

Resolution 091499.01

Dogs

Section I: Confinement and Restraint

- (A) No owner, keeper, or harbinger of any dog shall fail to prevent such dog from running at large on any property not his own whether that dog is properly registered or not.
- (B) No owner, keeper, or harbinger of any dog, registered or not, shall permit such dog to enter any public or private property other than of such person unless such dog is securely leashed by a leash not to exceed six(6) feet in length and under reasonable control of some person of reasonable age and discretion, with the following exceptions:
1. The dog is on private property other than that of the owner, keeper, or harbinger of the dog and the property owner has given permission.
 2. The dog is lawfully engaged in hunting or training for the purpose of hunting. However, such dog(s) at all other times and in all other respects shall be subject to his resolution, unless actually in the field and engaged in hunting or in legitimate training for such purpose.
- (C) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat, unless the dog is properly leashed and under reasonable control.
- (D) It shall be prima-facie evidence that a dog is not under the required control of such dog chases, injures, menaces, or kills any person or domestic animal or commits any nuisance upon property other than of its owner, keeper, or harbinger.
- (E) Whoever violates this section shall be fined not less than \$25 or more than \$100 on a first offense, and on each subsequent offense shall be fined not less than \$75 or more than \$250 and may be imprisoned for not more than thirty(30) days. In addition, the offender may be required to personally supervise the dog that he owns, keeps, or harbors, to cause that dog to complete do obedience training. (ORC 955.99)

Section II: Barking and Noisy Animals

- (A) No person shall keep or harbor any dog which howls or barks or emits audible sounds which are unreasonably loud or disturbing and which are of such a character, intensity, and duration so as to disturb the peace and quiet of a neighborhood or to be detrimental to the life and health of any individual.

Section III: Threats to Public Health, Safety, and Welfare

- (A) No person shall keep or harbor any dog in the township so as to create noxious or offensive odors or unsanitary conditions which adversely impact the health, comfort, or safety of the public.
- (B) A separate offense shall be deemed to have been committed each day during or on which the offense occurs or continues.

Section IV: Damage to Property

- (A) Any owner, keeper, or harbinger of any dog that injures or damages public property or private

property of one other than the owner, keeper, or harborer of the dog shall be strictly liable to the injured or damaged party.

(B) No owner, keeper, or harborer of any dog which defecates upon property of another shall fail to immediately remove any and all feces deposited by such dog from the property of another, including public parts or other public property. The owner of or person having charge of such dog shall immediately dispose of such feces in a sanitary manner.

Section V: Exemptions

(A) This resolution does not apply to:

1. The owner or person in charge of a dog that is assisting a blind, deaf, or handicapped person and such person either is unaware that the dog's activities are in violation of this resolution or is unable to comply with this resolution.
2. Law enforcement personnel in charge of a dog which is assisting such personnel in the performance of official duties.
3. A dog that is lawfully engaged in hunting or training for the purpose of hunting and accompanied by a licensed hunter.

Section VI: Penalties

(A) Any violation of this resolution other than provided in Section I (E) shall result in a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense.

REGULAR MEETING MARCH 25, 2008

The Board of Trustees of Montville Township, County of Medina, Ohio met in regular session on March 25, 2008, commencing at 7:00 p.m. at the office of the board.

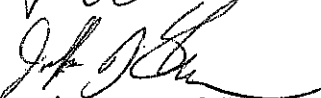
Ronald Bischof



Jeff Brandon



Jeffrey J. Shuran



The Board was advised that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.

Trustee Shuran Offered the following Resolution and moved its adoption, which motion was seconded by Trustee Brandon

RESOLUTION NO ~~03~~ 032508.05
TO
ADOPTING TRANSIENT VENDOR
REGULATIONS PURSUANT TO
SECTION 505.94 OHIO REVISED CODE

WHEREAS, the Township is authorized by Section 505.94 of the Ohio Revised Code to regulate transient vendors; and

WHEREAS, the Township Police Department supports the adoption of controls on transient vendors as necessary for the well being of Township residents;

NOW, THEREFORE, _____, moves and _____ seconds the adoption of this Resolution implementing regulations for the control of transient vendors within Montville Township as set forth in Attachment A.

