

RESOLUTION 2021-06

PROHIBITING THE USE OF ANY AND ALL ENGINE RETARDERS

WITHIN AUBURN TOWNSHIP

The Board of Trustees of Auburn Township, Geauga County, Ohio met in Regular Session on the 1st of February, 2021, at the Auburn administration building with the following members present: Trustee Patrick J. Cavanagh and Trustee Michael S. Troyan were present and Trustee John A. Eberly was participated digitally through Zoom.

WHEREAS, Sections 505.17(A) and 4513.221(E)(4) of the Ohio Revised Code grant a township Board of Trustees the authority to regulate noise from passenger cars, motorcycles, or other devices using internal combustion engines in the unincorporated areas of the township, when the use of such devices causes the vehicle’s motor to race in such a manner as to cause the exhaust system to emit a loud, cracking, or chattering noise unusual to its normal operation.

WHEREAS, the Board of Auburn Trustees has reasonably determined based on actual observations of such activity, and discussing the same in a meeting open to the public, that the use of an engine retarder on a motor vehicle causes the vehicle’s motor to race in such a manner as to cause the exhaust system to emit a loud, cracking, or chattering noise unusual to its normal operation.

NOW, THEREFORE, BE IT RESOLVED by the Auburn Township Board of Trustees, in accordance with sections 505.17(A) and 4513.221(E)(4) of the Ohio Revised Code, has reasonably determined that the use of engine retarders on a motor vehicle causing the vehicle’s motor to race in such a manner as to cause the exhaust to emit a loud, cracking, or chattering noise unusual to its normal operation and shall be prohibited on the roads in the unincorporated area of Auburn Township;

BE IT FURTHER RESOLVED that a violation of this Resolution shall be minor misdemeanor. Any such fines collected pursuant to this Resolution shall be collected and paid into the appropriate fund as set forth in section 505.17(E) and 4513.221(F) of the Ohio Revised Code.

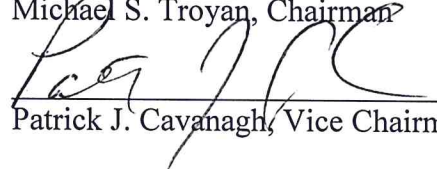
BE IT FURTHER RESOLVED that the prohibition use of the engine retarders as designated above shall not be effective and enforced until all of the following have occurred:

1. The Auburn Township Fiscal Officer has caused this regulation to be posted in five conspicuous public places in the Township for at least 30 days;
2. Notice of the adoption of this regulation has been published in a newspaper of general circulation in the township for three consecutive weeks or as provided in section 7.16 of the Ohio Revised Code.
3. Signs are prominently displayed in compliance with sections 505.17(C) and 4511.09 of the Ohio Revised Code.

Voting thereon:




Michael S. Troyan, Chairman




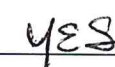
Patrick J. Cavanagh, Vice Chairman

John A. Eberly, Trustee

Vote:

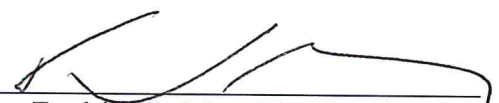






Adopted: February 1, 2021

I, Fredrick L. May, Fiscal Officer of the Board of Township Trustees of Auburn Township, Geauga County, Ohio, certify that the foregoing is a true and accurate copy of a resolution adopted at a legally convened Board meeting held on February 1, 2021.



Fredrick L. May, Fiscal Officer