

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading <u>  X  </u>	Waiver 3-Reading Rule <u>      </u>
ORDINANCE NO: <u>  2016-3-3  </u>	Yes <u>  X  </u>	Second Reading <u>      </u>	Yes <u>  X  </u>
INTRODUCED BY <u>  R. FENN  </u>	No <u>      </u>	Third Reading <u>      </u>	No <u>      </u>

**AN ORDINANCE ESTABLISHING CODIFIED ORDINANCE SECTION 339.13,  
ENGINE BRAKING, AND DECLARING AN EMERGENCY**

**WHEREAS**, the practice of using an engine retarder, commonly known as “engine braking,” by its very nature, creates excessive and unusual noise, and is against the public peace, health, safety and welfare; and,

**WHEREAS**, the Village of Boston Heights wishes to prohibit the excessive and unusual noise caused by the practice of engine braking within the municipality;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Boston Heights, Summit County, Ohio, as follows:

**Section 1:** That the Village hereby establishes and adopts Codified Ordinance Section 339.13, “Engine Braking.” The section established herein will provide as follows:

- a. “Engine braking” means any device equipped on certain commercial vehicles including, but not limited to, tractors, semi-trucks, and 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.
- b. No person while operating a motor vehicle, or any vehicle mentioned in subsection (a), shall employ “engine braking” to decelerate the motor vehicle.
- c. This section 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 2:** That this Ordinance is in the best interests and public safety of the Village of Boston Heights and its residents.

**Section 3:** That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 4:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Village’s residents, for the timely consideration and evaluation of Codified Ordinance 339.13, Engine Braking, and provided this Ordinance receives the affirmative vote of the members elected or appointed to Council, it shall take effect and be enforced immediately upon its passage and approval by the Mayor.

PASSED:

  
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BILL GONCY, MAYOR

ATTEST:

  
\_\_\_\_\_  
BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2016-3-3** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **8<sup>th</sup> day of March, 2016.**