

ORDINANCE NO 2016-005

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, GEORGIA, TO AMEND CHAPTER 18 OF THE CODE OF THE CITY IN ORDER TO PROHIBIT THE USE OF ENGINE OR 'JAKE BRAKE' UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE FOR PENALTIES, TO REPEAL ; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Greenville, Georgia, and by the authority thereof:

Section 1. That Chapter 18, Nuisances, of the Code of Ordinances of the City of Greenville, Georgia, as amended, is hereby further amended to include Sec 18-53(11), to read and be codified as follows:

Section 18-53 (11) Specific Acts , Sounds Deemed Loud and Disturbing

- (a) A braking mechanism, which is powered by the exhaust of the vehicle's engine, typical by means of a devise to divert exhaust systems, for use in braking.
- (b) It shall be unlawful for the operator of a vehicle within the City of Greenville to use an engine brake or jake brake on the public streets within the city, except in the case of fire protection equipment, emergency vehicles, or in the case of a traffic emergency.
- (c) Observation, upon the braking of a vehicle, of a sudden loud, engine-centered braking noise, uncharacteristic of wheels brakes, shall be prima facie evidence that an engine brake or jake brake was utilized by the driver of the vehicle.
- (d) Any person violating this code section shall be guilty of misdemeanor and upon conviction thereof shall be punished in accordance section 1-6 of the City Code.


Section 2. Should any phrase, clause, sentence or section of this ordinance be declared unconstitutional by a court to of competent jurisdiction, such determination shall not affect the remaining provision of this ordinance, which provision shall remain in full force and effect.

Section 3. All ordinances or resolutions, or parts thereof, which conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 4. This Ordinance shall become effective July 5, 2016.

Passed and adopted by the Mayor and City Council this 5th day of July, 2016


ATTEST:


Everlene W. Brooks, City Clerk (SEAL)


Charlene R. Glover

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed as the regular meeting of the Mayor and City Council, held on 5th July, 2016.


City Clerk