



Warsaw Police Department



From the desk of Chief Barry M. Radden

WARSAW POLICE DEPARTMENT
Town of Warsaw, Virginia

September 8, 2026

TO: Mayor and Members of the Warsaw Town Council
FROM: Chief of Police
SUBJECT: Support for Proposed Amendment to Section 12-62 Unreasonable Noise and Engine Compression Release Braking

Mayor and Members of Town Council:

As Chief of Police for the Town of Warsaw, I respectfully submit this letter in support of the proposed amendment to Section 12-62 of the Town of Warsaw Municipal Code concerning unreasonable noise, including excessive noise resulting from the use of engine compression release brakes, exhaust brakes, and similar engine-retarding systems within the corporate limits of the Town.

After reviewing this matter from a public safety, community quality-of-life, and enforcement perspective, I believe the proposed amendment represents a reasonable measure to address unnecessary and disruptive vehicle noise while preserving the legitimate use of engine-braking systems when necessary for the safe operation of a vehicle or during an emergency.

Public Safety and Quality of Life

The Warsaw Police Department has a responsibility not only to enforce the laws of the Commonwealth and ordinances of the Town, but also to work with Town leadership to protect the peace, safety, and quality of life of those who live, work, conduct business, and travel within Warsaw.

The Town's existing noise ordinance recognizes that excessive sound can adversely affect the public peace, welfare, safety, and quality of life. The proposed amendment provides greater clarity regarding one particular source of disruptive vehicle noise: the unnecessary use of engine compression release braking systems that produces loud, abrupt, or unreasonable noise.

Engine compression release brakes and similar systems serve legitimate safety purposes, particularly on larger commercial vehicles. Accordingly, I do not believe the Town's ordinance should be interpreted or enforced as an absolute prohibition against vehicles being equipped with these systems or against their reasonable use when necessary for safety.



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Rather, the Police Department's concern is the unnecessary or unreasonable operation of these systems in a manner that generates excessive and disruptive noise within the Town, particularly when conventional braking can reasonably and safely be utilized.

This distinction is important. The purpose of the ordinance should be to protect the public from unreasonable noise—not to interfere with legitimate vehicle safety equipment or the safe operation of commercial motor vehicles.

Legal and Enforcement Considerations

The Commonwealth of Virginia grants municipalities authority to adopt ordinances reasonably related to the safety, peace, good order, comfort, convenience, and general welfare of their inhabitants. The proposed amendment to Section 12-62 is consistent with the Town's longstanding exercise of its police powers to regulate unreasonable noise and public nuisances.

From an enforcement standpoint, I recommend that the ordinance remain focused on objectively observable conduct and unreasonable noise rather than merely the presence of engine-braking equipment on a vehicle.

The Police Department will enforce any ordinance adopted by Town Council in a fair, reasonable, and constitutionally appropriate manner. Enforcement decisions will be based upon the facts and circumstances presented to the officer and the requirements of the ordinance and applicable law.

Nothing in the ordinance should be construed as authorizing a traffic stop, detention, citation, or other enforcement action without the level of legal justification required by the United States Constitution, the Constitution of Virginia, and applicable federal and state law. Officers will remain responsible for establishing the appropriate legal basis for any enforcement action.

Likewise, enforcement should be applied uniformly and without regard to the driver's residence, commercial status, company affiliation, vehicle origin, destination, or other legally irrelevant consideration.

The ordinance should also continue to recognize reasonable exceptions for bona fide emergencies, failure or malfunction of a vehicle's service brakes, authorized emergency operations, and other circumstances in which the use of engine-retarding equipment is reasonably necessary for the protection of life or property.

Commercial Motor Vehicles and Interstate Travel



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Warsaw serves as a transportation corridor for commercial vehicles as well as local traffic. The Police Department recognizes the importance of commercial transportation to the Town, the surrounding Northern Neck region, and the Commonwealth.

For that reason, the proposed ordinance should not be administered as a restriction on commercial transportation or interstate travel. Commercial vehicles should remain free to travel through the Town in accordance with federal, state, and local law.

The ordinance should instead address conduct within the Town that creates unreasonable noise and affects the community's peace and quality of life. Enforcement should therefore remain narrowly focused on the manner in which engine-braking equipment is operated rather than the type, ownership, origin, destination, or commercial nature of the vehicle.

Recommended 90-Day Implementation Period

If Town Council adopts the proposed amendment, I respectfully recommend that the ordinance become effective **ninety (90) days following adoption**.

A 90-day implementation period would provide several practical benefits.

First, it would allow the Town sufficient time to obtain and install appropriate signage at major entrances and other strategic locations notifying motorists of the Town's engine-braking noise restrictions.

