

The Board of Township Trustees (the "Board") of Perry Township (the "Township"), Franklin County, Ohio, met in special session on May 8, 2024, at 6:00 p.m. at the Worthington Hills Country Club in the Worthington Room, 1st floor, 920 Clubview Blvd S, Columbus, OH 43235, with the following members present:

Chet Chaney
Jim Roper
Andy English

Mr. Chet Chaney introduced the following resolution in writing:

RESOLUTION HR NO. 136-24

A RESOLUTION ESTABLISHING TRUCK ROUTES AND DECLARING AN EMERGENCY

WHEREAS, the Township adopted a limited home rule form of government pursuant to Chapter 504 of the Ohio Revised Code; and

WHEREAS, a limited home rule township, in accordance with Section 504.04 of the Ohio Revised Code, may exercise the powers of local self-government, including the expenditure of funds that improves the health, safety and general welfare of Township residents; and

WHEREAS, the Township has ongoing and immediate safety concerns regarding truck, commercial truck or semi-trailer on various residential streets designated herein; and

WHEREAS, the Board regulations establishing truck routes improve the quality of Township roads, preserves the character and aesthetic appeal of the Township's neighborhoods and reduce excessive traffic that creates safety hazards or impedes the flow of pedestrian traffic; and

WHEREAS, the Board believes that these truck routes governing Township right-of-way are necessary to provide for the public health, safety and general welfare of the residents of the Township; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Perry Township, Franklin County, Ohio that:

Section 1. The Board hereby establishes and adopts the Perry Township Truck Route Regulations:

(A) No person shall operate any truck, commercial tractor, semi-trailer or vehicle designed or used for the transportation of services, goods, wares, merchandise or materials over and upon any of the residential streets located in the Brookside Estates subdivision and the Worthington Hills subdivision located in the unincorporated area of the Township where signs are erected giving notice of such restriction, except while loading or unloading such goods, wares, merchandise, materials or delivery of services to Perry Township residents at a place contiguous to such street or part thereof and then only by proceeding by a route which will follow to and from the nearest street intersection to such place of delivery.

(B) The Township Administrator and the Road Superintendent shall oversee the implementation of the Perry Township Truck Regulations and post any signs in accordance with Section 4511.07 of the Ohio Revised Code.

(C) Definitions:

Commercial tractor: means every motor vehicle having motor power designed or used for drawing other vehicles and not constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both.

Operate: means any person who cause or have caused movement of a motor vehicle and includes driving upon any street, highway or private property.

Semi-trailer: means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

Street or highway: means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for the purposes of vehicular travel and shall include private streets.

Truck: means every motor vehicle, except trailers and semi-trailers, designed and used for the transportation of services, goods, wares, merchandise or materials property.

Section 2. Any violation the Regulations shall constitute an unclassified civil fine punishable according to the civil fine schedule as follows:

1 st Violation:	\$500.00
2 nd Violation:	\$750.00
3 rd and subsequent Violations:	\$1,000.00

A) If a citation is warranted, the peace officer serving the Township pursuant to Section 504.16 of the Ohio Revised Code shall issue such citation to any person violating this Resolution. The officer shall complete the citation by identifying the violation charged and by indicating the date, time, and place of the violation charged. The officer shall sign the citation and without necessary delay file the original citation with the court having jurisdiction over the violation. A copy of a citation issued pursuant to this section shall be served pursuant to the Ohio Rules of Civil Procedure upon the person who violated this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated. The citation shall be the limited home rule citation previously adopted by the Township and shall be in accordance with all of the following:

- i) Advise the person upon whom it is served that the person must answer in relation to the violation charged in the citation within fourteen days after the citation is served upon the person;
- ii) Indicate the allowable answers that may be made and that the person will be afforded a court hearing if the person denies in the answer that the person committed the violation;
- iii) Specify that the answer must be made in person or by mail with the Perry Township Fiscal Officer; and
- iv) Indicate the amount of the fine that may be imposed for the violation.

B) An answer to a citation shall be made within fourteen (14) days after the citation is served upon the person and shall be in one of the following forms:

- i) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine shall be payable to the Fiscal Officer of the Township and deposited by the Fiscal Officer into the Township general fund.
- ii) A denial that the person committed the violation.

C) Whenever a person pays a fine pursuant this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required under this section, the Township Fiscal Officer shall notify the court having jurisdiction over the violation. The court having jurisdiction over the matter shall proceed in accordance with the provisions of Section 504.07(B) of the Ohio Revised Code. All fines collected under this Resolution shall be deposited into the Township general fund.

Section 3. Pursuant to Ohio Revised Code 504.08, the Board hereby determines that any violation of these Regulations constitutes a matter of public health and safety and authorizes the Township law director or special counsel for the Township to file for injunctive relief. Furthermore, nothing herein shall be construed to impair any common law or statutory cause of actions, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, of any person or the Township, for any injury or damage arising from other law.

Section 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Township and its inhabitants for the reason that such regulations are necessary to protect resident health and safety and safe travel on Township roads.

Section 5. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Following its introduction, the resolution was read by the Township Fiscal Officer by title only.

Mr. Chet Chaney moved to dispense with the requirement that this resolution be read on two separate days and hereby authorizes the adoption of this resolution upon its first reading and the motion was seconded by Mr. James Roper. Roll was called on the question of dispensing with the second reading and the results were:

Vote Record:	Yea	Nay
Mr. <u>Chaney</u>	<u>✓</u>	<u> </u>
Mr. <u>Roper</u>	<u>✓</u>	<u> </u>
Mr. <u>English</u>	<u>✓</u>	<u> </u>

Mr. Chet Chaney moved the adoption of the resolution as an emergency measure and the motion was seconded by Mr. James Roper. Roll was called on the question of adoption and the results were:

Vote Record:	Yea	Nay
Mr. <u>Chaney</u>	<u>✓</u>	<u> </u>
Mr. <u>Roper</u>	<u>✓</u>	<u> </u>
Mr. <u>English</u>	<u>✓</u>	<u> </u>

Having received a unanimous approval vote of the Board, the resolution was adopted as an emergency measure to become effective immediately upon filing with the Township Fiscal Officer.

First Reading: May 8, 2024

Second Reading: Dispensed with

Effective: May 8, 2024

Adopted: May 8, 2024

**BOARD OF TOWNSHIP TRUSTEES
PERRY TOWNSHIP
FRANKLIN COUNTY, OHIO**

Attest: Michele Elliott
Michele Elliott, Fiscal Officer

Chet T. Chaney
Chet Chaney, Township Trustee

Andy English
Andy English, Township Trustee

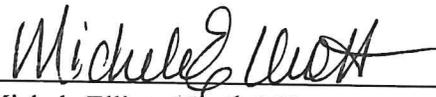
James Roper
James Roper, Township Trustee

APPROVED AS TO FORM:

Amy Hines
Township Law Director

CERTIFICATION

The undersigned Fiscal Officer of the Board of Township Trustees of Perry Township, Franklin County, Ohio hereby certifies that the foregoing is a true and exact copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township Fiscal Officer on May 8, 2024.



Michele Elliott, Fiscal Officer
Perry Township, Franklin County, Ohio

CERTIFICATE OF PUBLICATION

I, Michele Elliott, Fiscal Officer of Perry Township, Ohio do hereby certify that a summary of this resolution was published in the newspapers listed below on the dates listed below:

Columbus Dispatch May 24 and May 31, 2024

n/a _____ and _____, 2024



Michele Elliott, Fiscal Officer
Perry Township, Franklin County, Ohio