

DRAFT GRANGER TOWNSHIP NOISE CONTROL REGULATION

Recommended by Granger Township Zoning Commission 9/16/25
Revised Per Township Trustees Discussion – Rev 1/21/26 • CLEAN COPY

As authorized by Ohio Revised Code Section 505.172

In accordance with Ohio Revised Code (ORC) Section 505.172 and Resolution Number _____ of the Board of Granger Township Trustees, adopted on the _____ day of _____, 20____, all premises to which a D permit has been issued by the State of Ohio Division of Liquor Control and all areas zoned for residential use within the unincorporated territory of the Township per ORC §505.172(B), including per ORC §505.172(D)(1) any business or industry located in an area of Granger Township zoned for residential use or to any premises to which a D permit has been issued by the division of liquor control regardless of when it came into existence, shall be subject to the following noise control regulations.

Section 1. Definitions.

All terms and words used in this Regulation that are not specifically defined herein or within ORC §505.172 shall be given their ordinary meaning.

- A. **Plainly Audible** – Any noise or sound produced by any source that can be clearly heard by a person using normal hearing faculties or ordinary auditory senses not enhanced by any mechanical device, such as a hearing amplification device or hearing aid. The person need not determine with particularity the type of sound, the words, phrases, or lyrics heard, and the detection of a rhythmic bass or other reverberating type sound is sufficient to constitute plainly audible sound.
- B. **Private Construction Activities** – Activities related to the building of structures, additions to structures, or the renovation, remodeling, repair or maintenance thereof.

Section 2. Certain Noise Prohibited.

- A. No person in the unincorporated territory of Granger Township, Medina County, Ohio (Township) shall make and no landowner or occupant of land shall permit at any premises to which a D permit has been issued by the State of Ohio Division of Liquor Control, or on any public or private property that is within an area zoned for residential use under the Township's Zoning Resolution, any noise or sound, which, by reason of volume, pitch, frequency, intensity, duration, or nature is likely to inconvenience, annoy, or disturb the health, peace, and comfort of a person of ordinary sensibilities who is not a resident of the property from which the noise or sound emanates and is plainly audible at a distance of 200 feet or more from the source of the unreasonable noise or loud sound.
- B. It is prima facie unlawful for a person to generate, or permit to be generated, noise or sound on the properties described in Section 2.A. between the hours of 11:00 P.M. and 6:00 A.M. of the following day, when the sound is plainly audible at a distance of 200 feet or more from the source of the noise or sound.
- C. No person, being the owner, or person in lawful possession of a premises or person in control of the premises by reason of employment, agency or otherwise whether such ownership, possession or control is exclusive or joint, shall permit a violation of this Section.

Section 3. Examples of Noises.

The following, which does not constitute an exhaustive list, is an illustration of the noises and sounds that may be determined to be violations of Section 2 of this Regulation.

- A. Horns; Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle; or the creation of an unreasonably loud or harsh sound by means of any such signaling or horn; or the sounding of any horn or signaling device for any unnecessary and unreasonable length of time.
- B. Radios, Phonographs, Etc. The use or operation of any radio, phonograph, television, tape recorder, loudspeaker, cassette or compact disc player or any other machine or device for the producing or reproducing of sound or amplifying sound.
- C. Vocalizations. 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, Motor Vehicles, or Other Power Equipment.
- F. Gunfire. Repeated discharge of firearms for an unreasonably long period of time under the circumstances existing.
- G. Fireworks; Firecrackers.

Section 4. Evidence.

It shall be a *prima facie* violation of Section 2 of this Resolution when the noise can be heard at a distance of 200 feet or more from the property where the source of the noise or sound emanates.

Section 5. Exemptions.

The provisions of this Regulation shall not apply to the following:

- A. The emission of noise or sound made by a horn or other warning device required or permitted by state law, when used in accordance with state law.
- B. 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.
- C. The emission of noise or sound for the purpose of alerting persons to the existence of an emergency or for the performance of emergency work.
- D. Organized school related programs, activities, or parades, or other public programs, activities or events when conducted between the hours of 6:00 A.M. and 11:00 P.M. of the same day, and in compliance with all other applicable laws, resolutions, and permits.
- E. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way.

- F. Agricultural activities as defined in ORC §Section 1.61.
- G. Any person who engages in coal mining and reclamation operations as defined in division (B) of ORC §1513.01 or surface mining as defined in division (A) of ORC §1514.01 is exempt from the provisions of this Regulation if the noise is attributed to coal mining and reclamation or surface mining activities.
- H. 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 Regulation.
- I. Noise generated from the normal operation of shooting ranges, if the owner, operator, or user substantially complies with the noise rules adopted by the Chief of the Ohio Division of Wildlife in accordance with ORC §1531.10, and all other applicable laws, resolutions and permits.
- J. Noise resulting from infrequent gatherings at a residential property, including, but not limited to, gatherings for purposes of a graduation, wedding or family party, when conducted between the hours of 6:00 A.M. and 11:00 P.M. of the same day, provided the noise is reasonable, and such gatherings are not habitual in nature.
- K. Noise generated from legally permitted consumer fireworks, operated in compliance with ORC Chapter 3743 and all other applicable laws, resolutions and permits, when discharged between the hours of 6:00 A.M. and 11:00 P.M. of the same day, except as otherwise permitted for New Year's Eve and New Year's Day.

Section 6: Incidental Noise.

Nothing in this Regulation shall be applied or construed to prohibit incidental noises produced by construction, repairs, or the maintenance of houses, outbuildings, accessory buildings, yards or other private construction activities between the hours of 6:00 A.M. and 11:00 P.M. of the same day.

Section 7. Enforcement.

- A. Violations of any provision of this Regulation shall be enforced by the Office of the Medina County Sheriff or any other appropriate law enforcement agency having jurisdiction in a manner consistent with the Sheriff's or other law enforcement agency's policy for misdemeanor offenses of the second degree.
- B. The Board of Township Trustees may seek a civil injunction against a person who violates this Regulation if there is reasonable belief that the noise causes ongoing and substantial or material harm that would be irreparable if an injunction were not issued.

Section 8. Law Enforcement Determination of Source.

Any law enforcement personnel who hears a sound that is plainly audible shall be entitled to measure the sound according to the following standards:

- A. The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid. No sound measuring device shall be required.
- B. The officer must have a direct line of sight and hearing to the source of the noise or sound so that the officer can readily identify the offending person(s) and the distance involved.
- C. The officer shall not be required to determine any particular words or phrases being produced or, for example, the name of any song or artist producing the sound. The detection of a noise, sound, or rhythmic bass reverberating type sound is sufficient to constitute a "plainly audible" sound.

Section 9. Penalty.

Pursuant to division (E) of ORC §505.172, whoever violates this Regulation shall be guilty of a misdemeanor of the second degree. Fines levied and collected pursuant to this Regulation shall be paid into the Township's General Revenue Fund.

Section 10. Private Civil Action.

Any person allegedly 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 Regulation.

Section 11. Other Remedies.

No provision of this Regulation shall be construed to impair or prohibit any common law or statutory cause of action that any person may have for injuries or damages arising from any violation of this Regulation.

Section 12. Severability.

In the event that a court of competent jurisdiction declares a section of this Regulation to be invalid and unenforceable, the remaining sections of this Regulation shall remain in full force and effect and shall be applied and enforced without reference to or reliance upon the section declared to be invalid and unenforceable.

Section 13. Adoption.

All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meeting open to the public in compliance with all legal requirements, including ORC §121.22.

Section 14. Effective Date.

This Regulation shall take effect and be in force as of the _____ day of _____, 20__.