Second, it would provide the Warsaw Police Department an opportunity to develop consistent enforcement guidance and ensure that all sworn personnel understand the elements of the amended ordinance, its exceptions, the appropriate legal basis for enforcement actions, and the distinction between lawful use of engine-braking equipment and its operation in a manner prohibited by the ordinance.

Third, the implementation period would allow the Town to conduct public education and outreach. Local residents, trucking companies, commercial operators, businesses, and motorists should have reasonable notice of the new requirements before active enforcement begins.

Finally, the 90-day period would provide an opportunity for the Town Manager, Town Attorney, Police Department, and other appropriate officials to review signage, enforcement procedures, public information materials, and any administrative matters necessary for implementation.

During this period, the Police Department can emphasize education and voluntary compliance regarding unreasonable engine-braking noise while preparing for full enforcement on the ordinance's effective date.



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Enforcement Philosophy

Once the ordinance becomes effective, my expectation is that enforcement will be professional, reasonable, consistent, and based upon the totality of the circumstances.

The purpose of this ordinance should not be to generate citations or revenue. Its purpose should be to encourage voluntary compliance, reduce unnecessary and unreasonable vehicle noise, and protect the peace and quality of life of the Warsaw community.

When circumstances permit, education and voluntary compliance may be appropriate enforcement tools. However, deliberate, repeated, or otherwise clearly prohibited conduct should remain subject to enforcement consistent with the ordinance and applicable law.

The Warsaw Police Department will work to ensure that officers understand both the authority granted by the ordinance and the constitutional and statutory limitations applicable to its enforcement.

Recommendation

For these reasons, I respectfully recommend that the Warsaw Town Council adopt the proposed amendment to Section 12-62 of the Town of Warsaw Municipal Code, subject to final legal review by the Town Attorney.

I further recommend that the ordinance provide that it shall become effective **ninety (90) days after the date of adoption.**

The 90-day implementation period will allow the Town to provide appropriate notice, install signage, educate the public and commercial transportation community, prepare officers for consistent enforcement, and implement the ordinance in an orderly manner.

The Warsaw Police Department supports reasonable measures designed to preserve the peace and quality of life of our community while respecting the lawful operation of motor vehicles, legitimate commercial transportation, and the constitutional and statutory rights of motorists.

I appreciate Town Council's consideration of this matter and stand ready to assist the Town Manager, Town Attorney, and Council with the implementation and enforcement of the ordinance should it be adopted.



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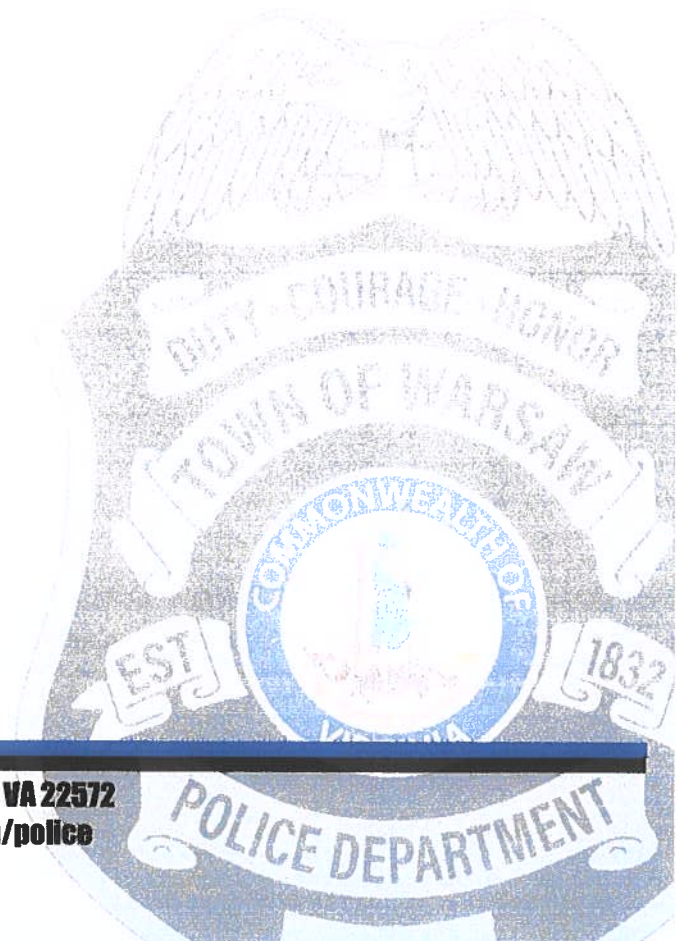
From the desk of Chief Barry M. Radden

