

Town Council of the Town of Rutherfordton

Rutherford County, North Carolina

Ordinance No. 09-21

AN ORDINANCE PROHIBITING THE USE OF UNMUFFLED ENGINE COMPRESSION BRAKES

WHEREAS, under N.C.G.S. 160A-174, a Town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, under N.C.G.S. 160A-184, a city may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, the Town Council finds that the use of unmuffled engine compression brakes, commonly referred to as “jake brakes”, by motor vehicles, creates noise which unreasonably and excessively disturbs the public; and

WHEREAS, the Town Council deems it appropriate and necessary to prohibit the use of engine compression brakes in the Town of Rutherfordton and proper signage will be placed on streets or highways within the Town of Rutherfordton as deemed necessary; and

WHEREAS, Town Council finds that adoption of this ordinance would enhance the public health, safety, and welfare of the Town of Rutherfordton;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RUTHERFORDTON, NORTH CAROLINA:

Chapter 28 Traffic & Vehicles, Article IV Traffic Rules, Division 4 Prohibited Acts
“UNMUFFLED ENGINE COMPRESSION BRAKES” is amended by adding the following
Section 28-206 .

Section 1. Definitions

- (a) Unmuffled engine compression brake: a motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise.
- (b) Proper signage: an NCDOT approved sign stating “Unmuffled Engine Braking Prohibited”

Section 2. Prohibition

- (a) No person shall use an unmuffled engine compression braking system, which is in any way activated or operated by the compression of the engine of any such motor vehicle or any such unit or part thereof, on

any street within the city limits for which one or more signs are posted stating "Unmuffled Engine Braking Prohibited" except in cases of emergency or necessary for the protection of persons and/or property. Such braking is commonly referred to as compression braking or a "jake brake".

- (b) The Town of Rutherfordton shall collaborate with NCDOT to identify the areas that engine braking is prohibited and signs shall be conspicuously posted in such areas stating "Unmuffled Engine Braking Prohibited"
- (c) This ordinance shall not apply to public school buses or public safety vehicles, including but not limited to, fire trucks and emergency medical service vehicles.

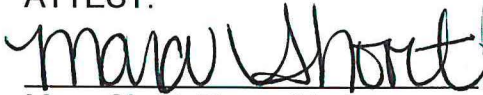
Section 3. Penalty

Violation of this ordinance shall be a traffic infraction as outlined in N.C.G.S. 14-4 and shall result in a fine of \$50.00.

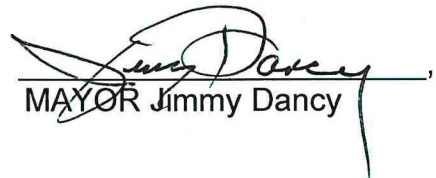
Section 4. This ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 6th day of January 2021.

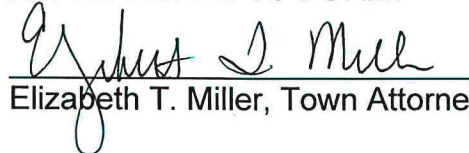
ATTEST:


Mara Short, Town Clerk




MAYOR Jimmy Dancy

APPROVED AS TO FORM:


Elizabeth T. Miller, Town Attorney