

RESOLUTION NO. 102804-2

**Resolution Prohibiting the Use of Engine Retarders
On Motor Vehicles within the Unincorporated Area of the Township**

The Board of Trustees of CONCORD Township, Delaware County, Ohio met in regular session on OCTOBER 28, 2004, with the following members present:

1. KENNETH COX
2. ERNIE MASCHMANN
3. KAREN KOCH

MR. COX moved the adoption of the following resolution:

WHEREAS, the Board of Trustees of CONCORD Township, Delaware County, Ohio is authorized to regulate internal combustion engine noise within the unincorporated area of the Township by Ohio Revised Code sections 4513.221 and 505.17; and

WHEREAS, the Board has determined that the use of an engine retarder, including the use of so called "Jake Brakes" causes a motor vehicle's motor to race in such a manner as to cause the exhaust system to emit a loud, cracking, or chattering noise unusual to its normal operation; and

WHEREAS, the Board has determined that the public safety and welfare of the Township would be served by the regulation of internal combustion engine noise within the unincorporated area of the Township; and

THEREFORE, BE IT RESOLVED that the Board of Trustees hereby enacts the following internal combustion engine regulation and procedure:

1. The use of engine retarders, including the use of so-called "Jake Brakes" shall be prohibited at all times within the unincorporated area of CONCORD Township located in Delaware County, the State of Ohio;
2. The regulated areas outlined above shall be further designated by the installation of traffic control devices conforming to ORC section 4511.09;
3. Delaware County Sheriff Deputies, who provide police services pursuant to a contract with CONCORD Township, are authorized to use the Ohio Uniform Traffic Ticket to issue a citation to any vehicle in violation of this engine retarder regulation;
4. Pursuant to ORC section 4513.221(F) and 505.17(E), whoever violates this internal combustion engine noise regulation is guilty of a minor misdemeanor;

5. Pursuant to ORC Sections 4513.221 and 505.17, any such fines collected for violating this regulation shall be paid into the township general fund;
6. These regulations are subject to the limitations, restrictions and exceptions in ORC Chapter 4511 and ORC sections 4513.02 to 4513.37;
7. The Township Clerk is directed to post these regulations in five (5) conspicuous public places in the Township for thirty (30) days and publish the same in a newspaper of general circulation in the Township for three (3) consecutive weeks.

MR. MASCHMANN seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

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| 1. | <i>Kenneth D Cox</i> | <i>yes</i> | Adopted <u>OCTOBER 28</u> , ²⁰⁰⁴ 2003 |
| 2. | <i>K. Gensler</i> | <i>yes</i> | |
| 3. | <i>E. J. March</i> | <i>yes</i> | |

ATTESTED:

Barbara Hughes
 _____, _____ Township Clerk

OCTOBER 28, 2004

 Date