

O'BRIEN COUNTY

ORDINANCE No. 27

AN ORDINANCE PROHIBITING THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES ("JAKE BRAKE ORDINANCE")

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF O'BRIEN COUNTY:

SECTION 1. PURPOSE. The purpose of this ordinance is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air-braking devices within designated areas in O'Brien County.

SECTION 2. DEFINITIONS. For the purposes of this ordinance, the following words and phrases are defined as follows:

1. "Engine retarding brake" means a "Dynamic Brake," "Jake Brake," "Jacobs Brake," "C-Brake," "Paccar Brake," transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.

SECTION 3. PROHIBITIONS. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas in the unincorporated areas of the County of O'Brien, State of Iowa, any engine brake, Compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Such prohibition shall be applicable only to those public highways or portions specifically identified in this Chapter.

SECTION 4. AREAS OF PROHIBITION. The prohibition set forth herein shall apply to the following public highways in O'Brien County, Iowa or portions thereof:

1. Stretches of all public highways in O'Brien County, Iowa, that are within one (1) mile of any incorporated municipality in O'Brien County.

SECTION 5. SIGNAGE. Signs stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" may be installed at locations deemed appropriate by the Board of Supervisors to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" shall be installed on a state highway without a permit from the Iowa Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

SECTION 6. EXCEPTIONS. Emergency vehicles shall be exempt from the application of this ordinance.

SECTION 7. ENFORCEMENT. The scheduled fine for a violation of this ordinance shall be one hundred (\$100.00).

SECTION 8. SEVERABILITY. If any section, part or provision of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 9. ADOPTION. This ordinance will take effect immediately after its final passage and

publication as provided by law. In addition, this ordinance shall remain in effect until such time the Board of Supervisors passes a future ordinance repealing this ordinance.

Passed and approved this 28th day of July, 2020

O'Brien County Board of Supervisors

John Steensma- Chairman

ATTEST:

Barbara Rohwer
O'Brien County Auditor