

ORDINANCE NO. 05-17-2007 B

AN ORDINANCE AMENDING ELKINS MUNICIPAL CODE BY ADDING CHAPTER 8.10 SUBSECTIONS 8.10.01 THROUGH 8.10.06 TO TITLE 8 WHICH PROHIBITS THE USE OR OPERATION OF ENGINE BRAKES, "JAKE BRAKES," AND OTHER ENGINE RETARDING DEVICES WHICH CAUSE BY THEIR USE EXCESSIVE NOISE AND DISTURBANCE WITHIN THE CITY LIMITS OF ELKINS AND REPEALING ALL ORDINANCES, PARTS OF ORDINANCES, IN CONFLICT HEREWITH.

WHEREAS, there has in recent years been a significant increase in large trucks and similar vehicles traveling the highways and streets of Elkins.

WHEREAS, many of these vehicles are equipped with and use engine brakes while driving within the City of Elkins.

WHEREAS, the noise emitted by use of the engine brakes within the City of Elkins causes alarm in many cases and is, at the least, very disturbing to the people who travel, work or live near the city streets and highways.

BE IT ORDAINED BY THE CITY COUNCIL OF ELKINS, ARKANSAS, that

SECTION 1: (8.10.01) Prohibited Acts: Any use or operation of any engine brake, "jake brake," or engine retarding device causing excessive noise and disturbance within the city limits of Elkins except when used in emergency situations to avoid damage to property or personal injury, or when used by emergency vehicles.

SECTION 2: (8.10.03) Approved Procedure: From and after passage of this ordinance all large trucks and other vehicles featuring engine brakes, "jake brakes," or engine retarding devices shall operate in such a manner as to preclude the necessity of using said devices while in the city limits of Elkins.

SECTION 3: (8.10.05) Penalty: Violation of this ordinance is punishable by a fine of not less than \$25.00 nor more than \$100.00 for a first offense. Subsequent offenses shall carry the following minimum and maximum fines:

	<u>Min.</u>	<u>Max.</u>
2 nd offense	\$50.00	\$200.00
3 rd offense	\$75.00	\$350.00
4 th offense and beyond	\$100.00	\$500.00

In addition to such fines the Clerk of the Court shall collect costs upon each conviction, plea of guilty or no contest and/or forfeiture of bond. All fines collected shall be paid to the Elkins Police Department.

SECTION 4: (8.10.06) Priority Over Conflicting Language: All ordinances, parts of ordinances, and any portions of Elkins' Municipal Code, contrary to Sections 1 and 2 hereof are hereby repealed to the extent of such conflict.

Passed and approved this 7th day June, 2007.

Jack Ladyman

JACK LADYMAN, Mayor

ATTEST:

Norrita Fisher

NORRITA FISHER, Recorder/Treasurer