

ORDINANCE NO. 2011-01

AN ORDINANCE AMENDING ORDINANCE 2004-02, "AN ORDINANCE REGULATING THE USE OF 'COMPRESSION/RELEASE ENGINE BRAKING' WITHIN THE CITY LIMITS OF RUSSELLVILLE, KENTUCKY

**** ** ***

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 has reaffirmed that there is no place in the City of Russellville where a Compression Release Engine Braking, also known as "Jake Braking", is needed to slow down a truck; and,

WHEREAS, the City Council hereby finds that many vehicles utilizing compression engine braking devices do not activate brake lights when using said braking devices; and,

WHEREAS, the City Council hereby finds that all legally-operable semi-tractor trucks are equipped with means of providing a mechanism for the reduction of speed that allows said vehicles to reduce their speed without the use of compression engine braking devices; and,

WHEREAS, the City Council hereby declares that the operation of Compression Release Engine Braking constitutes a Nuisance within the City of Russellville; and,

WHEREAS, the City Council desires to amend this Ordinance in order to exempt from the terms of this Ordinance all vehicles, including emergency fire, search and rescue and military vehicles, that require the utilization of Compression Release Engine Brakes in an actual emergency situation to protect the safety and property of the residents of the City of Russellville; and,

WHEREAS, the City Council desires to increase the fines set forth in Ordinance 2004-02; and,

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

I. SUBSTANTIVE AMENDMENTS.

Ordinance 2004-02 is hereby amended as follows:

SECTION ONE: COMPRESSION/RELEASE ENGINE BRAKE PROHIBITED

DID NOT PASS

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.

EXEMPTION: All vehicles, including emergency fire, search and rescue and military vehicles, that require the utilization of Compression Release Engine Brakes in an actual emergency situation to protect the safety and property of the residents of the City of Russellville
~~Emergency fire, search and rescue and military vehicles~~ are exempt from the provisions of this Ordinance.

SECTION TWO: PENALTY.

Any person found to be in violation of this ordinance shall be subject to a fine of not less than ~~\$25~~ \$150.00, and not to exceed ~~\$100~~ \$300.00 for the first offense; second or subsequent offenses shall be subject to a fine of not less than \$300.00 and not to exceed \$500.00.

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 this Ordinance are hereby repealed.

IV: EFFECTIVE DATE.

This Ordinance shall become effective upon publication.

FIRST READING conducted on the 17th day of May 2011.

SECOND READING conducted on the 7th day of June 2011.

DID NOT PASS

By: _____
Mark Stratton, Mayor

ATTEST:

By: _____
Bob Riggs, City Clerk

Ayes:

Nays:

Absent:

Abstaining:

DID
NOT
PASS