

CITY OF KIRTLAND

ORDINANCE NUMBER 23-O-58

**AN ORDINANCE ADOPTING SECTIONS 401.125 AND 432.44 OF THE
CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING
THE PROHIBITION OF ENGINE BRAKES WITHIN THE CITY, AND
DECLARING AN EMERGENCY.**

WHEREAS, the City of Kirtland desires to regulate the noises from motor vehicles traveling on its roads by limiting the use engine brakes; and

WHEREAS, the City believes that prohibiting the use of engine brakes within the City is a benefit to its residents whereby it reduces noise disturbances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: Codified Ordinance Section 401.125 is hereby adopted to read as follows:

§ 402.125 ENGINE BRAKES (JAKE BRAKES).

“Jake brake” shall mean an engine brake of the type originated and/or manufactured by Jacobs Vehicle Systems, or a similar device, which mounts on a motor vehicle engine, changes the action of the exhaust valves, and provides retarding power which is proportional to the engine’s revolutions per minute (RPM), so as to slow the motor vehicle. The term “motor vehicle” shall have the same meaning given to such term in § 402.20.

SECTION II: Codified Ordinance Section 432.44 is hereby adopted to read as follows:

§ 432.44 ENGINE BRAKES (JAKE BRAKES).

- (a) No person, while operating a motor vehicle within the municipality, shall activate a Jake brake on such motor vehicle unless the other braking devices on such motor vehicle have failed or exigent circumstances exist which require the use of such Jake brake. All safety forces operating a motor vehicle with a Jake brake are exempted from this ordinance.

- (b) Penalty: See § 408.02 General Code Penalty.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to appropriately compensate and retain its workforce; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2023.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2023.

Clerk of Council
Adopt 401.125 & 432.44 – Engine Brakes

Mayor Kevin F. Potter