

ORDINANCE NO. 14-4201

BE IT ORDAINED by the City Council of the City of Decatur, Alabama, as follows:

Section 1. That the Code of Decatur, Alabama is hereby amended by adding a section to be numbered Section 22-47, which section reads as follows:

(a) "Definitions

Engine compression brake shall mean any device that utilizes compression and/or rapid release of compressed air in the cylinders of diesel engines to slow or retard vehicle speed.

Noise baffling device shall mean a properly functioning muffler or engine exhaust silencer that eliminates the offensive and disturbing noise caused by use of engine compression brakes. The muffler or engine exhaust silencer must reduce the noise to levels meeting vehicle noise emission standards set or authorized by the Noise Control Act (42 U.S.C. §4901 et seq.) and the United States Environmental Agency, and must also comply with all other federal, state, or local laws and regulations relating to vehicle noise levels.

Public safety vehicle shall mean any vehicle operated by the Decatur Fire Department or the Decatur Police Department, or any other vehicle included in the definition of "authorized emergency vehicles" as provided in Ala. Code (1975) § 32-1-1.1.

(b) It shall be unlawful for the operator of a motor vehicle to engage or allow to be engaged, operate, or use an engine compression brake while the vehicle is operated on any public roadway within the corporate limits of Decatur.

This section shall not apply to operators of any of the following:

- (1) A public safety vehicle.
- (2) A vehicle involved in an emergency not caused by the operator of the vehicle utilizing the engine compression brake, wherein the operator reasonably believes that use of the engine compression brake is necessary to avoid or mitigate an accident or collision.
- (3) A vehicle equipped with a noise baffling device. A law enforcement officer or other competent witness may give opinion evidence based on personal observation as to whether a vehicle had a properly functioning noise baffling device.

The City is authorized, but is not required, to place traffic control devices in appropriate locations to supplement enforcement of this Ordinance.

(c) Any person convicted of violating this section shall be punished in accordance with Section 1-8 of this Code.

(d) The provisions of this ordinance are severable, and if any provision of this ordinance shall be found to be invalid, the remaining provisions shall not be affected, but shall remain in full force and effect.”

Section 2. This Ordinance shall become effective upon its passage and publication as provided by law.

Adopted this 20th day of October, 2014.

Attest:

Stacy Gilley, City Clerk

Approved this 20th day of October, 2014.

Don Kyle, Mayor