

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4066 ORDINANCE COUNCIL SERIES NO. 09-

COUNCIL SPONSOR MR. COOPER PROVIDED BY COUNCIL OFFICE

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. BURKHALTER

ON THE 7TH DAY OF MAY 2009

ORDINANCE TO AMEND PARISH CODE OF ORDINANCES, CHAPTER 13, MOTOR VEHICLES TRAFFIC, DIVISION I, TO ADD A NEW SECTION 13-009.00 RESTRICTING THE USE OF AUXILIARY OR COMPRESSION ENGINE BRAKES, COMMONLY REFERRED TO AS "JAKE BRAKES", WITHIN UNINCORPORATED ST. TAMMANY PARISH.

WHEREAS, the St. Tammany Parish Council finds that engine brakes are used regularly by drivers of large commercial vehicles in non-emergency situations to slow or stop said vehicles and that the use of such compression brakes is not in the best interest of the public health and general welfare of citizens in certain areas because of the excessive noise levels compression engine brakes can produce; and

WHEREAS, the nuisance of this use is further exacerbated when the engine brake on some vehicles is unmuffled, resulting in noise levels exceeding 100 decibels.

WHEREAS, the Council also finds that neither the terrain nor road designs in this Parish warrant the regular use of engine brakes to assist in slowing commercial vehicles in non-emergency situations; and

WHEREAS, the benefits derived to drivers of large commercial vehicles through the use of compression engine brakes in non-emergency situations should not be at the expense of unnecessary noise pollution and the disturbance of the peaceful enjoyment of property by nearby residences and businesses.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends Parish Code of Ordinances, Chapter 13, Motor Vehicles Traffic, Division I, to add a new Section 13-009.00 to provide for regulation of compression engine brakes as follows, to wit:

13-009.00 Compression Engine Brakes

A. Use of Unmuffled Compression Engine Brakes Prohibited.

No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine exhaust of such motor vehicle or any unit or part thereof within the unincorporated areas of St. Tammany Parish, unless such braking system is equipped with a functional muffler. Such prohibition shall not apply if an emergency situation exists, and the use of unmuffled compression engine brakes is necessary for the protection of persons or property.

B. Use of Muffled Compression Brakes Prohibited in Certain Areas.

No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine exhaust of such motor vehicle or any unit or part thereof, regardless of the presence of a muffling devise on said compression brakes, within the following described areas of unincorporated St. Tammany Parish. Such prohibition shall not apply if an emergency situation exists and the use of compression engine brakes is necessary for the protection of persons or property:

1. Barker's Corner; specifically, within 1000 feet of the intersections of Million Dollar Road and Stafford Road with Highway 437; within 1000 feet of both intersections of Highway 40 with Highway 1129.

C. Definitions

"Brake" means any devise used for slowing, halting or stopping the movement of any vehicle.

"Compression Engine Brake" means any motor vehicle brake that is operated by the compression of the engine exhaust of the motor vehicle or any unit or part thereof. A compression engine brake is also commonly known and referred to as a "jake brake".

"Motor vehicle" means every devise by which persons or things may be transported upon a public highway or bridge except devices moved by human power or used exclusively upon stationary rails or tracks, and includes vehicles commonly referred to as car, truck, tractor, tractor-trailer, motor home, and semi-trailer, propelled or drawn by mechanical power.

D. Penalty

Any person who shall violate the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than ONE HUNDRED (\$100.00) DOLLARS nor more than FIVE HUNDRED (\$500.00) dollars, or by imprisonment for not more than THIRTY (30) DAYS in the parish jail, or both such fines and imprisonment.

E. Posting

Signs identifying those areas where use of muffled compression brakes is prohibited shall read "Use of Engine Brakes Prohibited Except in an Emergency Pursuant to St. Tammany Parish Code Section 13-009.00". The Parish Department of Public Works is authorized and directed to post appropriate signs on parish roads consistent with the provisions of this section. Placements of signs on state highways shall first receive approval by the State Department of Transportation and Development and the Department of Public Safety.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

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THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: APRIL30, 2009
Published adoption on: _____, 2009

Delivered to Parish President: _____, 2009 @ _____
Returned to Council Clerk: _____, 2009 @ _____