

**VILLAGE OF YELLOW SPRINGS  
ORDINANCE 2020-38**

**PROHIBITING THE USE OF ENGINE BRAKING IN  
THE VILLAGE OF YELLOW SPRINGS BY AMENDING CHAPTER 440 OF  
THE YELLOW SPRINGS CODE OF ORDINANCES**

WHEREAS, the practice of “engine braking,” also known as “jake braking,” on commercial motor vehicles such as tractor-trailers, deploys a device, sometimes referred to as a brake retarder, to stop the vehicle or rapidly reduce its speed by allowing air to be exhausted out of the pistons of a diesel engine, but often results in excessive, unreasonable noise when not used in conjunction with an operational muffler system or other technology designed to keep noise below the 80-decibel threshold set by federal law for such vehicles if engaged in interstate commerce; and

WHEREAS, Village Council received input from community members and the Yellow Springs Police Department in conjunction with review of Chapter 634 of the Yellow Springs Code of Ordinances, which is more suited to stationary noise sources with enforcement by the Village’s civilian Noise Control Officer, rather than vehicle operators subject to law enforcement monitoring for compliance with all other state and local traffic laws; and;

WHEREAS, Village Council desires to impose reasonable restrictions on engine braking by prohibiting such use within the Village corporation limits except under constraints which address the health, safety and welfare of the Village,

NOW THEREFORE, BE IT ORDAINED by the Village Council of Yellow Springs, Ohio:

Section 1. The following Section of Chapter 440 of the Village Codified Ordinances shall be added to include the language below:

**440.12: NOISE AND ENGINE BRAKING**

(A) No person shall operate a commercial motor vehicle which causes excessive noise levels, as a result of a defective or modified exhaust system, including any muffler component.

(B) No person shall use an engine decompression braking system, or the other use of an engine transmission, or associated component parts or mechanical device to slow, stop, brake or otherwise engage in the practice commonly known as "jake braking" when it results in a loud, cracking, chattering or explosive noise. Any such noise observed as audible at a distance of 150 feet from the motor vehicle shall constitute evidence of a prima facie violation of this section regardless of the use of decibel-measuring equipment.

(C) Operators of emergency or public safety vehicles; or other vehicles owned or operated by the Village of Yellow Springs, a public utility or another political subdivision (including school buses) are exempt from this section.

(D) As an affirmative defense, an operator may establish that engine braking was safe and necessary due to a hazardous unforeseen road condition (as opposed to static conditions such as the posted speed limit or geographic features such as the grade or slope of the roadway).

(E) Village personnel are authorized to place signs at the corporation limits consistent with those recommended by the Ohio Department of Transportation Traffic Engineering Manual in all locations necessary to provide proper notice that violators may be cited for excessive noise.

(F) Violation of this ordinance may result in a civil infraction citation subject to a maximum fine of \$100 in Yellow Springs Mayor's Court if observed by a peace officer or other competent witness. Any civilian witness may document an incident with audio or video evidence from personal devices without a requirement to apply for surveillance technology, funding or use under Chapter 607 of the Village Codified Ordinances.

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Brian Housh, Council President

Passed: 12-21-2020

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

**ROLL CALL**

Brian Housh \_\_Y\_\_    Marianne MacQueen \_\_Y\_\_    Kevin Stokes \_Y\_  
Lisa Kreeger \_Y\_\_    Laura Curliss \_\_Y\_\_