

CITY OF EASTPORT, MAINE



Engine Braking

Ordinance

Version 1.0

Date Approved: April 10, 2013

Effective Date: April 25, 2013

Attest: *Dea Kowal* + *Emmanuel*
City Clerk *Deputy Clerk*

Revised

Date Approved:

Effective Date:

Attest:

Use of Engine Brakes Prohibited in City Limits - City of Eastport, Maine

The City of Eastport, Maine adopts this Ordinance banning the use of Engine Brakes within City limits as follows:

Preamble

Whereas, the City Council of the City of Eastport, Maine seeks to protect public safety, preserve the quality of life, and prevent nuisances in the City; and

Whereas, the City Council finds the practice of engine braking by diesel trucks (sometimes referred to as 'Jake Braking', but not to be confused with the registered trade mark 'Jake Brake' belonging to Jacobs Vehicle Systems, Inc.) creates disturbing, excessive and offensive noise when it occurs within the city limits; and

Whereas, Pursuant to Maine law M.S.R.A. Title 30 §3009 the City Council has the authority to enact all traffic ordinances in the municipality and publish an ordinance or police regulation. The municipal officers may regulate the operation of all vehicles in the public ways and on publicly owned property

Now, Therefore, Be It Ordained by the City Council of Eastport, Maine that:

I. Purpose and Authority

A. Purpose – Engine Braking Ordinance

This Ordinance prohibits the use of engine braking within the Eastport City Limits. It shall be unlawful for the driver of any vehicle to use or operate, or cause to be used or operated, anywhere within the Eastport City Limits, any engine brake, compression brake, or mechanical exhaust device to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

B. Title and Authority

This Ordinance shall be known as "the City of Eastport Engine Braking Ordinance". It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of Title 30-A M.R.S.A §3001 and the provisions of Title 30 M.S.R.A. §3009

II. Definitions

Engine Braking: any method of slowing diesel trucks in a manner that produces a loud noise, particularly by venting the cylinder of the diesel engine midway through its cycle causing the engine, instead of producing power, to absorb power, thereby slowing the truck down dramatically. It shall also include the production of excessive noise produced by engine retarders due to a truck operating with improperly maintained, defective, or modified muffler systems or the use of straight exhaust pipes with no mufflers.

III. Exceptions

The only exception to this ordinance shall be in the event of a mechanical failure of the regular braking system of the vehicle as an emergency measure only.

IV. Violation Penalties and Enforcement

A. Penalties

- i. Any person who violates this ordinance by activating engine braking systems within the City limits of the City of Eastport shall be guilty of a civil offence and shall be subject to punishment by a fine of not less than \$200 hundred dollars (\$200) and not more than five hundred dollars (\$500) plus costs.

B. Enforcement

This Ordinance will be subject to enforcement by the Chief of Police and Certified Officers of the Eastport Police Department.

V. Effective Date

This Ordinance takes effect immediately upon adoption by the Eastport City Council at a City Council Meeting following a public hearing and shall remain in effect indefinitely until otherwise repealed or modified in accordance with Maine Law.

VI. Severability

Should any section, subsection or portion of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section, subsection or portion of this Ordinance.