

AN ACT

To amend section 505.172 of the Revised Code to extend the authority of townships to adopt noise-control regulations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 505.172 of the Revised Code be amended to read as follows:

Sec. 505.172. (A) ~~Except in a township or portion thereof that is within the limits of a municipal corporation, the~~ as otherwise provided in this section and section 505.17 of the Revised Code, a board of township trustees may adopt ~~such~~ regulations and orders ~~as that~~ 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, ~~where the premises are contiguous to an area or that is generated within any areas zoned for residential use.~~

(B) Any person who engages in any of the activities described in section 1.61 of the Revised Code is exempt from any regulation or order adopted under division (A) of this section if the noise is attributed to an activity described in section 1.61 of the Revised Code. Any person who engages in coal mining and reclamation operations, as defined in division (B) of section 1513.01 of the Revised Code, or surface mining, as defined in division (A) of section 1514.01 of the Revised Code, is exempt from any regulation or order adopted under division (A) of this section if the noise is attributed to coal mining and reclamation or surface mining activities. 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 ANY REGULATION OR ORDER ADOPTED UNDER DIVISION (A) OF THIS SECTION.

(C) WITH THE EXCEPTION OF ANY BUSINESS OPERATING AT ANY PREMISES TO WHICH A D PERMIT HAS BEEN ISSUED BY THE DIVISION OF LIQUOR CONTROL, NO REGULATION OR ORDER ADOPTED UNDER DIVISION (A) OF THIS SECTION SHALL

APPLY TO ANY BUSINESS OR INDUSTRY IN EXISTENCE AND OPERATING ON THE EFFECTIVE DATE OF THIS AMENDMENT, 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 AMENDMENT.

(D) Whoever violates any regulation or order adopted under division (A) of this section is guilty of a minor misdemeanor. Fines levied and collected under this section shall be paid into the township general revenue fund.

~~(C)~~(E) Any person allegedly aggrieved by another person's violation of a regulation or order adopted under division (A) of this section may seek in a civil action a declaratory judgment ~~or~~, an injunction, or other appropriate relief against ~~an~~ the other person for committing the act or practice that violates that resolution or order. The court involved in the civil action may award to the prevailing party a reasonable attorney's ~~fee~~ fees limited to the work reasonably performed.

SECTION 2. That existing section 505.172 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. S. B. No. 42

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____