

RECORD OF ORDINANCES

*C. Chief Helms*

Ordinance No. 2008-12

Passed \_\_\_\_\_, 20\_\_\_\_

**CITY OF BELLBROOK, OHIO**

**ORDINANCE NO. 2008-12**

**AN ORDINANCE AMENDING CHAPTER 438.21, "MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS, OR NOISE; PROHIBITION OF THE USE OF ENGINE BRAKES" OF THE BELLBROOK MUNICIPAL CODE.**

WHEREAS, the Police Chief has recommended that an amendment be made to Chapter 438.21 of the Codified Ordinances of the City of Bellbrook to prohibit the use of engine or exhaust brakes.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the following amendment in the form of an addition of Subsection (3) to Section (a) of Chapter 438.21, "Muffler; Muffler Cutout; Excessive Smoke, Gas, or Noise; Prohibition of the use of Engine Brakes" of the Codified Ordinances of the City of Bellbrook be approved:

**438.21 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE; PROHIBITION OF THE USE OF ENGINE BRAKES.**

**(a) (3) No driver of a motor vehicle that is equipped with an engine or exhaust brake, or other device that uses engine compression to slow the vehicle, shall use such engine or exhaust brake or other device anywhere within the City. This provision does not apply to emergency vehicles.**

**It is an affirmative defense to a charge under this section that the driver was in an emergency situation and the use of such brake or device was necessary to avoid a collision or to keep the vehicle under control.**

Section 2. That this ordinance shall take effect and be in force from and after the earliest period provided by law.

Passed this 13th of October, 2008.

*Mary C. Graves*  
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MARY C. GRAVES, MAYOR

ATTEST:

*Jill D. Rosner*  
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JILL D. ROSNER, Clerk of Council

APPROVED AS TO FORM:

*Richard A. Freudenberger*  
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Richard A. Freudenberger  
Law Director