

VILLAGE OF PENINSULA, OHIO  
ORDINANCE NO.: 29-2018  
INTRODUCED BY: Doe Holiday  
DATE PASSED: November 13 2018

**AN ORDINANCE ESTABLISHING SECTION 339.13 OF THE TRAFFIC CODE  
PROHIBITING THE USE OF ENGINE RETARDING DEVICES OR ENGINE  
COMPRESSION BRAKES IN THE VILLAGE**

WHEREAS, in order to enhance the health, welfare, and quiet enjoyment of the Village's residents and visitors, Council desires to enact Section 339.13 of the traffic code prohibiting the use of engine retarding devices or engine compression brakes in the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council hereby enacts Section 339.13 of the Traffic Code prohibiting the use of engine retarding devices or engine compression brakes in the Village as set forth in the exhibit that is attached hereto.

SECTION 2. This Ordinance shall supersede and serve to repeal any previous ordinances prohibiting the use of engine retarding devices or engine compression brakes that may have previously been enacted by Council.

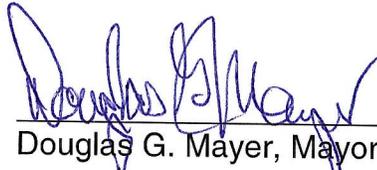
SECTION 3. All formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in force as of the earliest date permitted by law.

SECTION 5. Effective Date. This Ordinance shall take effect on the 13 day of November, 2018.

IN WITNESS WHEREOF, we have hereunto set our hands this 13 day of November, 2018.

Passed:

  
\_\_\_\_\_  
Douglas G. Mayer, Mayor

Attest:

  
\_\_\_\_\_  
John D. Stiegel, Fiscal Officer

Approved as to Legal Form.

  
\_\_\_\_\_  
Bradric T. Bryan, Solicitor

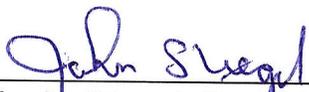
I, John D. Stiegel, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, at a meeting held on the 13 day of November, 2018.

  
\_\_\_\_\_  
John D. Stiegel, Fiscal Officer

Posting Certificate

I, John D. Stiegel, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Ordinance was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the 30 day of November, 2018, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.

  
\_\_\_\_\_  
John D. Stiegel, Fiscal Officer

**339.13 PROHIBITION ON USE OF ENGINE RETARDING DEVICES OR ENGINE COMPRESSION BRAKES.**

(a) Definitions. As used in this section, the following terms shall have the meaning indicated:

(1) "Engine braking" means the use or operation of any mechanical exhaust device, engine retarding device, or engine compression brakes designed to aid in the braking or deceleration of any motor vehicle which results in excessive, loud, unusual, or explosive noise from such vehicle;

(2) "Engine Retarding Device" shall be defined to include devices commonly referred to by brand names such as C Brakes, J Brakes, Jacobs Brakes, PacBrakes, or TekBrakes, and other types of devices commonly utilized within the trucking industry for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(b) Prohibition. No driver of any vehicle shall use or operate or cause to be used or operated within the Village, any mechanical exhaust device, engine retarding device, or engine compression brakes that results in the practice known as "engine braking" or "engine retarding."

(c) Exceptions. This section shall not apply to emergency vehicles.

(d) Signage. The Village shall display signs providing notice of this ordinance to motorists in appropriate areas of the Village.

(e) Violations and Penalties. Any person violating any provision of this section shall be guilty of a minor misdemeanor.