

**State of Georgia**

**County of Oglethorpe.**

**AN ORDINANCE TO PROHIBIT ENGINE BRAKING, EXCEPT IN AN EMERGENCY, IN UNINCORPORATED OGLETHORPE COUNTY; TO PROVIDE FOR A PENALTY FOR VIOLATING SAID PROHIBITION; AND FOR RELATED MATTERS**

WHEREAS, the Board of Commissioners of Oglethorpe County has the authority to adopt and enforce rules, regulations, and ordinances, and to perform all other acts which are necessary, proper, or incidental to the efficient operation and development of the county road system;

WHEREAS, the Board of Commissioners of Oglethorpe County has the authority to enact ordinances which serve to prohibit nuisances and to provide for the promotion of the general health and welfare of the community;

WHEREAS, the Board of Commissioners Oglethorpe County is authorized to adopt ordinances to protect both the community in general and individual citizens from noises which may affect their comfort, repose, health, or safety, and to preserve the tranquility of the community;

WHEREAS, the Board of Commissioners of Oglethorpe County is authorized to adopt ordinances for the governing and policing of the unincorporated areas of the county, including ordinances providing for traffic regulation and for the purpose of protecting and preserving the public health, safety, and welfare as provided by O.C.G.A. § 36-1-20(1);

WHEREAS the Board of Commissioners of Oglethorpe County has determined that engaging in the engine braking of a motor vehicle in a non-emergency situation tends to create unreasonably loud, disturbing, and unnecessary noise, which noise may result in material distress, alarm, discomfort, distraction or injury to persons of ordinary sensibilities and interfere with the comfortable enjoyment of private homes, and the safe operation of vehicles, by persons of ordinary sensitivities and the same is hereby declared to be a nuisance, as provided in this ordinance;

**NOW WHEREFORE the Board of Commissioners of Oglethorpe County hereby ordains that:**

1.

**Chapter 11 of Part II of the Code of Oglethorpe County, 2007 Edition, as amended, is hereby amended to include the following Section 11-109:**

**“Section 11-109      Engine Braking Ordinance.**

1. **Title.** This Section shall be referred to as the Oglethorpe County Engine Braking Ordinance.

## **2. Definitions.**

### **A. Engine Braking means:**

1. the utilization of any mechanical device which uses a motor vehicle's exhaust to aid in the braking, slowing, stopping, or deceleration of the motor vehicle; or
2. the utilization of a "Jake Brake," retarder, or compression release brake to aid in the braking, slowing, stopping, or deceleration of a motor vehicle.

### **B. Emergency means a situation in which no other means is available to avoid an imminent collision with another vehicle, person, or property.**

### **C. Excessively Loud Noise means a sound generated by Engine Braking which is audible to a person of ordinary hearing at least 100 feet away from the vehicle which is the source of said sound.**

## **3. Prohibition on Engine Braking Resulting in an Excessively Loud Noise in Unincorporated Oglethorpe County.**

It shall be unlawful, while on any public road, street, or highway in unincorporated Oglethorpe County, except in the case of an emergency, for the operator of a motor vehicle to engage in Engine Braking which results in an Excessively Loud Noise.

## **4. Violation and Penalties.**

- A. Any person charged with violating the Oglethorpe County Engine Braking Ordinance shall be tried in the Magistrate Court of Oglethorpe County in accordance with the provisions of this Code. Prosecution for such violations shall be upon citation issued and served upon the accused violator by the Oglethorpe County Sheriff or his deputy.**
- B. Any person convicted of a violation of the Oglethorpe County Engine Braking Ordinance shall be punished by a fine of not more than \$1,000.00 per offense or by imprisonment in the county jail for a period not to exceed six (6) months, or by both fine and imprisonment, as provided by O.C.G.A. § 15-10-60. Each act in violation of this Oglethorpe County Engine Braking Ordinance shall constitute a separate offense."**

2.

This ordinance shall become effective immediately upon its approval by the Board of Commissioners of Oglethorpe County, Georgia.

3.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or replaced, as applicable.

4.

The requirement set forth in Section 3-206(9)(C)(4) of Chapter 3 of the Code of Oglethorpe County, Georgia, 2007 that proposed ordinances be read at two (2) consecutive meetings is hereby waived with respect to this ordinance.

SO ORDAINED this 7 day of September, 2021.

OGLETHORPE COUNTY BOARD OF COMMISSIONERS

Jay Paul  
Jay Paul, Chairman

[SEAL]

ATTEST:

Amy P. Forrester  
Amy Forrester, County Clerk