

ORDINANCE 23-89

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING SECTION 2-22-15 OF THE MANATEE COUNTY CODE; PROHIBITING ENGINE COMPRESSION RELEASE BRAKING ON FORT HAMER ROAD FROM U.S. 301 TO BUCKEYE ROAD, AND MOCCASIN WALLOW ROAD FROM U.S. 301 TO U.S. 41; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 316.006(3) and 316.008(1)(n), Florida Statutes, authorize the Manatee County Board of County Commissioners to regulate the travel of any class or kind of vehicle on the public roadways within the County's jurisdiction; and

WHEREAS, Manatee County wishes to amend Section 2-22-15(2) of the Manatee County Code, which prohibits certain trucks and commercial vehicles from using "engine compression release braking" while slowing or stopping on designated public roadways, except in emergency situations; and

WHEREAS, engine compression release braking provides a vehicle with additional brake power, but creates a loud jackhammer-like exhaust noise; and

WHEREAS, the Manatee County Board of County Commissioners wishes to add Fort Hamer Road, from U.S. 301 to Buckeye Road, and Moccasin Wallow Road, from U.S. 301 to U.S. 41, to the list of designated roadways in which engine compression release braking is prohibited; and

WHEREAS, the Manatee County Public Works Department has conducted a traffic study on the condition and function of this portion of Tallevast Road, and has evaluated the road's commercial vehicle volume, alternate routes, and adjacent land uses; and

WHEREAS, County staff has determined that commercial vehicles do not interfere with the normal and safe movement of traffic on Fort Hamer Road or Moccasin Wallow Road, but the noise from compression release braking is having an impact on nearby residents, and should be prohibited to protect the public's health, safety and welfare; and

WHEREAS, the Manatee County Board of County Commissioners finds this ordinance to be in the best interest of the County, its citizens, taxpayers, and business community;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Section 2-22-15(2) of the Manatee County Code is hereby amended to add "*Fort Hamer Road. From U.S. 301 to Buckeye Road.*" And "*Moccasin Wallow Road. From U.S. 301 to U.S. 41*", to the list of roadways in which engine compression release braking is prohibited, as follows:

(2) *Prohibitions.* It shall be unlawful and an offense against the county for any truck, tandem trailer truck, or commercial vehicle to use engine compression

release ("Jake") braking while slowing or stopping on the following public roadways unless an emergency situation occurs in which the standard service braking system fails, or is inadequate to stop the vehicle in a safe manner.

- (a) *S.R. 70. I-75 to Lorraine Road.*
- (b) *S.R. 64. City limits of Bradenton to Lorraine Road.*
- (c) *Lakewood Ranch Boulevard. S.R. 64 to University Parkway.*
- (d) *S.R. 55/U.S. 41/U.S. 19. S.R. 43/U.S. 301 interchange to I-275 interchange*
- (e) *Bayshore Gardens Parkway. S.R. 55/U.S. 41 to 34th Street West.*
- (f) *26th Street West. S.R. 64/Manatee Avenue West to dead end south of Florida Boulevard.*
- (g) *34th Street West. S.R. 684/Cortez Road to Bayshore Gardens Parkway.*
- (h) *State Road 70. Tara/Creekwood Boulevard to Caruso Road.*
- (i) *Lorraine Road, from S.R. 64 to University Parkway.*
- (j) *University Parkway. Lakewood Ranch Boulevard to Lorraine Road.*
- (k) *El Conquistador Parkway. From 34th Street West to 53rd Avenue West.*
- (l) *17th Avenue West. From 43rd Street West to 34th Street West.*
- (m) *The Masters Avenue. From Lorraine Road to Bourneside Boulevard.*
- (n) *Honore Avenue. From Lockwood Ridge Road to University Parkway.*
- (o) *Tallevast Road. From U.S. 301 to Lockwood Ridge Road.*
- (p) *Fort Hamer Road. From U.S. 301 to Buckeye Road.*
- (q) *Moccasin Wallow Road. From U.S. 301 to U.S. 41.*

Section 2. Pursuant to Section 125.68(1), F.S., the Codifier shall codify the substantive amendments to the Manatee County Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

[Signature block to follow]

DULY ADOPTED with a quorum present and voting this ____ day of _____,
2023.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk