

ORDINANCE NO: 19-0-05  
SPONSOR: MAYOR ADAMSON  
INTRODUCED: APRIL 17, 2019

\* Withdrawn \*

AN ORDINANCE AMENDING ORDINANCE 05-65 BY PROHIBITING EXCESSIVE VEHICLE ENGINE IDLING AND DECLARING THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

WHEREAS, the City of New Franklin incorporated and adopted the Noise Ordinance first adopted by the Village of New Franklin in Ordinance 05-65; and

WHEREAS, New Franklin has received complaints regarding noise from excessive non-emergency engine idling; and

WHEREAS, it is in the best interest of the public health, safety and welfare of New Franklin residents to regulate and restrict the noise emanating from excessive non-emergency engine idling.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

**SECTION ONE:**

The Noise Ordinance 05-65 as previously adopted is hereby amended by adding a provision regulating and restricting excessive non-emergency vehicle engine idling, as set forth in Exhibit A as attached hereto.

**SECTION TWO:**

The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION THREE:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Kelly Kepler, Clerk

\_\_\_\_\_  
David Stock, President  
19-0-05

APPROVED: \_\_\_\_\_, 2019

\_\_\_\_\_  
Paul F. Adamson, Mayor

ENACTED EFFECTIVE: \_\_\_\_\_

ON ROLL CALL: Cotts \_\_\_\_\_ Jones \_\_\_\_\_ Harget \_\_\_\_\_  
Fetterman \_\_\_\_\_ Stock \_\_\_\_\_ Hawk \_\_\_\_\_  
Norris \_\_\_\_\_

Publications on \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_  
Kelly Kepler, Clerk

**EXCESSIVE IDLING.**

(a) Purpose. The purpose of this section is to protect the public health, safety and welfare of citizens in New Franklin by limiting offensive noise, and to protect the environment by reducing emissions while conserving fuel, maintaining adequate rest and safety of all drivers, and removing barriers to economic development imposed by the region's air quality status under the Federal Clean Air Act.

(b) Applicability. As used in this section, "vehicle" has the same meaning as in Ohio Revised Code Section 4511.01.

(c) General Requirement. Except as provided in division (d) of this section:

(1) The owner or operator of a vehicle shall not cause or allow a vehicle to idle for more than 5 minutes;

(2) The owner or operator of a vehicle that is loading or unloading at a loading dock or loading/unloading area, and the owner or operator of the loading dock or loading/unloading area, shall not cause or allow a vehicle to idle in that loading/unloading area for more than 10 minutes.

(d) Exemptions. Division (c) of this section does not apply when:

(1) The outdoor temperature is below 32 degrees Fahrenheit or above 85 degrees Fahrenheit, provided idling under these circumstances shall be limited to 10 minutes.

(2) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, or air conditioners, or when installing equipment.

(3) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or the direction of a law enforcement official.

(4) A police, fire, ambulance, public safety, military, other emergency law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications or other essential on board equipment, and not solely for the convenience of the vehicle operator.

(5) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

(6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

(7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

(8) A vehicle idles due to mechanical difficulties over which the driver has no control.

(9) A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.

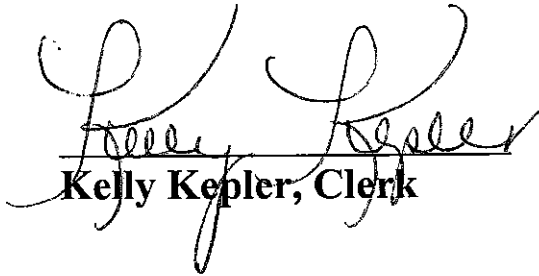
(e) Penalty. Whoever violates this section shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

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New Franklin, Ohio 44319  
Summit County

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330-882-4324  
Fax: 330-882-7052

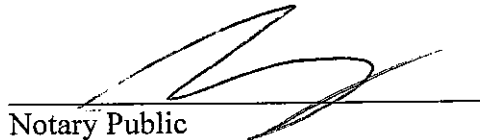
**Attached is an accurate and certified copy of the original City of New Franklin Ordinance 19-O-06, passed by New Franklin Council on June 5, 2019.**

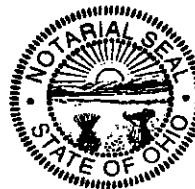
  
\_\_\_\_\_  
Kelly Kepler, Clerk

State of Ohio                    )  
  ) ss  
County of Summit            )

**BEFORE ME, A NOTARY PUBLIC** in and for said County and State, personally appeared the above named **Kelly Kepler**, who acknowledged she did sign the foregoing instrument and the same is her free act and deed.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal, at New Franklin, Ohio this 10th day of June, 2019

  
\_\_\_\_\_  
Notary Public



Richard P. Lowry  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires:

1/10/2022