

**ORDINANCE NO. 12, 2024**

**ENACTING SECTION 339.12, ENGINE BRAKING,  
WITHIN TITLE FIVE OF THE ST. BERNARD CODIFIED  
ORDINANCES, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of St. Bernard is experiencing increasing amounts of commercial and heavy vehicle traffic within the Village, which has been heightened by the ongoing construction project on Ohio Route 562, more commonly known as the Norwood Lateral. Such commercial and heavy vehicles are equipped with an engine brake or engine retarder (a practice commonly known as “jake braking”) and/or an exhaust brake system which, when utilized, can create excessive and distracting noise, creating a public nuisance, and

**WHEREAS**, Council has determined that the use of such engine brakes, engine retarders, and/or exhaust brake systems creates a public nuisance, and the use of such equipment within the Village should be prohibited, and

**WHEREAS**, the Ohio Constitution and the Charter of the Village of St. Bernard permit the Village to enact legislation which helps to preserve the health, safety, and welfare of the residents of St. Bernard, now therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD,  
STATE OF OHIO:**

**Section 1.** That a new Section 339.12, shall be enacted and added to Title Five of the St. Bernard Codified Ordinances which shall read as follows:

**339.12 ENGINE BRAKING.**


- (a) No person shall apply an engine brake or engine retarder (a practice commonly known as “jake braking”) and/or an exhaust brake system to aid in the braking or deceleration of a motor vehicle being operated on any street or road within St. Bernard which results in a disturbance of the peace and quiet enjoyment of the neighborhood, and/or is likely to cause inconvenience or annoyance to persons of ordinary sensibilities.
- (b) Engine brake or engine retarders shall be defined to include, but not limited to, C Brakes, Pac Brakes, Tek Brakes, Jake Brakes and any other type of mechanical device, engine brake or engine retarder commonly utilized to slow the engine of a motor vehicle.
- (c) The provisions of this section shall not apply to any motor vehicle responding to a bona fide emergency or avoiding a traffic accident.
- (d) Whoever violates this section is guilty of a minor misdemeanor.

**Section 2.** That the Safety-Service Director, or their designee, be, and hereby is, authorized and directed to post signs at reasonable locations within St. Bernard indicating the prohibition against engine breaking.

**Section 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for the emergency is the significant increase in vehicle traffic, including commercial and other heavy vehicles, as a result of the ongoing construction on the Norwood Lateral, which construction is anticipated to be ongoing for much of 2024. Therefore, this Ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Ordinance shall take effect on the earliest date provided by law if approved by no more than a majority of the members of Council and in that event the emergency provisions herein are set at naught.

**ORIGINAL**

Passed this 25<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
President of Council

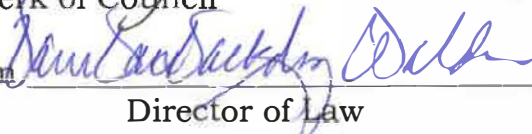
ATTEST:   
\_\_\_\_\_  
Clerk of Council

Approved this 25<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
Mayor

I, CAROLINE STEGMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 12, 2024, was made by posting true copies of the same in the most public places designated by Council: the Village website; and the Village social media account, for a period of fifteen (15) days or more commencing May 9<sup>th</sup>, 2024.

ATTEST:  DATE April 25<sup>th</sup> 2024  
\_\_\_\_\_  
Clerk of Council

Approved as to form  Date 25 April 2024  
\_\_\_\_\_  
Director of Law

**ORIGINAL**