

ORDINANCE NO. 2004-09

AN ORDINANCE AMENDING ORDINANCE 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" BY EXEMPTING EMERGENCY VEHICLES FROM THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

WHEREAS, the City Council in and for the City of Russellville, Kentucky, has previously enacted Ordinance 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", and

WHEREAS, the City Council desires to amend this Ordinance in order to exempt emergency fire, search and rescue, and military vehicles from the terms of this Ordinance, and

WHEREAS, enforcement of Ordinance 2004-02 as it may apply to emergency fire, search and rescue and military vehicles would not be in the best interests of the health, safety and welfare of the citizens of the City of Russellville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RUSSELLVILLE, KENTUCKY, AS FOLLOWS:

I. SUBSTANTIVE AMENDMENT.

Ordinance 2004-02 is hereby amended to add the following language to the end of Section One:

EXEMPTION: Emergency fire, search and rescue and military vehicles are exempt from the provisions of this Ordinance.

II: 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.

III: REPEALER CLAUSE.

Any and all parts of Ordinances now in effect which conflict with Ordinance are hereby repealed.

IV: EFFECTIVE DATE.

This Ordinance shall become effective upon publication.

FIRST READING conducted the 7th day of September, 2004.

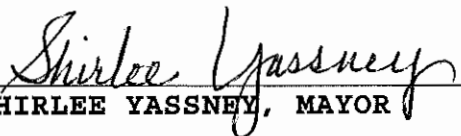
SECOND READING and passage by roll call vote this the 21st day of September, 2004.

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

Nays: none

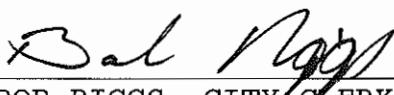
Abstaining: none

Absent: none



SHIRLEE YASSNEY, MAYOR

ATTEST:



BOB RIGGS, CITY CLERK