

**BOARD OF TRUSTEES  
SPRINGFIELD TOWNSHIP, HAMILTON COUNTY, OHIO  
RESOLUTION NUMBER 26-2013**

**ESTABLISHING REGULATIONS FOR ELECTRONIC MESSAGE BOARD SIGNS**

**WHEREAS**, the Board of Trustees of Springfield Township, Hamilton County, Ohio, met in Regular Session on the 9th day of April, 2013 at the Springfield Township Administration Building, 9150 Winton Road with the following members present:

Mr. Tom Bryan

Ms. Gwen McFarlin

Mr. Joseph Honerlaw

Trustee            moved for the adoption of the following Resolution:

**WHEREAS**, the regulation of signs is necessary to safeguard the life, health, property and public welfare of residents in Springfield Township;

**WHEREAS**, it has come to the attention of the Springfield Township Board of Trustees that Electronic Message Board Signs can endanger the motoring public by means of distracting video messages and may reduce property values and provide annoyance and distraction to persons residing in residential neighborhoods;

**WHEREAS**, the Springfield Township Board of Trustees understands the importance of appropriate and compatible signs to provide effective communication as to the nature of goods and services in the Township; and

**WHEREAS**, the Springfield Township Board of Trustees believes that the interests of businesses, churches, and other entities owning and operating Electronic Message Board Signs can be balanced with the interests of the motoring public and residents of Springfield Township by the creation of reasonable regulations for such signs.

**NOW THEREFORE BE IT RESOLVED BY THE SPRINGFIELD TOWNSHIP BOARD OF TRUSTEES** that:

**SECTION 1  
PURPOSE**

This Resolution, in and of itself and in conjunction with the Springfield Township Zoning Resolution, establishes uniform regulations for signs within Springfield Township. These sign regulations are intended to provide minimum standards to safeguard life, health, property and public welfare in keeping with the character of Springfield Township, by regulating Electronic Message Board Signs. The purpose of this Resolution is to promote and maintain healthy commercial centers and property values, to allow for the effective communication of the nature of goods and services, and to avoid signs which may be distracting and dangerous to the motoring public and unduly obtrusive to residential neighborhoods.

## **SECTION 2 DEFINITIONS**

For purposes of this Resolution, an Electronic Message Board Sign is a sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

## **SECTION 3 ZONING COMPLIANCE REQUIRED**

Electronic Message Board Signs may only be located in Springfield Township in accordance with the Springfield Township Zoning Resolution and shall comply with the size, height, area and other restrictions outlined in that Resolution.

## **SECTION 4 GENERAL REGULATIONS OF ELECTRONIC MESSAGE BOARD SIGNS**

The following regulations shall apply to all Electronic Message Board Signs located in Springfield Township:

**4.1 Movement.** No such sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.

**4.2 Duration.** No message shall be displayed for a period of time less than five (5) seconds; however, the Board of Zoning Appeals may increase the minimum required display time if the Electronic Message Board is located within one hundred (100) feet of another Electronic Message Board Sign, traffic signal, flashing warning signs, school crosswalk, train crossings, fire stations, or other situations where a demanding driving environment is deemed to exist.

**4.3 Transition.** Transition from one message to another message shall be instantaneous as perceived by the human eye. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.

**4.4 Audio.** No sign shall include an audio message.

**4.5 Brightness.** Such signs shall be equipped with and shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall the sign exceed a brightness level of:

- a. Two hundred fifty (250) Nits when measured from the sign face at its maximum brightness, during daylight hours.
- b. One hundred (100) Nits when measured from the sign face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.

Written certification from the sign manufacturer must be provided by the property owner certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this Section.

