

WHITEFORD TOWNSHIP, MONROE COUNTY, MICHIGAN

ENGINE BRAKE ORDINANCE

ORDINANCE NO. 82

An Ordinance to regulate the operation of an Engine Brake on a motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said Engine Brake, which is a nuisance that adversely affects the public health, safety and general welfare within the Township as authorized by law; provide that violation thereof is a civil infraction and to provide civil forfeitures and other remedies therefor.

THE TOWNSHIP OF WHITEFORD, MONROE COUNTY, MICHIGAN, ORDAINS:

Section 1. Title.

This Ordinance shall be known and cited as the Whiteford Township Engine Brake Ordinance.

Section 2. Definition of Terms.

As used in this Ordinance, the following words and terms shall have the meanings stated herein:

- a. "Township" means Whiteford Township, Monroe County, Michigan.
- b. "Township Code Enforcement Officer" means that person designated by the Township Board to enforce the provisions of Township Ordinances.
- c. "Engine Brake" means a gasoline powered or diesel powered motor vehicle with a compression braking device installed or intended to assist in reduction or control of vehicle speed that, when activated, converts the engine from a power source to a power absorber by converting the engine into an air compressor.
- d. "Muffler" means any device for the abatement of sound emission while permitting the transfer of gas. A muffler is considered to be in good working order if the sound reduction is equal to, or greater than, that of the original equipment.
- e. "Person" includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or entity of any type or combination thereof as well as natural person.
- f. "Road" means any public street, highway or route within the Township.

Section 3. Rule of Construction.

Any word or term not defined in Section 2 of this Ordinance shall be considered to be defined in accordance with its common or standard definition.

Section 4. Regulation of Engine Brakes.

No gasoline powered or diesel powered motor vehicle shall be operated on the roads within Whiteford Township, Monroe County, Michigan, utilizing an Engine Brake not equipped with exhaust mufflers or equipped with defective or modified exhaust mufflers, permitting excessive noise to be created by said motor vehicle.

Section 5. Exemption.

The regulation of Engine Brakes prescribed in this Ordinance shall not apply to emergency driving situations requiring the utilization of an Engine Brake to protect the safety and property of the residents of Whiteford Township, Michigan, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

Section 6. Signs.

The Township Board shall procure and have posted appropriate signs in various locations throughout the Township, particularly along steep hills, advising of the effect of this Ordinance.

Section 7. Penalties.

A person who violates any of the provisions of this Ordinance shall be responsible for a civil infraction, and upon a conviction thereof, shall be assessed a civil fine of \$500.00, plus costs, damages, expenses, and other sanctions allowed by law.

Section 8. Enforcement.

The Township Supervisor, the Township Code Enforcement Officer, their designees and sworn law enforcement officers are authorized to enforce the provisions of this Ordinance.

Section 9. Severability.

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 10. Administrative Liability.

No officer, agent, or employee of the Township or member of the Township Board shall render him/herself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this Ordinance.

Section 11. Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 12. Effective Date.

This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Whiteford, Monroe County, Michigan.

AUTHENTICATION

WHITEFORD TOWNSHIP BOARD
COUNTY OF MONROE
STATE OF MICHIGAN

AUTHENTICATED:

By: _____
Christine Bischoff
Whiteford Township Clerk

By: _____
Jeffrey Thomas
Whiteford Township Supervisor

I, Christine Bischoff, do hereby certify that I am the duly elected and acting Clerk of the township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Whiteford Township Board of Trustees, Monroe County, Michigan, at a regular meeting of the Whiteford Township Board of Trustees held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 17th day of February, 2026 and that this Ordinance was offered for adoption by Steve Morgan and was seconded by Lee Strahan the vote being as follows:

YEAS: Steve Morgan, Bob Lloyd, Christine Bischoff, Lee Strahan, Jeff Thomas

NAYS: None

ABSENT / ABSTAIN: None

I, Christine Bischoff, Whiteford Township Clerk, do hereby certify that the foregoing is a true copy of an Ordinance adopted at a regular meeting of the Whiteford Township Board of Trustees on the 17th day of February 2026.

Christine Bischoff, Clerk
Whiteford Township, Michigan

ADOPTED: February 17, 2026

PUBLISHED: March 8, 2026

EFFECTIVE: April 7, 2026