

CITY OF KIRTLAND
ORDINANCE NUMBER 24-O-18

**AN ORDINANCE AMENDING 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, Ordinance No. 23-O-58 was passed on September 18, 2023 establishing Kirtland Codified Ordinance §401.125 and 432.44 relating to the prohibition of engine braking within the City; and

WHEREAS, the City of Kirtland desires to modify said ordinance to broaden the type or term of an engine brake.

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 amended to read as follows:

§ 402.125 ENGINE BRAKES.

“Engine brake” shall mean an engine brake 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 amended to read as follows:

§ 432.44 ENGINE BRAKES.

- (a) No person, while operating a motor vehicle within the municipality, shall activate an engine 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 engine brake.

- (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
_____, 2024.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2024.

Clerk of Council
Amend 401.125 & 432.44 – Engine Brakes

Mayor Kevin F. Potter