

RESOLUTION NO. 2020-32

A RESOLUTION ADOPTING REGULATIONS TO GOVERN EXCESSIVE VEHICLE AND ENGINE NOISE IN THE TOWNSHIP.

WHEREAS, the Board of Trustees of Concord Township, Ohio, has determined the excessively loud noise from certain sound amplification devices and other sources in areas within Concord 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 Concord Township; and

WHEREAS, Revised Code Section 505.17 authorizes Boards 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 Ohio Revised Code Section 4513.221; and

WHEREAS, Revised Code Section 4513.221 (E) (1), (2), and (3), authorizes Board of Township of Trustees to regulate noise from passenger cars, motorcycles, or other devises 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 devises 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 emits a loud, cracking or chattering noise unusual to its normal operation; and

WHEREAS, The Board of Trustees of Concord Township, 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 Concord Township.

NOW, THEREFORE, BE IT RESOLVED by the Concord Township Board of Trustees, Lake County, Ohio, as follows:

Section 1. The Board of Trustees 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.

Section 2. 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.

Section 3. Whoever violates this Resolution is guilty of a minor misdemeanor, and all fines collected hereunder shall be paid into the Township General Fund.

Section 4. Signs conforming to Ohio Revised Code Section 4511.09, giving notice of these regulations, shall be prominently displayed to the extent required by O.R.C. Section 505.17(C).


Section 5. This Resolution shall be published in a newspaper of general circulation in the Township for three (3) consecutive weeks.


Section 6. This Resolution shall become effective upon the completion of the last of these events.


SECTION 7. It is found and determined that all formal actions of the Board of Trustees of Concord Township concerning and relating to the adoption of this Resolution were taken in an open meeting of the Board of Trustees of Concord Township and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the requirements of this Resolution.

NOW, THEREFORE, this Resolution shall be in full force and effect upon its passage and approval by the Board of Trustees and as further provided under Ohio law.

Adopted this 18th day of November, 2020.


CARL H. DONDORFER
Chairman


MORGAN R. MCINTOSH
Vice-Chairman


AMY L. LUCCI
Trustee

CERTIFICATION

I, the undersigned Amy L. Dawson, Fiscal Officer and Clerk of the Board of Trustees for Concord Township, Lake County, Ohio, do hereby certify that the foregoing Resolution No. 2020-32 is a true and accurate copy of the Resolution adopted by the Concord Township Board of Trustees at its meeting of November 18, 2020, and that I am duly authorized to execute this Certification.

Witness my hand this _____ day of November, 2020, in Concord Township, Ohio.


AMY L. DAWSON, FISCAL OFFICER