generated by such "Jake brakes" constitutes a nuisance and is detrimental to the public health, welfare, safety, and quality of life within Montville Township; and

WHEREAS, the Montville Township Board of Trustees further hereby determines that the use of an engine retarder (including but not limited to, so-called "Jake brakes") on a motor vehicle causes the motor vehicles motor to race in such a manner as to cause its exhaust system to emit a loud, cracking, or chattering noise unusual to its normal operation, and by this regulation hereby prohibits such use within the unincorporated area of the Township; and

WHEREAS, O.R.C. Section 505.172 authorizes a township to exercise powers of local self-government within the unincorporated area township and to adopt and enforce within the unincorporated area of the township local police, sanitary and other similar regulations; and

WHEREAS, the Montville Township Board of Trustees recognizes that excessive construction noise outside of reasonable hours can create a nuisance that may adversely affect adjacent or neighboring property owners or persons, and when a nuisance is created, the quiet enjoyment of property, peace, health, safety, and welfare of Township residents are threatened and adversely affected; and

WHEREAS, Definition of Construction: Construction means the process of building, altering, repairing, remodeling, improving, erecting, excavating, or demolishing an infrastructure facility, including any structure, building, or other improvements of any kind to real property; and

WHEREAS: The Montville Township Board of Trustees can set and declare defined hours for building construction hours for residential and commercials developments; and

WHEREAS: Residential and Commercial Developers/Developments include developers, general contractors and all sub-contractors, including, but not limited to, contractors hired through the developer, general contractor, sub-contractor or home/business owner; and

WHEREAS: There are two construction time categories based on Standard and Daylight Savings Times and that said categories shall be adhered to avoid a Stop Work Order; and

WHEREAS: The Montville Township Board of Trustees have set the CONSTRUCTION time categories for Standard Time hours from 7:00AM TO 7:00PM starting first Sunday in November thru the second Sunday in March and for Daylight Savings Time hours from 7:00AM TO 8:00PM second Sunday in March thru the first Sunday in November; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Montville Township, Medina County, Ohio that the following legislation be adopted:

SECTION 1 - Unreasonable Noise, The Montville Township Board of Trustees further hereby determines that it is necessary to regulate noise excessively loud noise from certain sound amplification devices and other sources in areas within Montville Township zoned for residential use and/or from premises to which a D Permit has been issued by the Division of Liquor Control:

1. The preambles hereto are incorporated herein and shall for all purposes be construed as integral and operative parts of this resolution; and
2. The Montville Township Board of Trustees hereby determines that it is necessary to regulate noise including excessively loud noise from certain sound amplification devices and other sources in areas within Montville Township zoned for residential use and/or from premises to which a D Permit has been issued by the Division of Liquor Control; and
3. No person shall generate or permit to be generated unreasonable noise or loud sound that is plainly audible and likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, loudspeaker, CD player, DVD player, computer, digital tape or disc, bullhorn, musical instrument amplifier, or any other sound amplifying device. Without consent or approval from the Township through which permit may be acquired through the Planning and Zoning Office; and
4. "Plainly Audible," as used herein, means any sound that can be clearly heard by any person using his or her normal faculties, even though such person may not be able to discern the words used, the exact sound made and/or the title or lyrics of the musical composition which is the subject of the violation; and
5. This regulation shall apply to private or public property in an area zoned for residential use, where the sound is plainly audible more than 100 feet from the property line of the property on which the source of the sound is located; and
6. This regulation shall apply to locations on a street, highway, or in the public right of way where sound is plainly audible 100 feet from the device generating the sound; and

7. This regulation shall apply to premises located outside of an area zoned for residential use to which a D permit has been issued by the Division of Liquor Control, where the sound is plainly audible more than 100 feet from the property line of the said premises, without regard to whether the said premises is adjacent to a district which is zoned for residential use.
8. In addition to the previous clauses, this regulation shall apply to locations on a street, highway, or in the public right of way after 11:00 pm and before 7:00 am where the sound is plainly audible from the property line where the device generating the sound is located; and

