

ORDINANCE NO. 86

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF LOG CABIN, TEXAS PROHIBITING THE USE OF ENGINE BRAKES (ALSO KNOWN AS “JAKE BRAKES”); PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Log Cabin, Texas (“City”) finds that the practice of compression engine braking (sometimes referred to as a “*jake brake*”) creates disturbing, unreasonable and offensive noise and a nuisance when it occurs within the City limits; and

WHEREAS, it is the intent of the City Council to address, control and prohibit the operation or use of an auxiliary or compression engine brake (also known as a “*Jake Brake*”) which creates disturbing, unreasonable and offensive noise when it occurs within the City limits; and

WHEREAS, the City Council desires to address and control common noise complaints caused by the repetitive and excessive noise of the compression engine braking systems by adopting and publishing an ordinance which prohibits the use of engine exhaust braking systems.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF LOG CABIN, TEXAS AS FOLLOWS:

I. DEFINITIONS

- A. *Compression release type braking system* shall mean any device equipped on any vehicle, including, but not limited to, tractors, semi-trucks, motor carriers, buses and any other vehicle that utilizes engine compression release or engine retarders as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes.
- B. *Emergency situation* shall mean one in which there is an imminent danger of collision with property, persons or animals.

II. JURISDICTION

This Ordinance shall apply within and throughout the incorporated municipal boundary (i.e., City limits) of the City of Log Cabin

III. REGULATIONS

- A. The purpose of this section is to make it unlawful for vehicles equipped with compression release type braking systems, sometimes known as "jake brakes," to use such braking systems or devices upon any public streets, roads or highways within the City limits and its ETJ, except in an emergency situation for the peace, health and comfort of the citizens of the City and the public.
- B. Every driver of any vehicle who shall cause their vehicle to brake or slow by any method which increases the noise emission levels of the engine, such as, but not limited to, engine compressions release or engine retarder, in lieu of applying the clutch or brakes, upon any public streets, roads or highways within the City limits, upon conviction shall be guilty of a misdemeanor; provided that such prohibition shall not apply if an emergency situation exists and the use of engine compression brakes is necessary for the protection of persons or property.
- C. The prohibitions prescribed herein shall not apply to an authorized emergency vehicle.

IV. PENALTY

A violation of this Ordinance shall constitute a Class C Misdemeanor. Any person, firm or corporation violating this Ordinance shall, upon conviction in Municipal Court, be subject to a fine in an amount not to exceed five hundred dollars (\$500.00) for each separate violation.

V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

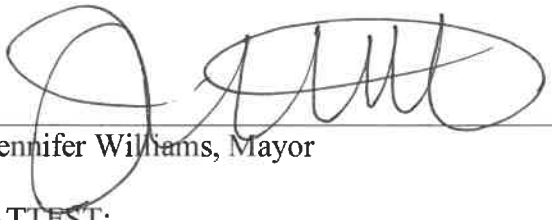
VI. REPEALER

All ordinances or any parts thereof in conflict with the terms of this Ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Log Cabin, Texas shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding of not guilty, nolo contendere or dismissal.

**VII.
EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage and publication in accordance with the law.

PASSED AND APPROVED by the City of Log Cabin City Council on this 18th day of January 2024.



Jennifer Williams, Mayor

ATTEST:



Leara Thorp, City Secretary