

**PIERCE TOWNSHIP  
RESOLUTION 2023-009**

**RESOLUTION AMENDING RESOLUTION NO. 99-019 AND ESTABLISHING  
PENALTY OF MISDEMEANOR OF SECOND DEGREE**

**WHEREAS**, O.R.C. Section 505.172 authorizes a Township to adopt noise control regulations within the residentially zoned areas of the Township; and

**WHEREAS**, the Board of Township Trustees of Pierce Township, pursuant to O.R.C. 505.172, established a penalty of a minor misdemeanor for violation of the noise ordinance through Resolution 99-019; and

**WHEREAS**, in 2011, the Ohio Revised Code changed the penalty for violation of the statute from a minor misdemeanor to a misdemeanor of the second degree; and

**WHEREAS**, the Board of Township Trustees wishes to amend Section C of Resolution 99-019 by establishing the penalty for the violation of the Resolution as a misdemeanor of the second degree; and

**WHEREAS**, the amendment to the penalty provision of the Resolution is the sole amendment to Resolution 99-019.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Township Trustees of Pierce Township, Ohio, that:

**SECTION 1:** Resolution 99-019, as amended, shall read as follows:

**SECTION 1.**

A. No person shall make, continue, cause to be made, suffer, allow or permit within the unincorporated residentially zoned area of Pierce Township, Clermont County, Ohio, any unreasonably loud, disturbing or unnecessary noise or noises of such character, intensity or duration that annoy, disturb, injure or endangers the peace, health, comfort, safety or quiet of any individual.

B. The creation of noise or noises in the following manner are declared to be in violation of Section A, but this enumeration shall not be deemed exclusive:

1. The sounding of any horn, bell or other signal or warning on any motor vehicle, except as a danger or warning sign, for any unnecessary reason or for any unreasonable period of time.

2. The harboring or keeping of any dog or animal which, by loud, frequent, habitual or continued barking, howling or yelping, disturbs or annoys any person in the vicinity, where such noise can be heard outside the property line of the premises at which the dog or animal is kept. Any person who shall allow any dog or animal to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog or animal. None of the provisions of this paragraph shall apply to owners, operators, or employees of duly licensed veterinary hospitals; or the blind persons when a dog serves as a guide or leader.
3. The playing or permitting to be played of any music, radio, music player, television, audio system or musical instrument or the amplification of any sound in such a manner so as to annoy or disturb the peace, enjoyment, quiet, comfort or repose of any person of ordinary sensibilities, or at such volume which is plainly audible to persons other than those who are on or in the premises in which such device or instrument is being played and are voluntary listeners thereto.

C. Whoever violates this Resolution is guilty of a misdemeanor of the second degree.

**SECTION 2:** Resolution No. 99-019 is hereby repealed in its entirety.

**SECTION 3:** The Trustees of Pierce Township, Ohio, upon at least a majority vote do hereby dispense with any requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

**SECTION 4:** This Resolution shall take effect on the earliest date allowed by law.

**SECTION 5:** This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare, and safety of the Township. The reason for the emergency is to provide for the immediate protection of Township residents who are threatened or adversely affected by the nuisance condition.

**SECTION 2:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including § 121.22 of the Ohio Revised Code.

**SECTION 3:** The Trustees of Pierce Township upon at least a majority vote do hereby dispense with any requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

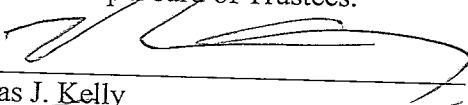
**SECTION 4:** This Resolution shall take effect on the earliest date allowed by law.

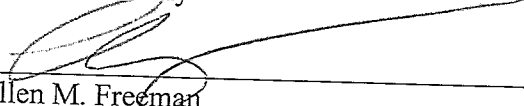
**SECTION 5:** This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the Township. The reason for the emergency is to provide for the immediate protection of Township residents who are threatened or adversely affected by the nuisance condition.

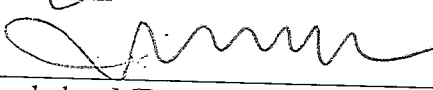
Trustee Freeman moved for the adoption of the foregoing Resolution, seconded by Trustee Kelly.

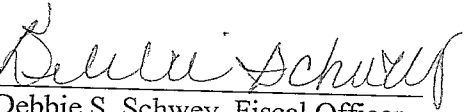
**Resolution adopted this 5th day of April, 2023**

Pierce Township Board of Trustees:

  
\_\_\_\_\_  
Nicholas J. Kelly

  
\_\_\_\_\_  
Allen M. Freeman

  
\_\_\_\_\_  
Pete J. Kambelos, MD

Attest:   
\_\_\_\_\_  
Debbie S. Schwey, Fiscal Officer  
Pierce Township, Clermont County, Ohio

Approved as to Form: \_\_\_\_\_  
Katherine L. Barbieri, Law Director