Voting AYE thereon: Trustee Shuran, Trustee Bischof, Trustee Brandon

Adopted: March 25, 2008

Prepared by: Medina County Prosecutors Office

TRANSIENT VENDORS

Section	1. Definitions.	11. Assignability and transfer of license and permits.
	2. License Required.	12. Prohibitions.
	3. License issuance; requirements	13. Exception
	4. License fees.	14. Frozen Dessert Peddlers and Vehicles
	5. License to be in possession.	15. Penalty
	6. Photograph display.	
	7. License revocation; hearings.	
	8. Appeals.	
	9. Permit required; registration.	
	10. Ware and display of permit.	

SECTION ONE

DEFINITIONS.

As used in this chapter:

- (a) "Transient Vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, sells or offers for sale goods, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods, or attempts to arrange an appointment for a future estimate or sales call. "Transient Vendor" does not include any person who represents any entity exempted from taxation under section 5709.04 of the Revised Code, that notifies the board of township trustees that its representatives are present in the township for the purpose of attempting to arrange an appointment for future estimate or sales call, and does not include persons licensed under Chapter 4707 of the Revised Code.
- (b) "Fixed place of business" means a business operated and conducted from the same location for a period of at least ninety continuous days in the Township.
- (c) "Goods" means goods, wares, services, merchandise, periodicals, and other articles of publications.
- (d) "Frozen desserts" include ice cream, frozen custard, water ices, sherbet, imitation ice cream, and any and all other similar frozen desserts.

SECTION TWO
LICENSE REQUIRED.

No person who meets the definition of a "Transient Vendor" shall peddle or solicit within Montville Township without first obtaining a license.

SECTION THREE
LICENSE ISSUANCE; REQUIREMENTS.

- (a) Licenses shall be issued by the Police Department of the Township, upon the applicants complying with the following provisions:
 - (1) Giving his name, present address and his permanent address.
 - (2) Giving a brief description of the nature of the business and the kinds of goods or property to be peddled or solicited.
 - (3) Paying the license fee required by this chapter for such license.
 - (4) Giving the name and address of the licensed employer and exhibiting credentials showing he is an authorized employee or representative of such licensed employer, in the event the application is for an employee's license.

SECTION FOUR
LICENSE FEES.

- (a) Every person desiring a solicitor or peddler's license shall pay to the Township a license fee of twenty-five dollars(\$25.00) per year, payable in advance.
- (b) Any individual having a valid solicitor or peddler's license and who actually peddles or solicits himself may have licenses issued to his employees in accordance with subsection (c) hereof.
- (c) Employees of any licensed solicitor or peddler shall pay to the Township a license fee of twenty-five dollars (\$25.00) per year, payable in advance.

SECTION FIVE
LICENSE TO BE IN POSSESSION;

Every solicitor or peddler licensed under this chapter shall have his license in his immediate possession at all times.

SECTION SIX
PHOTOGRAPH; DISPLAY. N/A

SECTION SEVEN
LICENSE REVOCATION; HEARING;

- (a) Licenses issued pursuant to this chapter may be revoked by the Chief of Police after notice and hearing, for any of the following causes:
 - (5) Fraud, misrepresentation or any false statement contained in the application for license.
 - (6) Fraud, misrepresentation or any false statement made to the Police Department in furnishing the information required by Section 707.07.
 - (7) Any violation of this chapter.
 - (8) Conviction of the licensees of any felony or crime involving moral turpitude.
 - (9) Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the Township.
- (b) Notice of the Hearing for revocation of a license shall be given in writing stating the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at the address given on the application for the license, at least five days prior to the date set for the hearing.

