

ORDINANCE NO. 2022-16

AN ORDINANCE PROHIBITING THE USE OF “JAKE” BRAKES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF CASTALIA, OHIO, ESTABLISHING A PENALTY FOR A VIOLATION THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the Council is aware that the Village of Castalia has a significant amount commercial and heavy vehicle traffic driving through its corporate limits which are often equipped with special brakes or “Jake” brakes, which, when utilized, can create excessive and distracting noises and therefore create a public nuisance; and

WHEREAS, Council has received numerous complaints from citizens of the Village regarding the use of “Jake” brakes within the Village limits; and

WHEREAS, Council has determined that the use of special brakes, or “Jake” brakes, creates a public nuisance and in order to preserve the general health and safety of the inhabitants of the Village of Castalia, Ohio, that the use of said equipment within the Village should be prohibited; and

WHEREAS, Council has further determined that it is necessary to prohibit the use of “Jake” brakes within the Village limits and to establish a penalty for the violation thereof; and

WHEREAS, the Council has further determined that the prohibition of the use of “Jake” brakes within the Village is directly related to the immediate preservation of the public health, safety, and general welfare of the Village, and as such, the Village Council finds that an emergency now exists regarding the aforesaid. Therefore, it is deemed advisable to declare this Ordinance to be an emergency measure to take effect immediately upon its adoption and due authentication by the Mayor and Village Fiscal Officer of the Village of Castalia, Ohio; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CASTALIA, STATE OF OHIO:

SECTION 1. That from the effective date of this Ordinance, the following regulations shall be in effect relative to the use of “Jake” brakes within the Village of Castalia:

Prohibition Against the Use of Special Brakes, “Jake” Brakes, and Engine Brakes, Excessive Noise.


No person shall drive or operate or cause to be driven or operated, any commercial car, trailer, or semi-trailer which is equipped with special brakes, “Jake” brakes, or other engine brakes in such a manner that the use of said brakes creates a public nuisance to the citizens of the Village of Castalia, Ohio, within the corporate limits of the Village.

Any person violating this Ordinance shall be guilty of using a “Jake” brake or engine brake, a minor misdemeanor.

SECTION 2. That the Fiscal Officer is authorized and directed to provide a certified copy of the foregoing ordinance to the Erie County Sheriff, the Sandusky Municipal Court, and the Sandusky Bay Law Library.

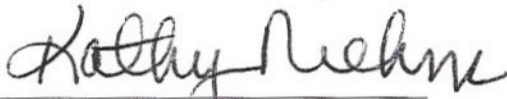
SECTION 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including *section 121.22 of the Revised Code*.

SECTION 4. That for the reasons set forth in the preamble, this Ordinance shall be adopted as an emergency measure to take effect immediately upon its adoption by the Mayor and the Fiscal Officer, respectively.



Mayor

Attest:



Village Fiscal Officer

Adopted July 12, 2022