SECTION 2 - Vehicles The Montville Township Board of Trustees further determines that it is necessary to regulate noise from passenger cars, motorcycles, or other devices using internal combustion engines, in the unincorporated area of the township in the following ways:

1. The preambles hereto are incorporated herein and shall for all purposes be construed as integral and operative parts of this resolution; and
2. The Montville Township Board of Trustees further hereby determines that it is necessary to regulate noise from passenger cars, motorcycles, or other devices using internal combustion engines, in the unincorporated area of the township: and
3. No person while operating or occupying a motor vehicle within the unincorporated territory of the Township within any area zoned for residential use or at any premises to which a D permit has been issued by the Ohio Division of Liquor Control shall operate or amplify the noise or sound produced by a radio, tape player, speaker, cassette, compact disc player, MP3 player, computer, synthesizer, instrument, or any other machine or device for the producing or reproducing of sound or amplifying sound from within the motor vehicle so that the noise or sound is plainly audible at a distance of fifty (50) feet or more from the motor vehicle; and
4. No person shall operate or cause to be operated any motor vehicle, agricultural tractor, motorcycle, all-purpose vehicle, or snowmobile not equipped with a factory-installed muffler or equivalent muffler in good working order and in constant operation; and
5. No person shall remove or render inoperative or cause to be removed or rendered inoperative, any muffler, other than for purposes of maintenance, repair, or replacement; and
6. No person shall discharge into the open area the exhaust of any stationary or portable internal combustion engine except through a factory-installed muffler or equivalent muffler in good working order and in constant operation; and

7. No person shall race the motor of any vehicle described in this section in such a manner that the exhaust system emits a loud, cracking, or chattering noise unusual to its normal operation; and
8. Provided, nevertheless, the regulations adopted under this section shall not apply to commercial racetrack operations; and
9. For purposes of this Section, the motor vehicle may be parked, stopped, idling, driving or in any other manner of motion.

SECTION 3 - Construction. The Montville Township Board of Trustees further determines that it is necessary for promotion of the general welfare of the community to prevent noise disturbances outside of reasonable hours for construction in the unincorporated area of the township in the following ways:

1. The preambles hereto are incorporated herein and shall for all purposes be construed as integral and operative parts of this resolution; and
2. The Montville Township Board of Trustees further determines that it is necessary for promotion of the general welfare of the community to prevent noise disturbances outside of reasonable hours for construction in the unincorporated area of the township; and
3. Permissible construction times shall be defined and set as Standard Time hours from 7:00AM TO 7:00PM starting first Sunday in November thru the second Sunday in March and for Daylight Savings Time hours from 7:00AM TO 8:00PM second Sunday in March thru the first Sunday in November; and
4. This regulation shall apply to Residential and Commercial Developers/Developments include developers, general contractors and all sub-contractors, including, but not limited to, contractors hired through the developer, general contractor, sub-contractor or home/business owner; and
5. No person shall engage in construction or other property improvement as defined in this document outside of the times as stated above.

SECTION 4 - Exemptions. The following uses and activities shall be exempt from the noise regulations set forth in this Resolution:

1. The preambles hereto are incorporated herein and shall for all purposes be construed as integral and operative parts of this resolution; and
2. The following uses and activities shall be exempt from the noise regulations set forth in this Resolution; and
3. Any business or industry in existence and operating on the effective date of this Resolution, except that a regulation or order so adopted shall apply to any new operation or expansion of that business or industry that results in

substantially increased noise levels from those generated by that business or industry on the effective date of this resolution; and

