

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. B-5-02-2

AN ORDINANCE TO AMEND ORDINANCE NO. B-4-60-1 AND B-4-95-1 PROHIBITING UNNECESSARY NOISES IN THE VILLAGE OF NEW CONCORD AND REGULATING THE USE AND OPERATION OF ENGINE BRAKES AND DYNAMIC BRAKING DEVICES ON MOTOR VEHICLES AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW CONCORD, STATE OF OHIO:

Section 1. Definitions: for purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases and words shall have the meaning herein given:

- A. **Dynamic Braking Device:** A device used primarily on trucks 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, commonly referred to as "Jacob's Brake" or "Jake Brake".
- B. **Emergency:** A situation or occurrence, which in the opinion of the Mayor, Police Chief, Fire Chief or Village Administrator, presents an imminent threat to the health, safety and welfare of any person, place or property.

Section 2. These regulations establish minimum standards to:

- A. Reduce the making and creation of excessive, unnecessary or unusually loud noises within the limits of New Concord.
- B. Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the Village.

Section 3. Jurisdiction: This Ordinance shall be subject to the direction and control of the Police Department.

Section 4. Powers and Duties: The Police Department shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections and issue orders as necessary to effect the purpose of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

Section 5. Scope: It shall be unlawful for any person(s) not to comply with any rule or regulation promulgated by this Ordinance, unless expressly waived by these rules and regulations.

Section 6. It shall be unlawful for any person to engage or use any engine brake and/or any dynamic braking device within the Village of New Concord except for the emergency avoidance of eminent danger.

Section 7. Enforcement: The Police Department may, upon hearing or witnessing a violation or violations of this Chapter, issue a written citation for the violation requiring an appearance in court to answer the charges.

Section 8. Whoever violates this ordinance is guilty of a minor misdemeanor on the first offense and shall be guilty of a 4th degree misdemeanor for any violations thereafter and may be punished as permitted by Section 501.99 of the General Offenses Code.

Section 9. That this ordinance shall be established as Section 509.08.1 of the General Offenses Code of the Village of New Concord

Section 10. That this ordinance shall be an emergency measure and take effect and be in full force immediately.

PASSED: May 13, 2002

Steve Kokovich, President of Council

APPROVED: May 13, 2002



R. Gregory Adams, Mayor

ATTEST: 

Sue Wilson, Clerk/Treasurer

