

ORDINANCE NO. 2004-02

AN ORDINANCE REGULATING THE USE OF "COMPRESSION/RELEASE ENGINE BRAKING" WITHIN THE CITY LIMITS OF RUSSELLVILLE, KENTUCKY; PROVIDING FOR A PENALTY CLAUSE, REPEALER CLAUSE, SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, KRS 82.082 specifically authorizes municipalities to enact legislation that is in furtherance of a public purpose of the city and not in conflict with a constitutional provision or statute; and,

WHEREAS, state law does not regulate compression release engine braking systems; and,

WHEREAS, certain portions of the City of Russellville, Kentucky, lie in areas that are occupied by residences that are negatively affected by the practice of so called "compression release engine braking" used by certain semi-tractor trucks; and,

WHEREAS, the noise disturbance emitted by certain semi-tractor trucks when using compression engine braking constitute an unwarranted and unnecessary intrusion into the safety, health and welfare of the residents of the City of Russellville, Kentucky; and,

WHEREAS, the use of so-called "engine braking" within certain portions of the corporate limits of Russellville may lead to additional motor vehicle collisions, since when such compression engine braking is activated, no brake lights are activated by many vehicles utilizing compression engine braking devices; and,

WHEREAS, all legally-operable semi-tractor trucks are equipped with other means of providing a mechanism for the reduction of speed that allows said vehicles to reduce their speed in a manner that does not involve the loud, obtrusive and unnecessary use of compression engine brakes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, AS FOLLOWS:

SECTION ONE: COMPRESSION/RELEASE ENGINE BRAKE PROHIBITED.

No person shall operate or cause to be operated at or upon any public highway located within 1,000 feet of any area of the City of Russellville, Kentucky, that contains any single family or

multi-family dwelling units, any compression/engine brake on any vehicle for any reason. For purposes of this section, a compression release engine brake is defined as any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in additional, excessive, loud or explosive noise from such vehicle.

SECTION TWO: PENALTY.

Any person found to be in violation of this ordinance shall be subject to a fine of not less than \$25, and not to exceed \$100.

SECTION THREE: SEVERABILITY.

If any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Ordinance shall continue in full force and effect.

SECTION FOUR: REPEALER CLAUSE

Any and all parts of Ordinances now in effect which conflict with Ordinance are hereby repealed.

SECTION FIVE: EFFECTIVE DATE.

This Ordinance shall become effective upon publication.

FIRST READING was conducted on the 16th day of March, 2004.

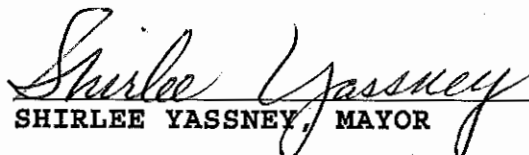
SECOND READING and passage on the 6th day of April, 2004.

Ayes: Barrett, Ken; Bell, Patricia; Hankins, Jean; Jones, Russell; Sweatt, Marie; Wren, Howard

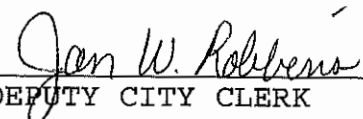
Nays: none

Abstaining: none

Absent: none


SHIRLEE YASSNEY, MAYOR

ATTEST:


DEPUTY CITY CLERK