

ORDINANCE 2010-1

AN ORDINANCE ADOPTING TRACTOR-TRAILER ENGINE COMPRESSION BRAKING REGULATIONS
FOR THE TOWN OF MICHIGANTOWN, INDIANA.

WHEREAS, the Town Council of the Town of Michigantown, Indiana has the authority to adopt regulations governing the generation of sound within the Town's corporate limits, pursuant to I.C. 36-8-2-8; and

WHEREAS, the generation of excessively loud sound may present a danger to the public by preventing drivers and pedestrians from hearing emergency vehicles or audible signals from other drivers, and by distracting drivers and pedestrians from dangers in the public way; and

WHEREAS, engine compression braking, also known as "jake braking", is the act of using the compression stroke of a diesel engine to dissipate energy and slow down a vehicle, most commonly utilized by large commercial semi-trucks and tractor-trailer trucks; and

WHEREAS, engine compression braking produces extreme amounts of noise pollution and loud disrupting sounds; and

WHEREAS, the Safety Committee of the Indiana Motor Truck Association agrees that the effectiveness of an engine compression is very low below the speed of 40 m. p. h.

IT IS THEREFORE ORDAINED BY THE MICHIGANTOWN TOWN COUNCIL:

Section 1. The foregoing recitals are fully incorporated herein and made a part hereof.

Section 2. (a) No person shall use or operate any engine compression brake or "jake brake" to slow down, reduce speed or stop any motor vehicle, including semi-trucks, tractor trailer trucks or box trucks while traveling on any road, street or thoroughfare over which the Town of Michigantown has jurisdiction.

(b) Authorized Fire personnel acting within the scope of their official duties are exempt from the regulations of this ordinance.

(c) Any person who violates the provisions of this Ordinance shall be subject to the following fines:

First offense within a calendar year

\$50.00

Second offense within a calendar year	\$150.00
Third offense within a calendar year	\$300.00
Fourth offense within a calendar year	\$1000.00
Subsequent offenses within a calendar year	\$1000.00

(d) Citations for violations of the Ordinance may be issued by the Michigantown town marshal or deputy.

Section 3. Nothing in the Ordinance shall be construed to limit any other rights or actions that may exist in law or in equity.

Section 4. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 5. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Michigantown on the 12 day of July, 2010.

TOWN OF MICHIGANTOWN TOWN COUNCIL

Diana L. Richards
Wanda J. Tucker
Barbara P. Cateora

Attest:

Judith J. Rube
 Clerk-Treasurer