**4.6 Malfunction Default Setting.** All such signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

**SECTION 5  
ADDITIONAL REGULATIONS OF ELECTRONIC MESSAGE BOARD SIGNS LOCATED IN  
RESIDENTIAL DISTRICTS**

In addition to the Regulations established in Section 4 of this Resolution and unless otherwise permitted by the Board of Zoning Appeals, the following regulation shall apply to all Electronic Message Board Signs located in Residential Districts in Springfield Township:

**5.1 Hours of Operation.** Such signs shall not display any message between the hours of 10:00 p.m. and 6:00 a.m.

**SECTION 6  
CIVIL CITATION AND APPEAL**

**6.1 Civil Citation Issued.** Civil citations will be issued to persons who engage in conduct prohibited by this Resolution.

**6.2 Form of Civil Citation.** Civil Citations issued for a failure to comply with this Resolution shall be given in accordance with all of the following:

1. The Citation must be in writing on a form specifically designated as a Civil Citation form;
2. The Citation must include a statement advising the person charged that he/she must answer the citation within fourteen (14) days after the date on which the Citation is served upon him/her;
3. The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
4. The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Springfield Township Fiscal Officer;
5. The Citation must include a statement indicating the amount of the fine arising from the violation;
6. The Citation must include a statement advising the person of the violation charged, the date, time and place of the violation charged; and
7. The Citation must include the signature and affirmation of the police officer completing the Citation.

**6.3 Method of Service.** The Civil Citation shall be deemed to be properly served if it is:

1. Delivered personally to the owner of the property at issue by a Springfield Township Police Officer; or

2. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Hamilton County Auditor; or
3. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, to the owner of the property at issue at the owner's last known address; or
4. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence; or
5. Any other method of service permitted by the Ohio Rules of Civil Procedure.

**6.4 Permissible Answers.** Any person, firm, or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:

1. Admission that the person, firm, or corporation committed the violation charged - filed in the manner and within the time permitted by this Resolution;
2. Express denial of the violations charged by the person, firm, or corporation charged - filed in the manner and within the time permitted by this Resolution; or
3. Implicit denial of the violations charged by the failure of the person, firm, or corporation charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by this Resolution.

**6.5 Admission of Guilt.** Persons, firm, or corporations served with Civil Citations may admit that he/she/it committed the violations charged by paying the fine set forth in the Civil Citation as required by Section 5.4 of this Resolution.

1. **Admission of Guilt of Violations Charged in Civil Citations – Payment of Fine by Hand Delivery.** Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in person to the Township Fiscal Officer . Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.
2. **Admission of Guilt of Violations Charged in Civil Citations – Payment of Fine by Mail.** Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, postage prepaid, to the Township Fiscal Officer, 9150 Winton Road, Cincinnati, Ohio 45231. Such admissions/payments must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.
3. **Effect of Admission and Payment of Fine.** Persons, firms, or corporations who admit guilt as to the violation charged in a Civil Citation issued against them and who pay the fine set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons,

firms, or corporations continue to use or operate an Outdoor Wood-Burning Furnace in violation of this Resolution, Springfield Township may continue to issue Civil Citations each day it determines that a violation occurs. The admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Springfield Township Board of Trustees from instituting, by and through its law director, appropriate action to enjoin, restrain, correct or abate a violation of this Resolution.

**6.6 Express Denial of Violations Charged in Civil Citations – Hand Delivery of Denial.** Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and presenting the denial in person to the Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

**6.7 Express Denial of Violations Charged in Civil Citations – Mailing of Denial.** Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by mailing the denial, postage prepaid, to the Township Fiscal Officer, 9150 Winton Road, Cincinnati, Ohio 45231. Such denials must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

**6.8 Implicit Denial of Violations.** Persons, firms, or corporations who fail to either expressly deny the violations charged in the Civil Citation issued against them in the manner and within the time permitted by this Resolution or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by this Resolution shall be deemed to have denied the violations charged.

**6.9 Referral to Municipal Court.** If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violations charged in the Citation within fourteen (14) days after service of the Civil Citation, the Springfield Township Fiscal Officer shall notify the Hamilton County Municipal Court of the denial so that a hearing can be set.