SECTION EIGHT
APPEALS.

Any person aggrieved by the decision of the Chief of Police, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Fiscal Officer a written statement of grounds for the appeal within fourteen days after notice of the decision by the Chief of Police has been given. The Board of Trustees shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the Fiscal Officer in the manner herein above provided for notice of hearing of revocation by the Chief of Police.

SECTION NINE
PERMIT REQUIRED; REGISTRATION.

- (a) Every person who desires to peddle or solicit shall register in a registration book provided for that purpose in the Police Department, his name and address, the name and address of the person whom he represents, the names and addresses of at least two references as to his moral character, honesty and integrity, a brief description of the nature of the business in which he is engaged, and the kind of goods or property to be peddled or solicited for, if any, and such person shall furnish his fingerprints, thumb prints, and a photograph.

- (b) No person shall be registered and no permit shall be issued except upon such person exhibiting a valid license for peddling or soliciting, or a clearance from the Chief of Police stating that no license is required. Such registration shall be valid for a period of one year and such person must register at the end of each year period.
- (c) As evidence of compliance with the provisions for this section, the Police Department shall issue to each person who complies with this chapter, a permit which shall show the name and address of such person, the name of the person he represents or by whom he is employed, if any, and the kind of goods or property to be peddled or solicited.
- (d) No person shall peddle or solicit without having complied with provisions of this section.

SECTION TEN
WEAR AND DISPLAY OF PERMIT.

Every solicitor or peddler, at all times while engaged in peddling or soliciting, shall wear and display the permit issued to him under the provisions of Section and when so peddling or soliciting shall display the same upon demand of any police officer of the Township and upon demand of any person to whom he is peddling or soliciting.

SECTION ELEVEN
ASSIGNABILITY AND TRANSFER OF LICENSE AND PERMITS.

- (a) License and permits issued pursuant to this chapter shall not be assigned or transferred, nor shall they, or either of them, be used by any person other than the person to whom they were issued.

SECTION TWELVE
PROHIBITIONS.

- (a) No person shall peddle or solicit on Sunday before the hour of 8:00 a.m. of any day, or after the hour of 6:00 p.m. of any day.
- (b) No peddler or solicitor, or any person pretending to be a peddler or solicitor, for the purpose of peddling or soliciting or pretending to peddle or solicit shall ring the bell or knock at any building whereon there is painted, affixed or otherwise displayed in public view any sign containing any or all of the following words:

“No Peddlers”, “No Solicitor” or “No Agents” or which otherwise purports to prohibit peddling or soliciting on the premises.

- (c) No peddler or solicitor shall represent by words, writing or action that he is some other peddler or solicitor, that he is a partner, employee or agent of any peddler or solicitor when in fact he is not the partner, agent or employee of such peddler or solicitor, or that he is the employee, representative, agent or partner of any person when in fact he is not the employee, representative, agent or partner of such person.
- (d) No peddler or solicitor shall cry his wares in a loud voice or use any noise producing device other than a soft chime, the limit of audibility of which shall be sixty feet from the source of such sounds, nor shall any peddler commit any breach of peace in crying his wares or soliciting the sale of his products.
- (e) No person, firm or corporation shall sell or distribute on the streets, alleys, parks or other public grounds of the Township any goods, wares or merchandise.

SECTION THIRTEEN EXCEPTIONS

These provisions shall not apply to salesmen or agents for wholesale houses or firms who solicit orders to sell to retail dealers for resale, or to manufactures for manufacturing purposes, or to bidders for public work or suppliers.

SECTION FOURTEEN FROZEN DESSERT PEDDLERS AND VEHICLES

- (a) All persons employed as frozen dessert peddlers shall:
 - (1) Register with the Township for a solicitors permit and display the permit by wearing it at all times while peddling within the Township.
 - (2) Wear outer garments or uniforms disclosing the name of the employer thereof.
 - (3) Have a valid Ohio Drivers License if operating a motor vehicle.
- (b) All vehicles used for peddling a frozen dessert shall be marked with the company name and phone number on both sides with letters at least four inches high.
- (c) Be issued an annual "Food Service Mobile License" by the Medina County Health Department. A copy of this license must be filed with the Township Police Department.

