

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, GEORGIA, TO ADD DEFINITIONS FOR COMPRESSION BRAKE AND ENGINE BRAKE; TO ADD PROVISIONS PROHIBITING THE USE OF SUCH BRAKING SYSTEMS ON STREETS AND ROADWAYS WITHIN THE CITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Chapter 50 of the Code of Ordinances of the City of Manchester, Georgia (the "City") contains provisions related to the regulation offenses and miscellaneous provisions; and

WHEREAS, the Mayor and Council have determined that noise generated through the use of compression brakes or engine brakes within the City creates a nuisance that disrupts and or prohibits the enjoyment of the quality of life of the citizens of the City; and

WHEREAS, the Mayor and Council have determined that it is appropriate to amend Chapter 50 by adding Article V to prohibit the use of compression brakes or engine brakes (as hereinafter defined) on the streets and roadways within the City;

NOW, THEREFORE, be it ordained that it is the intention of the City Council and it is hereby ordained by the authority of same that the provisions of this ordinance shall become and be made part of the Code of the City of Manchester, Georgia, as Article V of Chapter 50;

Section 1. Definitions.

Compression brake is any device which, by the release of compressed air within an engine cylinder prior to the ignition of fuel therein, results in the slowing of said vehicle and/or braking without the use of wheel brakes, said devices commonly referred to as "Jacob's Brakes", "Jake Brakes", "Dynamic Brake", "C-Brake" or "Paccar Brake".

Engine brake is any device which, by the release of compressed air within an engine cylinder prior to the ignition of fuel therein, results in the slowing of said vehicle and/or braking without the use of wheel brakes, said devices commonly referred to as "Jacob's Brakes", "Jake Brakes", "Dynamic Brake", "C-Brake" or "Paccar Brake".

Section 2. Prohibited.

- (7) It shall be unlawful for any person in actual physical control of a motor vehicle, including, but not limited to a truck or tractor-trailer truck, to use an engine brake or compression brake while traveling along the streets of the City of Manchester unless such engine brake or compression brake is used solely to affect an emergency stop of the motor vehicle.

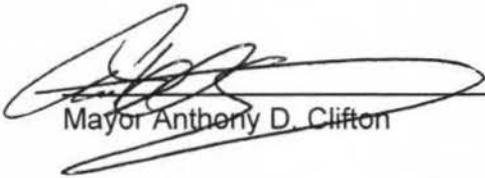
Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained herein.

Section 5. This Ordinance shall become effective immediately upon adoption.

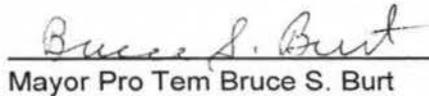
SO ORDAINED this 14th day of July, 2014.

City of Manchester, Georgia

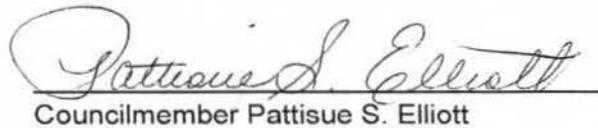


Mayor Anthony D. Clifton

Councilmember Solomon Ferguson



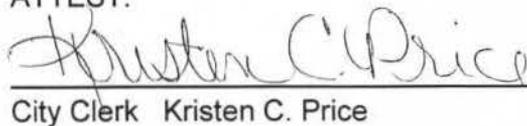
Mayor Pro Tem Bruce S. Burt



Councilmember Pattisue S. Elliott

Councilmember Travis L. Ferguson

ATTEST:



City Clerk Kristen C. Price