

ORDINANCE NO. 2024-15

AN ORDINANCE TO AMEND CHAPTER 339 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HIRAM PROHIBITING THE USE OF ENGINE BRAKES

WHEREAS, The Village Council has determined that the use of engine brakes within the Village creates an unnecessary nuisance and disturbance for Village residents; and

WHEREAS, the Hiram Village Council has considered enactment of Chapter 339.12 of the Village Codified Ordinances and has recommended changes to the code as the result of the consideration.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Hiram, Portage County, Ohio a majority or more of the members thereto concurring that:

SECTION 1: The Village of Hiram Codified Ordinances are amended by the enactment of Chapter 339.12 as is set forth in the attached Exhibit "A," specifically the additions shown in the italicized text.

SECTION 2: In all other respects, Chapter 339 as previously amended is hereby ratified.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that the deliberations of the Council and 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 Revised Code of the State of Ohio.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

First Reading: June 11, 2024

Second Reading: July 9, 2024

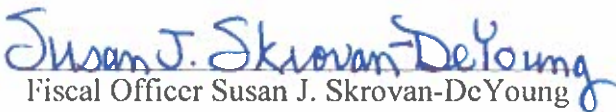
PASSED IN COUNCIL on third reading: August 13, 2024.

APPROVED:




Mayor Anne Haynam

ATTEST:


Fiscal Officer Susan J. Skrovan-DeYoung

APPROVED AS TO FORM:



Village Solicitor

I Susan DeYoung Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing ~~Resolution or Ordinance~~ No. 2024-15 has been duly posted in the required 5 places.

8/14/24 
Date Fiscal Officer, Village of Hiram

Ordinance 2024-15

EXHIBIT "A"

HIRAM VILLAGE CODE

CHAPTER 339

Commercial and Heavy Vehicles

- | | | | |
|---------------|--|---------------|---|
| 339.01 | Oversize or overweight vehicle operation on State routes; State permit. | 339.07 | Towing requirements. |
| 339.02 | Use of local streets; local permit and conditions. | 339.08 | Loads dropping or leaking; removal required; tracking mud. |
| 339.03 | Maximum width, height and length. | 339.09 | Shifting load; loose loads. |
| 339.04 | Route and load information. | 339.10 | Vehicles with spikes, lugs and chains. |
| 339.05 | Wheel protectors. chains. | 339.11 | Use of studded tires and |
| 339.06 | Vehicles transporting explosives. | 339.12 | <i>Use of Engine Brakes Prohibited.</i> |

CROSS REFERENCES

See sectional histories for similar State law

Weighing vehicle; removal of excess load - see Ohio R.C. 4513.33

Arrest notice of driver - see Ohio R.C. 5577.14

Slower moving vehicles to be driven in right-hand lane – see TRAF. 331.01(b)

339.12 USE OF ENGINE BRAKES PROHIBITED.

- (a) The non-emergency use of engine brakes, commonly known as “engine-braking” or “jake braking” within the Village is prohibited.*
- (b) Engine-braking is defined as the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in excessive, loud, unusual or explosive noise from such vehicle, including but not limited to, Jake Brakes, Jacobs Brakes, C Brakes, PacBrakes, TekBrakes, and any other type of engine retarders commonly utilized within the trucking industry.*
- (c) This section shall not apply to “emergency vehicles” as defined by Ohio R.C. 4511.01(D).*
- (d) Whoever violates this section is guilty of a minor misdemeanor.*

339.12 BRAKES; NUISANCE; ENGINE BRAKES.

- (a) No person shall drive or operate, or cause to be driven or operated, any vehicle which is equipped with an engine braking system which produces noise in excess of 80 dBa at fifty feet or which is improperly muffled so as to create a public nuisance, including the creation of excessive noise. The provisions of this section, however, shall not apply to “emergency vehicles” as defined by Ohio R.C. 4511.01(D).
- (b) The usage of any and all “engine retarders” shall be prohibited within the Village. “Engine retarders” shall be defined to include, but not limited to, C Brakes, PacBrakes, TekBrakes, Jake Brakes and any other type of engine retarder commonly utilized within the trucking industry.
- (c) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

337.31 ENGINE-BRAKING (JAKE BRAKING) PROHIBITED.

- (a) Council desires to control noise pollution and unnecessary traffic noise.
- (b) Definitions. Engine-Braking, commonly known as Jake-Braking, shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in excessive, loud, unusual or explosive noise from such vehicle.
- (c) Prohibited Acts. It shall be unlawful for the driver of any motor vehicle to use, or to operate or to be caused to be used or operated, at any time and on any street or road over which the City of Findlay has jurisdiction, any mechanical exhaust or decompression device which results in the practice known as "engine-braking" or commonly known as "jake-braking".
- (d) Exemptions. The provisions of this section shall not apply to any motor vehicle responding to a bona fide emergency or avoiding a traffic accident.
- (e) Posting of Signs. The City Safety-Service Director or his/her designee is hereby authorized and directed to post, at reasonable locations within the City or outside the corporate limits of the City with ODOT approval, signs indicating the prohibitions set forth herein
- (f) Penalty. Whoever violates this section is guilty of an unclassified misdemeanor offense and shall be fined up to one hundred dollars (\$100.00) for the first offense, up to two hundred fifty dollars (\$250.00) for a second offense within two (2) years of the first offense and up to five hundred dollars (\$500.00) for a third or subsequent offense within two (2) years of the first offense. (Ord. 2023-087. Passed 10-3-23.)