

**RESOLUTION NO. \_\_\_\_\_**

*Regulating Engine Brake Use Within the Unincorporated Territory of the Township*

*Stark County, Ohio*

**Be It Resolved by the Township Trustees of Perry Township**

**WHEREAS**, this date, April 16, 2024, Trustee Matt B. Miller moved the adoption of the following Resolution:

**WHEREAS**, R.C. 505.17(A) and 4513.22(E)(4) authorize the Board of Trustees to make such regulations as are necessary to control vehicle noise in the unincorporated area of the Township, including restriction on the use of any exhaust system which emits a loud, cracking, or chattering noise unusual to its normal operation; and

**WHEREAS**, the authority set forth in these code sections has been interpreted to authorize the Board of Trustees to prohibit the use of engine retarders, including engine brakes on motor vehicles, which cause a vehicle's engine to race in such a manner as to create a loud, cracking, or chattering noise unusual to its normal operation (Ohio Atty. Gen. Op. 99-050); and

**WHEREAS**, it is deemed in the best interest of the Township and its residents to prohibit the use of any engine retarder, including an engine brake, while a vehicle is operated on that segment of U.S. Route 30/U.S. Route 62 within the unincorporated territory of the Township, between Perry Drive, SW to the West and Whipple Avenue, SW to the East.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. For purposes of this Resolution and regulation:

“Operator” means any individual who operates a vehicle, whether as the owner or agent, employee or permittee of the owner, or otherwise.

“Vehicle” has the same meaning as R.C. 4501.01(A).

“Engine retarder” means any mechanical device, including an engine brake typically referred to as “Jake Brakes,” operating by way of engine back pressure.

2. The use of any engine retarder, by any operator of a vehicle, is hereby prohibited on that segment of U.S. Route 30/U.S. Route 62 within the unincorporated territory of the Township, between Perry Drive, SW to the West and Whipple Avenue, SW to the East.

3. This regulation shall be implemented and enforced by the placement of standard signs, conforming in style, height, and lateral offset as set forth in the Ohio Manual of Uniform Traffic Control Devices, upon approval by the Ohio Department of Transportation. A diagram or sketch of the proposed restriction area, including proposed sign locations and legends, is attached hereto and incorporated herein.

4. No operator, or other person, shall operate a vehicle in the area designated along the segment of U.S. Route 30/U.S. Route 62 in violation of this resolution.

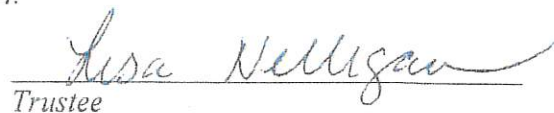
5. A copy of this Resolution shall be posted by the Fiscal Officer in five (5) conspicuous public places within the Township for a minimum of thirty (30) days and published in a newspaper of general circulation in the Township for three (3) consecutive weeks.

Trustee Ralph R. DeChiara, Jr. seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

**BE IT FURTHER RESOLVED:** that it is hereby found and determined that all formal actions of this Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 16th day of April, 2024.

  
Trustee

  
Trustee

  
Trustee

Attest:   
Township Fiscal Officer