

**BOARD OF COUNTY COMMISSIONERS  
Grant County, Washington**

**ORDINANCE AMENDING CHAPTER  
10.38 OF THE GRANT COUNTY CODE  
TITLED "USE OF COMPRESSION  
BRAKES"**

**ORDINANCE No. 20-        -CC**

**WHEREAS**, the Grant County Sheriff made a recommendation to the Grant County Board of Commissioners to modify certain sections of Chapter 10.38 of the Grant County Code ("GCC"), titled "Use of Compression Brakes"; and

**WHEREAS**, after review, the Board of County Commissioners have determined that it is in the best interests of the county to amend Chapter 10.38 GCC.

**NOW THEREFORE, BE IT ORDAINED, the Grant County Board of Commissioners hereby adopts this ordinance and adds a new area to section 10.38.030 titled "Use of Compression brakes prohibited" as follows:**

Section 1. Chapter 10.38 GCC, and more specifically Section 10.38.030, is amended as follows:

**10.38.010 Declaration of policy.**

The board of commissioners of Grant County desires to protect the public health, safety and welfare of the residents of Grant County by minimizing the exposure of its residents to the hazards of excessive noise disturbances caused by the use of compression brakes, consistent with Grant County ordinance "Noise Disturbances Prohibited" codified in Chapter 6.24.

**10.38.020 Definitions.**

For purposes of this chapter, the following words and phrases used herein shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates otherwise:

"Compression brakes" means a device which, when manually activated, retards the forward motion of a motor vehicle by the direct and sole use of the compression of the engine of the vehicle. Compression brakes are often called "jake brakes" or "exhaust brakes."

Emergency. An "emergency" contemplates that an immediate stoppage or slowing of the vehicle is necessary in order to prevent injury to persons and/or damage to property or to remedy an injury that has already occurred and that friction brakes are either not available or would not have been effective in bringing the vehicle to a stop or slowing it.

"Motor vehicle" means every device capable of being moved upon a public road and in, upon, or by which any person or property is or may be transported or drawn upon a public road, excepting devices moved by human or animal power used exclusively upon stationary rails or tracks.

"Road" for the purpose of this chapter is synonymous with and includes "street," "highway" and "alley."

#### **10.38.030 Use of compression brakes prohibited.**

No person shall use motor vehicle brakes which are in any way activated and/or operated by the compression of the engine of any such motor vehicle, or any unit or part thereof, except as such use is necessary in an emergency, in the following areas:

That portion of Interstate Highway Number 90, from mile post #179 to mile post #176, as it passes through Sections 36, 35, 26, 27, 34, 28 and 33, all of Township 19 North, Range 28, E.W.M. More commonly described as I-90 from the Highway 17 exit for Moses Lake to the Broadway Exit for Moses Lake, Washington.

That portion of State Route 17 from milepost 78.20 to milepost 78.70. The approximate vicinity is the north end of Soap Lake.

That portion of County Road and Right-of-Way known as 5-NW Road, aka White Trail Rd, Roadlog 93010 From Mileposts 14.07 to 14.77.

That portion of Frenchmen Hills Road one mile west of Road Q SW, roadlog 91044 milepost 0.0 to 0.99 and that portion of Frenchman Hills one mile east of Q SW, roadlog 91035 BMP 5.82 to EMP 6.82 and that portion of Road Q SW one mile north of Frenchman Hills Road, roadlog 91035 BMP 4.82 EMP 5.82.

#### **10.38.040 Signs required.**

The county engineer is authorized and directed to appropriate signs consistent with the provisions of this chapter and as required.

#### **10.38.050 Defense for emergency use.**

It is an absolute defense to prosecution under this chapter that such compression brakes were applied in an emergency and where necessary for protection of persons and/or property.

#### **10.38.060 Exemptions.**

The provisions of this chapter shall not apply to Grant County vehicles or to emergency vehicles, whether or not responding to an emergency, participating in an exercise in emergency management, or rendering assistance under a mutual aid pact.

#### **10.38.070 Penalties.**

Failure to comply with the provisions of this chapter shall subject the violator to the following penalties:

First offense	\$47.00;
Second offense	\$95.00;
Each subsequent offense	\$190.00.

**10.38.080 Severability.**

If any provision of this chapter, or this application to any person or circumstance, is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances shall not be affected.

**Section 2.** If any provision of this ordinance or its application to any person, entity or circumstance is, for any reason, held invalid or unconstitutional, the remainder of the ordinance or its application to other persons, entities or circumstances shall not be affected.

**Section 3.** This ordinance, amending the existing text for Chapter 10.38 GCC, shall be effective when signed.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2020.

**BOARD OF COUNTY COMMISSIONERS  
GRANT COUNTY, WASHINGTON**

Yea    Nay    Abstain

☐       ☐       ☐       \_\_\_\_\_  
Cindy Carter, Chair

☐       ☐       ☐       \_\_\_\_\_  
Tom Taylor, Vice-Chair

☐       ☐       ☐       \_\_\_\_\_  
Richard Stevens, Member

Attest:

\_\_\_\_\_  
Barbara J. Vasquez, CMC  
Clerk of the Board

Published:

\_\_\_\_/\_\_\_\_/ 2020; \_\_\_\_/\_\_\_\_/ 2020

Approved as to form:

By \_\_\_\_\_  
Kevin McCrae  
Deputy Prosecuting Attorney

Date: \_\_\_\_\_