

ORDINANCE NUMBER 2021 - 2150

AN ORDINANCE TO REGULATE ENGINE COMPRESSION BRAKES ("JAKE BRAKES")

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

Section 1. Chapter 46 of the *Code of Ordinances, City of Athens, Alabama*, is hereby amended to add a new Section 46-6 that reads as follows:

Sec. 46-6. Jake Brakes.

(a) *Definitions.* The following phrases shall have the following meanings for purposes of this Section:

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 Athens Fire Department or the Athens Police Department, or any other vehicle included in the definition of "authorized emergency vehicles" as provided in Ala. Code (1975) § 32-1-1.1, as amended.

(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 Athens.

(c) 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.

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

Section 2. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Athens, Alabama, that are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 3. Severability. 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 4. Effective Date. This Ordinance shall become effective upon its passage and publication as provided by law.

ADOPTED this the 25th day of January, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes-Threet, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, on the 25th day of January, 2021.

Witness my hand and seal of office this the 25th day of January, 2021.

/s/Annette Barnes
City Clerk