

ORDINANCE NO. 13-2005

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. §74.21 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE TO INCLUDE ENGINE BRAKING, COMMONLY KNOWN AS “JAKE BRAKING”

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WASHINGTON COURT HOUSE, FAYETTE COUNTY, OHIO AS FOLLOWS:

SECTION 1. The Council of the City of Washington Court House hereby amends Codified Ordinance §74.21 to read as follows;

“§ 74.21 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

(A) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(B) No person shall own, operate or have in his possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(C) No person, while operating a motor vehicle within the City, shall apply an engine brake (a practice commonly known as “jake braking”), or otherwise use the vehicle’s engine to decelerate, in such a manner as to cause excessive, unreasonable, or unusual noise.

(D) Any law enforcement personnel who hears a sound that may be a violation of this section shall be entitled to measure the sound according to the following standards:

a. The primary means of detection shall be by means of the officer’s ordinary auditory senses, so long as the officer’s hearing is not enhanced by any mechanical device such as a microphone or hearing aid.

b. The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he can readily identify the offending motor vehicle and the distance involved.

(E) This section does not apply to emergency and/or police vehicles.

(R.C. § 4513.22) ('73 Code, § 337.20) Penalty, see §§ 70.98 and 70.99

SECTION 2. That any ordinance or resolution in conflict with this ordinance shall be expressly repealed.

SECTION 3. That this Ordinance shall take effect and be in full force from and after the earliest date permitted by law.

PASSED:

June 22, 2005

ATTEST:

Debra M. Keaton
CLERK OF COUNCIL

Dwight Hedrick
CHAIRPERSON OF COUNCIL

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY