

ORDINANCE NO.: 2008-16
SPONSOR: COUNCILWOMAN CROCE
INTRODUCED: MAY 27, 2008

PUB. SAFETY

AN ORDINANCE PROHIBITING THE USE OF COMPRESSION RELEASE TYPE ENGINE BRAKES, SOMETIMES REFERRED TO AS "JAKE BRAKES" WITHIN THE CITY OF GREEN, ESTABLISHING PENALTIES FOR A VIOLATION, AND DECLARING AN EMERGENCY.

WHEREAS, City Council has received numerous complaints from residents about the noise caused by compression release type engine brakes, sometimes referred to as "jake brakes" by trucks operating within the City of Green; and

WHEREAS, the term "jake brake" is the common name given to engine speed governors (compression from a truck's engine that assists large trucks with slowing down devices); and

WHEREAS, the use of a "jake brake" creates a very loud exhaust noise; and

WHEREAS, the peace, tranquility, and welfare of the City of Green residents will be preserved by restricting the use of "jake brakes" on City streets; and

WHEREAS, the Ohio Constitution and the Charter of the City of Green permits the City of Green to enact legislation which helps to preserve the health, safety and welfare of its residents.

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

SECTION ONE:

Definitions.

For the purpose of this Section, Compression Release Type Braking System shall mean any device equipped on certain commercial vehicles including, but not limited to, tractors, semi-trucks, motor carriers and buses that utilize engine compression release or engine retarders as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes. A compression release type braking system is also referred to as "jake brakes", "jacob's brake", "engine brake" or "dynamic braking device".

SECTION TWO:

Use Prohibited.

It shall be unlawful for any person to operate any motor vehicle with a compression release type braking system to cause their vehicle to brake or slow by any method which increases the noise emission levels of the engine such as, but not limited to, engine compression release brakes or engine retarder in lieu of applying the clutch or brakes upon any public street, road or highway within the limits of the City of Green. This

Ordinance shall not apply to fire protection equipment or other emergency vehicles or if used by an operator of a vehicle in an emergency situation to avert imminent danger.

SECTION THREE:

Penalty.

Violation of this Ordinance shall be a minor misdemeanor punishable by a fine of not more than One Hundred Dollars (\$100.00) for each offense.

SECTION FOUR:

The City finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22, Revised Code.

SECTION FIVE:

City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green. 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: June 24, 2008

Molly Stevens
Molly Stevens, Clerk

Christine Croce
Christine Croce, Council President

APPROVED: June 24, 2008

Richard G. Norton
Richard G. Norton, Mayor

COPIED Sheriff
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: June 24, 2008

ON ROLL CALL: Colopy - yea Croce - yea France - yea Manwaring - yea
Reed - yea Ridgeway - yea Smole - yea Adopted 7-C

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Molly Stevens
Molly Stevens, Clerk

5/19/2008 9:03 AM Approved as to form and content by Stephen J. Pruneski, Law Director

SP 5/21/08