

CHAPTER 460
USE OF ENGINE OR COMPRESSION BRAKES

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CROSS REFERENCES

CHAPTER 460 – Added to Evert City Code - Ordinance 2009-4 (November 2, 2009)

460.01 PURPOSE

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Evert by regulating the use of engine or compression brakes.

460.02 SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

460.03 DEFINITIONS

(a.) "Engine retarding brake", also known as Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, or Paccar Brake, means a transmission brake or other similar engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.

(b.) "Excessive, loud unusual or explosive noise" includes sound that unreasonably annoys, disturbs, injures or endangers the comfort and repose of any person, or interferes with a person's enjoyment of real property, or affects a property's value.

460.04 GENERAL PROHIBITION ON USE OF ENGINE OR COMPRESSION BRAKES

It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated, within the City of Ewart, any engine retarding brake, compression brake or mechanical exhaust device designated to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, except for the aversion of imminent danger to persons or property.

460.99 ENFORCEMENT AND PENALTIES

Any person who shall violate any of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the following penalties:

	<u>Fine</u>
1 st Offense within 1-year period*	\$100.00
2 nd Offense within 1-year period*	\$200.00
3 rd Offense within 1-year period*	\$300.00
4 th or More Offense within 1-year period*	\$500.00

*Determined on the basis of the date of commission of the offense(s)