SECTION FIFTEEN
PENALTY

Who ever violates any provisions of this Transient Vendor Resolution is guilty of a minor misdemeanor pursuant to Section 505.99 ORC.

RESOLUTION FOR CONTROL OF NOISE
No. 022806.02

WHEREAS, the Board of Trustees of Montville Township, 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 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 Board 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, the Board of Trustees has determined that noise and sound emanating from warning and alarm devices; from emergency vehicles when responding to an emergency call or operation in time of emergency; from the normal use of churches, schools, athletic fields, civic and cultural centers, public auditoriums; from parades for which a permit or other permission granted by the government agency with jurisdiction over the same; are typically of such a nature, character, quality, duration, and frequency that they are not a nuisance, are not detrimental to the public health, welfare, safety, and quality of life within Montville Township, and do serve a public purpose, and therefore, the same should not be subject to the regulations set forth herein below; and

WHEREAS, Revised Code Section 505.17 authorizes Board 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 emit a loud, cracking, or chattering noise unusual to its normal operation; and

WHEREAS, the Board of Trustees of Montville Township, Medina County, Ohio, has received complaints from citizens residing along streets and roadways traveled by trucks with regard 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 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.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO, THAT:

1. No person shall generate or permit to be generated unreasonable noise or loud sound that is 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.
 - (A) It is prima facie unlawful for any person to generate or permit to be generated sound by the above described devices or instruments in the following circumstances:
 - i. On private or public property in an area zoned for residential use, where the **sound is plainly audible more than 50 feet from the property line** of the property on which the source of the sound is located;
 - ii. On a street, highway, or in the public right of way **where sound is plainly audible 50 feet from the device generating the sound;**
 - iii. From 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 50 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.
 - (B) Exempt from A above is 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.
 - (C) No person, being the owner, or person in 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 resolution.

(D) The following uses and activities shall be exempt from the regulations and controls of this resolution:

- i. Noise and sound from warning alarm devices, and automobile horns while in lawful use;
- ii. Noise and sound from emergency vehicles when responding to an emergency call or operating in time of emergency, or when the warning devices thereon are being tested;
- iii. Noise and sound from the normal use of churches, schools, athletic fields, civic and cultural centers, and public auditoriums;
- iv. Noise and sound from parades for which a permit or other permission is granted by the government agency with jurisdiction over the same.

2. **“Plainly Audible,”** as used herein, means any sound that can be clearly heard by (a) person using his or her normal faculties, even though such person may not be able to discern the title or lyrics of the musical composition which is the subject of the violation.

3. The 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 in the following ways:

- (A) 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.
- (B) 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.
- (C) 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.
- (D) 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.

Provided, nevertheless, the regulations adopted under this section shall not apply to commercial race track operations.

4. This Board 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.

5. Whoever violates this resolution is guilty of a minor misdemeanor, and all fines collected hereunder shall be paid into the Township General Fund.
6. Signs conforming to O.R.C. Section 4511.09, giving notice of these regulations, shall be prominently displayed to the extent required by O.R.C. Section 505.17 (C).
7. This resolution (a) shall be posted by the Township Clerk in five conspicuous public places in the township for thirty (30) days before becoming effective, and (b) shall be published in a newspaper of general circulation in the township for three (3) consecutive weeks.
8. This resolution shall become effective upon the completion of the last of these events.

Adopted in the regular session of this 28 day of February, 2006.

Resol # 022806.01

Kenneth Biech of Chair.

Jeff Burman

Jeffrey J. Shoran

Mary Pawlowski
Attested 2/28/06