

ORDINANCE NO 2006-185

**ORDINANCE PROHIBITING THE USE
OF "JAKE BRAKES" OR ENGINE COMPRESSION BRAKES**

WHEREAS, the Town of Brookwood finds it to be in the best interest of public health, safety and welfare of the residents of the Town of Brookwood to prohibit the use of "Jake Brakes" or engine compression brakes within the corporate limits of the Town of Brookwood; and

WHEREAS, the Town of Brookwood wishes to enforce said prohibition to the use of fines to be levied in Municipal Court, and give police officers the authority to issue citations to any individuals in violation of said prohibition.

NOW, THEREFORE, be it ordained by the Town of Brookwood that the use of engine compression brakes or otherwise known as "Jake Brakes" shall be prohibited except for public safety vehicles, emergencies, and vehicles with proper noise control as follows:

1. *Definitions.* The following definitions apply to this Ordinance:
 - (a) *Engine compression brakes* or "Jake Brakes" shall mean any device that utilizes air compression and/or rapid release of compressed air in the cylinders of diesel engines to slow or retard vehicle speed. Examples include, but are not limited to, Jacobs Engine (tm) engine brakes; Tec Brake (tm) engine brakes; and similar devices that meet the definition.
 - (b) *Noise baffling device* shall mean a properly functioning muffler or engine exhaust silencer that eliminates the offense and disturbing noise caused by use of engine compression brakes. The muffler or engine exhaust silencer must reduce the noise to levels meeting vehicle noise emission standards set or authorized by the Noise Control Act (42 U.S.C. §4901 et seq.) and the United States Environmental Protection Agency, and must also comply with all other federal, state, or local laws and regulations relating to vehicle noise levels.
 - (c) *Public safety vehicle* shall mean any vehicle operated by the Tuscaloosa Fire and Rescue Service or the Tuscaloosa Police Department, or any

other vehicle included in the definition of authorized emergency vehicles as provided in § 32-1-1.1, Code of Alabama (1975).

2. It shall be unlawful for the operator of a motor vehicle to engage or allow to be engaged, operate, or use, an engine compression brake while the vehicle is operated on any public roadway within the corporate limits.

3. This Ordinance shall not apply to operators of any of the following:

- (a) A public safety vehicle.
- (b) A vehicle involved in an emergency not caused by the operator of the vehicle utilizing the engine compression brake, wherein the operator reasonably believes that use of the engine compression brake is necessary to avoid or mitigate an accident or collision.
- (c) A vehicle equipped with a noise baffling device. A law enforcement officer or other competent witness may give opinion evidence based on personal observation as to whether a vehicle had a properly functioning noise baffling device.

4. The director of transportation is authorized, but is not required, to place traffic control devices in appropriate locations that substantially state Engine Brake Noise Enforced.

5. Any person convicted of violating this Ordinance shall be punished by the levy of a fine in Municipal Court not to exceed \$100.00, together with Court costs.

ORDAINED this _____ day of _____ 2006.

BROOKWOOD TOWN COUNCIL

By: _____
Mayor

ATTEST:


Town Clerk

CERTIFICATE OF POSTING

I hereby certify that the above and foregoing Ordinance was posted on the _____ day of _____ 2006 at the following locations:

1. Brookwood Town Hall
2. Ken's (C) Store
3. Brookwood Shell
- 4.. Hometown Grocery


Linda Barger, Town Clerk