**6.10 Municipal Court Hearings.** Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

**6.11 Payment of Fine After Determination of Guilt.** Persons, firms, or corporations found to have violated the provisions of this Resolution charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue.

**6.12 Appeal.** Persons, firms, or corporations wishing to appeal an adverse determination by the Hamilton County Municipal Court may file an appeal with the First District Court of Appeals within thirty (30) days after the judgment. The court of appeals schedules a hearing on the matter, and its decision is final.

## **SECTION 7 PENALTIES AND FINES**

**7.1 Violation Penalties.** Any person, firm, or corporation who violates a provision of this Resolution shall be issued a Civil Citation in the following amounts:

1. In the amount of one hundred dollars (\$100.00) on the first offense;
2. In the amount of two hundred-fifty dollars (\$250.00) for the second offense;
3. In the amount of five hundred dollars (\$500.00) for the third offense;
4. In the amount of seven hundred-fifty dollars (\$750.00) for the fourth offense; and
5. In the amount of one thousand dollars (\$1,000.00) for each subsequent offense.

**7.2 Administrative Fee.** In addition to the fine imposed by this Resolution, Springfield Township will charge an administrative fee for the processing of all citations paid-out to the Township Fiscal Officer. The administrative fee for 2011 shall be ten dollars (\$10.00) for each citation paid-out. After that time, the administrative fee shall be that fee established on Springfield Township's fee schedule adopted for the relevant year.

**7.3 Continuing Violations.** Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## **SECTION 8 ABATEMENT AND OTHER LAWFUL REMEDIES**

**8.1 Abatement of violation.** The imposition of the fines and penalties herein prescribed shall not preclude the Springfield Township Board of Trustees from instituting, by and through its law director, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent the use or operation of an Electronic Message Board Sign in violation of this Resolution.

## **SECTION 9 COMPLIANCE WITH LAW**

That the Springfield Township Board of Trustees hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of the Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

## **SECTION 10 COMPLIANCE WITH READING REQUIREMENTS**

The Springfield Township Board of Trustees hereby finds and determines that this Resolution was adopted pursuant to Section 504.10 of the Ohio Revised Code and was publicly read on the following two, different dates:

April 9, 2013  
May 14, 2013

**BE IT FURTHER RESOLVED** that the Township Fiscal Officer shall cause a copy of this Resolution to be posted in five (5) conspicuous places in the Township for a period of thirty (30) days.

Additionally, the entire Resolution shall be posted on the Township website and shall be available as a printed document at the Township Administrative Offices during normal business hours. The section headings, numbers, a brief summary, and the availability of this Resolution shall be published in a newspaper of general circulation in the Township for three consecutive weeks.

Mr/Ms./Mrs \_\_\_\_\_ seconded the Motion and roll being called upon its adoption the vote resulted as follows:

	<u>Yea</u>	<u>Nay</u>
Mr. Honerlaw	_____	_____
Ms. McFarlin	_____	_____
Mr. Bryan	_____	_____

Enacted \_\_\_\_\_

**Board of Trustees**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION:**

I, Dan Berning, Fiscal Officer, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Trustees of Springfield Township at a \_\_\_\_\_ meeting on \_\_\_\_\_.

**Signed:** \_\_\_\_\_  
Township Fiscal Officer

**Approved as to Form:** \_\_\_\_\_  
Law Director

**CERTIFICATE OF AVAILABILITY AND PUBLICATION**

I, Dan Berning, Fiscal Officer of Springfield Township, Hamilton County, Ohio, hereby certify that the foregoing Resolution was made available on April 9, 2013 to the public at the office of the Board, and that the section headings, numbers, a brief summary of the Resolution, and a notice of its availability was published in accordance with the provisions of the Ohio Revised Code in *The Hilltop Press* on the following dates:

\_\_\_\_\_ , and

\_\_\_\_\_ .

\_\_\_\_\_  
Dan Berning, Fiscal Officer