



S.B. 42

123rd General Assembly
(As Introduced)

Sen. Gardner

BILL SUMMARY

- Extends the authority of townships to adopt noise control regulations.

CONTENT AND OPERATION

Existing law

Under existing law, a township has *limited* authority to regulate noise within the unincorporated territory of the township. The Township Law allows a board of township trustees to adopt regulations and orders necessary to control noise at *any premises to which a D liquor permit* (permits authorizing sales for on and/or off premises consumption) has been issued by the Division of Liquor Control if the premises are contiguous to an area zoned for residential use (sec. 505.172--amended by the bill). In addition, the Township Law allows a board of township trustees to adopt necessary regulations and orders to control noise from passenger cars, motorcycles, and internal combustion engines and to regulate all vehicle parking in the unincorporated territory of the township (sec. 505.17--not in, but referred to in, the bill).

Changes proposed by the bill

The bill amends the provision of the Township Law pertaining to the specified premises with D liquor permits (1) to repeal the specific reference to controlling noise by regulation or order *only* at those premises and (2) to substitute a *more general authority* for a board of township trustees to control by regulation or order, within the unincorporated territory of the township, noise that is not otherwise governed by the Township Law pertaining to vehicle noise and parking. Any violation of a regulation or order adopted by a board of township trustees under the bill is a minor misdemeanor, and any fines levied and collected for a violation must be paid into the township general fund (these provisions are similar to existing law). The bill also has the effect of expanding the scope of existing

law's authority for a person aggrieved by another person's violation of a noise regulation or order to seek a declaratory judgment, an injunction, or other appropriate relief against the other person for the violation and to recover reasonable attorney's fees if the aggrieved person prevails in the civil action. (Sec. 505.172.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	p. 82

S0042-I.123/rss