

03/24/25
Mrs. Beck

Presented by: Mr. Harris &

ORDINANCE NO. 44 – 2025

**TITLE: COMPRESSION RELEASE TYPE ENGINE BRAKES
“JAKE BRAKES”**

**AN ORDINANCE PROHIBITING THE USE OF COMPRESSION
RELEASE TYPE ENGINE BRAKES, REFERRED TO AS “JAKE BRAKES”
WITHIN THE CITY OF BARBERTON AND ESTABLISHING PENALTIES FOR
A VIOLATION, AND DECLARING AN EMERGENCY.**

WHEREAS, City Council has received numerous complaints from residents about the noise caused by compression release type engine brakes, referred to as “jake brakes” by trucks operating within the City of Barberton; and

WHEREAS, the term “jake brake” is the common name given to engine speed governors (compression from a truck’s engine that assist large trucks with slowing down devices); and

WHEREAS, the use of a “jake brake” creates a very loud exhaust noise; and

WHEREAS, the peace, tranquility, and welfare of the City of Barberton residents will be preserved by restricting the use of “jake brakes” on City streets; and

WHEREAS, the Ohio Constitution and the Charter of the City of Barberton permits the City of Barberton to enact legislation which helps to preserve the health, safety, and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. For the purpose of this Section, Compression Release Type Braking System shall mean any device equipped on certain commercial vehicles including, but not limited to, tractors, semi-trucks, motor carriers, and buses that utilize engine compression release or engine retarders as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes. A compression release type braking system is also referred to as “jake brakes”.

SECTION 2. It shall be unlawful for any person to operate any motor vehicle with a compression release type braking system to cause their vehicle to brake or slow by any method which increases the noise emission levels of the engine such as, but not limited to, engine compression release brakes or engine retarded in lieu of applying the clutch or brakes upon any public street, road, or highway within the limits of the City of Barberton. This Ordinance shall not apply to fire protection equipment or other emergency vehicles or if used by an operator of a vehicle in an emergency situation to avert imminent danger.

SECTION 3. Violation of this Ordinance shall be a minor misdemeanor punishable by a fine of not more than One Hundred Dollars (\$100.00) for each offense.

SECTION 4. That this Council hereby prohibits the use of compression release type engine brakes, referred to as “jake brakes” with the City of Barberton and establishes penalties for a violation.

SECTION 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to move forward in a timely manner and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed April 28, 2025

Clerk of Council

President of Council

Approved _____ 2025

Mayor