

## **RESOLUTION PROHIBITING THE USE OF ENGINE BRAKES ON MOTOR VEHICLES**

WHEREAS, Revised Code Section 505.17 authorizes a board of township trustees to make such regulations and orders as are necessary to control passenger car, motorcycle, and internal combustion engine noise, as permitted under Revised Code Section 4513.221; and

WHEREAS, Revised Code Section 4513.221(E)(4) authorizes a board of township trustees to regulate noise from passenger cars, motorcycles, or other devices using internal combustion engines in the unincorporated area of the township by prohibiting racing the motor of any vehicle using an internal combustion engine in such a manner that the exhaust system emits a loud, cracking, or chattering noise unusual to its normal operation; and

WHEREAS, the Board of Township Trustees of Beaver Township, Mahoning County, Ohio, has received complaints from residents with regard to loud noises emitted by trucks using diesel engine brakes, which reduce the trucks' rate of speed, but cause the trucks' exhaust systems to emit loud, cracking, or chattering noises unusual to their normal operations; and

WHEREAS, such residents have complained that these noise emissions have occurred at all times of the day and night, but are particularly annoying in the dark hours when said residents are attempting to sleep; now therefore,

BE IT RESOLVED by the Board of Township Trustees of Beaver Township, Mahoning County, Ohio, as follows:

SECTION 1. This Board hereby determines that the use of an engine brake on a motor vehicle causes the motor vehicle's motor to race in such a manner as to cause its exhaust system to emit a loud, cracking, or chattering noise unusual to its normal operation, and by this regulation hereby prohibits such use within the unincorporated area of the Township. This regulation does not apply to "emergency vehicles" or "public safety vehicles" as defined by Revised Code Section 4511.01.

SECTION 2. Whoever violates the prohibition set forth in Section 1 above is guilty of a minor misdemeanor.

SECTION 3. The effective date of this resolution shall be ten (10) calendar days after the posting of signage appropriate to carry out the purposes of this resolution.

SECTION 4. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

**INITIALLY PASSED ON APRIL 12, 2005.**

**CORRECTED AND PASSED ON OCTOBER 13, 2015**