

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4782

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. THOMPSON

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. THOMPSON

SECONDED BY: MR. GROBY

ON THE 3 DAY OF MAY , 2012

ORDINANCE TO AMEND PARISH CODE OF ORDINANCES, CHAPTER 13, DIVISION 1, MOTOR VEHICLES, SECTION 13-009.00, COMPRESSION ENGINE BRAKES, TO PROHIBIT THE USE OF COMPRESSION BRAKES WITHIN ONE-HALF MILE OF THE INTERSECTION OF HIGHWAY 1077 AND HIGHWAY 1078. (WARD 2 DISTRICT 3) (THOMPSON)

WHEREAS, the St. Tammany Parish Council has previously determined that the non-emergency use of engine brakes, commonly referred to as "Jake 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 parish has received repeated complaints of excessive noise caused by drivers of large commercial vehicles that are regularly using engine brakes to slow or stop such vehicles approaching the intersection of Highway 1077 (Turnpike Road) and Highway 1078 (Bennett Bridge Road), where neither the terrain nor road design warrants the use of such brakes in non-emergency situations.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends Parish Code of Ordinances, Chapter 13, Motor Vehicles, Section 13-009.00(B), to prohibit the use of compression brakes within one-half mile of the intersection of Highway 1077 and Highway 1078 and to further provide as follows, to-wit:

SEC. 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 device 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 one-half mile of the intersections of Million Dollar Road and Hwy 1081 (a.k.a. Stafford Rd.) with Highway 437; within one-half mile of both intersections of Highway 40 with Highway 1129; and on Hwy 437 beginning one-half mile south of the intersection of Million Dollar Road and Hwy 437, extending to Hwy 1129 one-half mile north of the intersection Hwy 40 and Hwy 1129.

2. On Highway 1077 (a.k.a Turnpike Road) and on Highway 1078 (a.k.a Bennett Bridge Road) within one-half mile of the intersection of Highway 1077 and Highway 1078.

C. Definitions

”Brake” means any device 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 device 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, 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.

BE IT FURTHER ORDAINED that the Parish President and/or the Director of Public Works is authorized to submit the necessary Traffic Control Device Permit application to the State Department of Transportation and Development for the placement of signs on the subject highways. Upon approval of the application, the Parish Department of Public Works is authorized and directed to post the approved signs consistent with the provisions of this section.

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 fifteen (15) days after 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 DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 7 DAY OF JUNE , 2012 ; AND BECOMES ORDINANCE COUNCIL

SERIES NO \_\_\_\_\_.

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MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

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THERESA L. FORD, COUNCIL CLERK

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PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: April 26 , 2012

Published Adoption: \_\_\_\_\_, 2012

Delivered to Parish President: \_\_\_\_\_, 2012 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2012 at \_\_\_\_\_