4. Sounds from any law enforcement motor vehicle equipped with any communication device necessary to the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary to the performance of any emergency procedures; and
5. Sounds emanating from a warning or alarm device, safety signal or emergency pressure relief valve (which sounds are intended to alert a person to an actual or potential unsafe or dangerous situation; and
6. Sounds emanating from the noise or sound made by a horn, siren, or other warning device required or permitted by state law, when used in accordance with state law; and
7. Sounds emanating from government projects and government-sponsored or authorized special events; and
8. Sounds emanating from the normal use of churches, schools, athletic fields, civic and cultural centers or public auditoriums; and
9. Sounds emanating from parades for which a permit or other permission is granted by the government agency with jurisdiction over the same; and
10. Sounds emanating from a neighborhood block party; provided, the block party concludes by 11:00 PM and block party activities are otherwise compliant with applicable State and local laws. For purposes of this Resolution, a "neighborhood block party" means an outdoor party organized by residents of a particular area of Montville Township for the purpose of interacting informally with surrounding neighbors; and
11. Sounds generated by power tools, landscaping or yard maintenance tools, equipment or motor vehicles; and/or construction tools, equipment or motor vehicles being used for lawful activities during construction hours as set by this Resolution; and
12. Sounds generated by animals, tools, equipment or motor vehicles when in active use for lawful agricultural purposes. For purposes of this Resolution, "agricultural" has the same definition as set forth in R.C. 519.01; and
13. Sounds emanating from hunting, trapping or fishing activities provided that these activities are conducted with an appropriate license and are being conducted in accordance with the same; and
14. Sounds generated by the use of firearms provided that those uses are in compliance with the hunting, trapping or fishing activities as stated above, are in compliance, the sounds from shooting ranges are in compliance with permits granted by Montville Township and/or any other sounds are not unreasonably loud or for an unreasonably long duration or cause a

disturbance across property lines; and

15. Sounds emanating from coal mining and reclamation activities, or surface mining activities, as defined in R.C. 1513.01 or 1514.01; and
16. Sounds emanating 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; and
17. Sounds emanating from garbage/refuse collection services; and
18. Sounds emanating from the setting off of fireworks during any State recognized fireworks days; provided, fireworks-related activities cease by 11:00 PM; and

SECTION 5 - PENALTY

1. The preambles hereto are incorporated herein and shall for all purposes be construed as integral and operative parts of this resolution; and
2. Whoever violates any regulation or order adopted under this Resolution is guilty of a Minor Misdemeanor. Fines levied and collected under this Resolution shall be paid into the Township general revenue fund.


SECTION 6 - INJUNCTION RELIEF

1. The preambles hereto are incorporated herein and shall for all purposes be construed as integral and operative parts of this resolution; and
2. Pursuant to Section 505.172(F) of the Ohio Revised Code, any person allegedly aggrieved by another person's violation of a provision of this Resolution may seek in a civil action a declaratory judgment, an injunction, or other appropriate relief against the other person for committing the act or practice that violates the resolution. The court involved in the civil action may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed; and
3. Montville Township, at its discretion, may seek an injunction under ORC 505.172 against any person that commits an act or practice that violates this Resolution.

Upon roll call, the vote was as follows:

Trustee Sally Albrecht, Aye ___ Nay
Trustee Allen Biehl , Aye ___ Nay
Trustee Jeff Brandon, Aye ___ Nay

Adopted: November 12, 2025
Resolution No. 111225. 06



Trustee Sally Albrecht



Trustee Allen Biehl



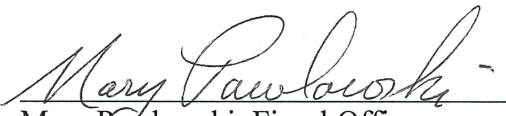
Trustee Jeff Brandon

FISCAL OFFICER'S CERTIFICATION

The State of Ohio, Medina County, ss.

I, Mary Pawlowski, Fiscal Officer of Montville Township do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of said meeting; that the same has been compared by me with the Resolution on said Record and that it is a true and correct copy thereof.

Witness my signature this 12th day of November 2025,
Adoption of Resolution No. 111225. 06



Mary Pawlowski, Fiscal Officer
Montville Township, Medina Co., OH