

ORDINANCE NO. 2007-03

ORDINANCE OF THE CITY OF RIESEL, TEXAS PROHIBITING THE UNLAWFUL USE OF ENGINE BRAKES, JAKE BRAKES, COMPRESSION BRAKES, MECHANICAL EXHAUST DEVICES, OR OTHER SIMILAR DEVICES; MAKING VIOLATION AN OFFENSE (MISDEMEANOR) PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$500; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE ON AND UPON PUBLICATION BY THE CITY SECRETARY.

WHEREAS, the City Council of the City of Riesel finds that the use of engine brakes, jake brakes, compression brakes, mechanical exhaust devices, or other similar devices, as defined herein, cause noise and generally disrupt the general health, safety and welfare of the citizens of Riesel and further finds that the citizens of Riesel would be best served by the enactment of this Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL,
MCLENNAN COUNTY, TEXAS:

(a) Definitions.

- (1) "Engine braking" shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of a motor vehicle which results in a noise disruptive of the general health, safety and welfare of the citizens of Riesel.
- (2) "Engine brakes," includes jake brakes, compression brakes, and any other term or concept that might be summarized as a dynamic braking system or mechanical exhaust device which is designed to aid in the braking, decompression or deceleration of a motor vehicle and which results in a noise disruptive of the general health, safety and welfare of the citizens of Riesel.

(b) Offense. It shall be unlawful for the driver of any vehicle to engage in engine braking, or otherwise use or operate (or cause to be used or operated) engine brakes, within the city limits of the City or Riesel. Violation of this Ordinance shall be an offense (misdemeanor) punishable by a fine not to exceed \$500.00.

(c) Signage. The Police Chief shall be and is hereby specifically authorized to erect signage as shall be necessary and appropriate for the enforcement of this section.

(d) Exceptions.

(1) The provisions of this ordinance shall not apply to the application of unmuffled compression brakes where necessary for the protection of persons and/or property, which cannot be avoided by application of an alternative braking system.

(2) The provisions of this ordinance shall not apply to engine braking which is effectively muffled, or if the application is necessary for the health, safety and welfare of the community.

(3) The provisions of this ordinance shall not apply to sounds created by emergency equipment for emergency purposes.

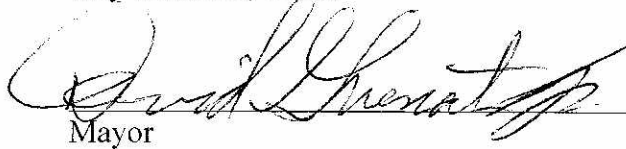
(e) Repeal of Inconsistent Provisions. This Ordinance shall operate to repeal any provision of any other ordinance, or portions thereof, to the extent such are in conflict with the provisions of this Ordinance.

(f) Validity. If any section, subsection, sentence or clause of this Ordinance is for any reason held to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portions of this Ordinance, and all the remainder of this Ordinance not so declared to be invalid shall continue to be in full force and effect.

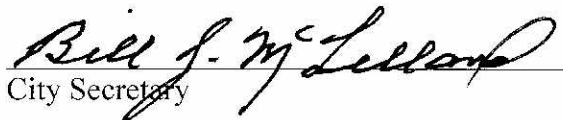
(g) Publication. The City Secretary is directed to publish this Ordinance, or the caption thereof, in the official City newspaper, and this Ordinance shall become effective upon passage and publication.

ENACTED BY THE RIESEL CITY COUNCIL on this the 6th day of
February, 2007, on the Motion of Jamie Herring and the second of Rodney Dietrich by a
vote of 4 YES to 0 NAYS.

City of Riesel, Texas


Mayor

ATTEST:


City Secretary