

ORDINANCE NO. 1379

AN ORDINANCE TO ENACT SECTION 21-13-29
OF THE CODE OF THE CITY OF JAMESTOWN, NORTH DAKOTA, PERTAINING
TO USE OF ENGINE BRAKES ON VEHICLES WITHIN THE CITY LIMITS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, that Section 21-13-29 of the Code of the City of Jamestown, North Dakota, is hereby enacted to read as follows:

SECTION 21-13-29. Engine Brakes.

a) **Operation of Engine Brakes Declared a Nuisance.** The City Council of the City of Jamestown, North Dakota, finds that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake, adversely effects the public health, safety, and welfare of the residents of the City of Jamestown, and therefore, is a nuisance in fact.

b) **Prohibition.** No gasoline powered or diesel powered motor vehicle shall be operated on the streets, roads, alleys or highways within the City of Jamestown, North Dakota, utilizing, in said operation, an engine brake, also referred to as a Jake brake, permitting excessive noise to be created by said motor vehicle.

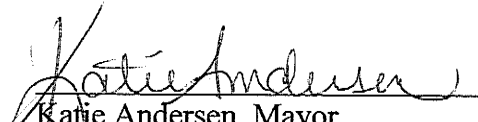
c) **Use Permitted and Emergency Situations.** This ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residence of Jamestown, North Dakota, or motor vehicle operators, pedestrians, and the operator and the passengers of a motor vehicle involved in such emergency situation.

d) **Penalties.** Any driver and or firm or corporation for whom the drivers employed who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of \$100.00. Each application of such brake shall be deemed a violation of this ordinance and constitute a separate offense.

ATTEST:

APPROVED:


Jeff Fuchs, City Administrator


Katie Andersen, Mayor

Introduced by Council Member Gumke
Seconded by Council Member Nygaard
First Reading: November 7, 2011
Second Reading: December 5, 2011
Final Passage: December 5, 2011

Roll Call No. 4 showed: 3 ayes, 0 nays, 2 absent.