

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4144 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR MR. COOPER PROVIDED BY COUNCIL OFFICE

INTRODUCED BY: _____ SECONDED BY: _____

ON THE _____ DAY OF _____ 2009

ORDINANCE TO AMEND ORDINANCE C.S. NO. 09-2074, ADOPTED JUNE 4, 2009, AND PARISH CODE OF ORDINANCES, CHAPTER 13, MOTOR VEHICLES TRAFFIC, DIVISION I, 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, Ordinance CS No. 09-2074, adopted June 4, 2009, established section 13-009.00 restricting the use of auxiliary or compression engine brakes within unincorporated St. Tammany Parish, and more specifically, within the area of Barker's Corner;

WHEREAS, at the request of the St. Tammany Parish Sheriff's office, it is necessary to extend the areas of restriction in Barker's Corner to provide for better enforcement.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends Parish Code of Ordinances, Chapter 13, Motor Vehicles Traffic, Division I, to be amended as follows:
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, the areas 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;~~ within ½ mile of the intersections of Million Dollar Road and Hwy 1081 (a.k.a. Stafford Rd.) with Highway 437; within ½ mile of both intersections of Highway 40 with Highway 1129; and on Hwy 437 beginning ½ mile south of the intersection of Million Dollar Road and Hwy 437, extending to Hwy 1129 ½ mile north of the intersection Hwy 40 and Hwy 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:

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

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: August 27, 2009
Published adoption on: _____, 2009

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

INTER OFFICE



Kevin Davis
Parish President

MEMORANDUM

ST. TAMMANY PARISH GOVERNMENT
DEPARTMENT OF ENGINEERING

Date: April 3, 2009
To: Joey Lobrano
Right Of Way Coordinator
Department Of Public Works
From: Rebecca B. Lala, P.E.
Traffic Engineer
Re: District 2
6-"NO ENGINE BRAKE" signs
6-"END ENGINE BRAKE RESTRICTION" signs

The Department of Engineering recommends the installation of signage in District 2.

1. Install "NO ENGINE BRAKE" sign 75' south of the Brunning and Lee Rd. intersection on the east side of Lee Rd, facing south, and a "END ENGINE BRAKE RESTRICTION" sign directly across, on the west side of Lee Rd, facing north.
 2. Install "END ENGINE BRAKE RESTRICTION" sign 550' east of the T.K. Ln. and Stafford intersection on the south side of Stafford, facing west, and a "NO ENGINE BRAKE" sign directly across, on the north side of Stafford, facing east.
 3. Install "END ENGINE BRAKE RESTRICTION" sign 100' west of the Hurd Ln. and Hwy 40 intersection on the south side of Hwy 40, facing west, and a "NO ENGINE BRAKE" sign directly across, on the north side of Hwy 40, facing east.
 4. Install "END ENGINE BRAKE RESTRICTION" sign 100' north of the Taylor and Lee Rd. intersection on the east side of Lee Rd, facing south, and a "NO ENGINE BRAKE" sign directly across, on the west side of Lee Rd, facing north.
 5. Install "NO ENGINE BRAKE" sign 180' east of the Barker and Hwy 40 intersection on the south side of Hwy 40, facing west, and an "END ENGINE BRAKE RESTRICTION" sign directly across, on the north side of Hwy 40, facing east.
 6. Install "NO ENGINE BRAKE" sign 75' east of the Nursery and Million Dollar Rd. intersection on the south side of Million Dollar Rd, facing west, and an "END ENGINE BRAKE RESTRICTION" sign directly across, on the north side of Million Dollar Rd, facing east.
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Please install signs in accordance with MUTCD standards and see the attached sketch.
Thank you for your assistance. If you have any questions, please let me know.

Xc: Councilman Gary Cooper
E. deEtte Smythe, Director of Engineering
Michael Spiehler, Traffic Signage & Data Coordinator

District 2

Million Dollar Rd.

2-0-3

