



ROSS TOWNSHIP RESOLUTION

RESOLUTION NUMBER 2012-051

RESOLUTION ADOPTING A REGULATION PURSUANT TO O.R.C. 505.172 TO CONTROL EXCESSIVELY LONG IN DURATION AND/OR LOUD NOISES WITHIN ROSS TOWNSHIP THAT ARE 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

WHEREAS, O.R.C. 505.172 allows a board of township trustees to adopt regulations and orders that are necessary to control excessively long in duration and/or loud noises 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 Ross Township Board of Trustees desire to create and adopt a resolution to control excessively long in duration and/or loud noises 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, within the unincorporated areas of Ross Township, pursuant to the provisions of O.R.C. 505.172.

BE IT RESOLVED, by the Trustees of Ross Township, Butler County, Ohio, as follows:

SECTION 1-A:

That the Board of Trustees hereby adopts this resolution to control excessively long in duration and/or loud noises 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, within the unincorporated areas of Ross Township, pursuant to the provisions of O.R.C. 505.172, and

SECTION 1-B:

That a person or persons violating the excessively long in duration and/or loud noises generated at any premises to which a D permit has been issued by the Division of Liquor Control portion of this resolution; or violating the loud

noises within any areas zoned for residential use portion of this resolution may be subsequently cited to court by a law enforcement official and found guilty of a misdemeanor of the second degree. Fines levied and collected under O.R.C. 505.172 shall be paid into the township's General Revenue Fund, and

SECTION 1-C:

That a person or persons violating the portion of this resolution relative to noise(s) excessively long in duration within any areas zoned for residential use may be subsequently cited to court by a law enforcement official for the purpose of civil remedy. Any person allegedly aggrieved by another person's violation of a regulation adopted under this resolution may seek in a civil action a declaratory judgment, an injunction, or other appropriate relief against the other person committing the act or practice that violates the resolution. The court involved in a civil action referred to in this resolution may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

SECTION 2:

This resolution shall take effect on September 6, 2012, following the filing of this resolution with the Ross Township Fiscal Officer.

SECTION 3:

It is hereby determined that all formal actions of the Board of Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCTION AND VOTE RECORD:

Trustee _____ introduced the foregoing Resolution and moved its adoption, Trustee _____ seconded the Motion. The roll being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

Trustees Willsey_____ Wurzelbacher_____ Yordy_____

Adopted at the meeting of the Board of Trustees this 6th day of September, 2012.

Thomas Willsey, President

Raymond Wurzelbacher, Vice President

Ellen Yordy, Trustee

AUTHENTICATION

This is to certify that this resolution was duly adopted by the Board of Trustees, and filed with the Ross Township Fiscal Officer, this 6th day of September, 2012.

Judy Huffman
Ross Township Fiscal Officer

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