

2020-06

The Board of Trustees of Harrisville Township, Ohio, met in regular session on May 18th, 2020, commencing at 8:00 p.m. by a Zoom.us virtual meeting due to Covid19 with the following members present:

Richard Indoe
Thomas Packard
Michael Klinec

The Fiscal Officer advised the Board 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.

TOM PACKARD moved the adoption of the following Resolution:

RESOLUTION NO. 6

A RESOLUTION TO REGULATE ENGINE BREAK NOISE

WHEREAS, the Board of Trustees of Harrisville Township, Medina County, Ohio have 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 engine brakes or colloquially 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 the 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 Harrisville Township; and

WHEREAS, Revised Code Section 505.17 authorizes Boards of Township Trustees to make regulations and orders as are necessary to control car, motorcycle, and internal combustion engine noise, as permitted under Revised Code Section 4513.221; and

WHEREAS, Revised Code Section 4513.221(E)(1) authorizes Boards of Township Trustees to regulate noise in the unincorporated area of the township by "prohibiting operating or causing 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"; and

WHEREAS, Revised Code Section 4513.221(E)(4) authorizes Boards of Township Trustees to regulate noise in the unincorporated area of the township by "prohibiting racing the motor of any vehicle described in division (E)(1) of this section in such a manner that the exhaust system emits a loud, cracking, or chattering noise unusual to its normal operation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Harrisville Township, Medina County, Ohio, two-thirds of all members elected thereto concurring that:

Section 1. 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 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 2. Whoever violates this resolution is guilty of a minor misdemeanor, and all fines collected hereunder shall be paid into the Township General Fund.

Section 3. Signs conforming to Revised Code Section 4511.09, giving notice of these regulations, shall be prominently displayed to the extent required by Revised Code Section 505.17 (C).

Section 4. It is hereby found and determined that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board or committees, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with the law.

Section 5. This Resolution shall be in full force and effect from and immediately after its adoption.

seconded the motion.

Upon roll call on the adoption of the Resolution, the vote was as follows:

Cheryl Matus Fiscal Officer
Cheryl Matus, Fiscal Officer
Harrisville Township
Medina County, Ohio

Adopted the ¹⁸ day of *May* 2020

Michael J. Klein
Richard H. Jones
Thomas L. Packard