Respectfully,

Barry M. Radden

**Chief of Police
Warsaw Police Department**

**549 Main Street – Warsaw, VA 22572
www.townofwarsaw.com/police**



**AN ORDINANCE AMENDING CHAPTER 20 OF
THE TOWN OF WARSAW MUNICIPAL CODE
TO ADD A NEW SECTION PROHIBITING THE USE OF ENGINE COMPRESSION
RELEASE BRAKES OR EXHAUST BRAKES WITHIN THE TOWN**

WHEREAS, as provided in §§ 15.2-900 et seq, 15.2-1100 et seq., the Town Council of the Town of Warsaw ("Council") is empowered to protect public health, safety and welfare and to prohibit nuisances, including excessive noise; and,

WHEREAS, the Council has determined that the use of engine compression release brakes or engine brakes, commonly referred to as "jake brakes," are inherently loud, often creating excessive noise that disturbs the public health, safety and welfare, and are unsuitable for use within the confines of the Town of Warsaw; and,

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Warsaw, Virginia, that CHAPTER 20, "Motor Vehicles", is hereby amended and re-ordained to add a new Section 20-28, as follows:

CHAPTER 20 MOTOR VEHICLES

Sec. 20-28 — Use of engine or engine compression release or exhaust brakes prohibited.

(a) Definitions.

Engine compression release brakes or exhaust brakes means any motor or engine retarding device, or any, mechanical exhaust device, or any other engine retarding device or system that utilizes the release of engine compression to slow the vehicle as opposed to applying friction to brake pads, drums, shoes, or rotors located at the vehicle wheels, and thereby causing a loud and raucous noise.

(b) Engine compression release brakes or exhaust brakes prohibited.

It shall be unlawful for the driver of any motor vehicle to apply engine compression release brakes or exhaust brakes within the corporate limits of the town, except when responding to a bona fide emergency.

(c) Signs.

The Town Manager or designee shall post and maintain conspicuous and clearly legible signs as appropriate to provide notice of the prohibition of engine compression release brakes or exhaust brakes.

(d) Exceptions.

This ordinance shall not apply to public school buses or public safety vehicles, including, but not limited to fire trucks and emergency medical service vehicles. This ordinance shall not prohibit the use of engine compression release brakes or engine brakes in a bona fide emergency, including without limitation, failure of mechanical service brakes.

(e) Violations.

The use of engine brakes or exhaust brakes in violation of this section shall be a **class 4 misdemeanor**.

All existing provisions of Chapter 20 shall remain unchanged and in full force and effect, except to the extent specifically modified by this Ordinance.

This ordinance shall take effect ____ days after adoption.

CERTIFICATION OF ADOPTION OF ORDINANCE

The undersigned Clerk of the Town Council of the Town of Warsaw, Virginia, certifies that the Ordinance set forth above was duly adopted during an open public meeting on the ____ day of _____, 2026, by a majority of the members of the Town Council of the Town of Warsaw, Virginia, with the following votes:

AYE:

NAY:

ABSTENTION:

ABSENT:

Signed this ____ day of _____, 2026.

ATTEST:

Clerk

Town Council of the Town of Warsaw, Virginia

**AN ORDINANCE AMENDING SECTION 12-62 OF
THE TOWN OF WARSAW MUNICIPAL CODE
TO PROHIBIT UNREASONABLE NOISE**

WHEREAS, as provided in §§ 15.2-900 et seq, 15.2-1100 et seq., the Town Council of the Town of Warsaw ("Council") is empowered to protect public health, safety and welfare and to prohibit nuisances, including excessive noise; and,

WHEREAS, the Council has determined that the use of engine compression release brakes or engine brakes, commonly referred to as "jake brakes," are inherently loud, often creating excessive noise that disturbs the public health, safety and welfare, and are unsuitable for use within the confines of the Town of Warsaw; and,

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Warsaw, Virginia, that section 12-62, "Noise," is hereby amended and re-ordained to read as stated in the attached Exhibit A.

All existing provisions of Section 12-62 shall remain unchanged and in full force and effect, except to the extent specifically modified by this Ordinance.

This ordinance shall take effect upon ____ days after adoption.

CERTIFICATION OF ADOPTION OF ORDINANCE

The undersigned Clerk of the Town Council of the Town of Warsaw, Virginia, certifies that the Ordinance set forth above was duly adopted during an open public meeting on the ____ day of _____, 2026, by a majority of the members of the Town Council of the Town of Warsaw, Virginia, with the following votes:

AYE:

NAY:

ABSTENTION:

ABSENT:

Signed this ____ day of _____, 2026.

ATTEST:

Clerk
Town Council of the Town of Warsaw, Virginia

Amending