

**AN ORDINANCE PROHIBITING THE USE OF ENGINE COMPRESSION BRAKES
WITHIN THE CITY OF COTTER, BAXTER COUNTY, ARKANSAS.**

Whereas the City Council of the City of Cotter, Arkansas, finds that Engine Compression Brakes are regularly used within the city of Cotter, Arkansas and that the use of such brakes is detrimental to the public health, general welfare and well being of the citizens of Cotter, Arkansas. The noise pollution caused by such brakes should not be tolerated in Cotter, Arkansas.

Whereas the city further finds that a high volume of vehicles equipped with Engine Compression Brakes, travel through the City of Cotter, and use the device regularly, creating an intolerable noise level for the citizens of this City.

Now, Therefore, be it ordained by the City Council of the city of Cotter, Arkansas that:

SECTION 1: For the purpose of this ordinance the following definitions shall apply:

- A. "Brake" means any device used for slowing, halting, or stopping the movement of Any vehicle.
- B. "Engine Compression Brake" means any motor vehicle brake that is operated by Compression of the engine of the motor vehicle or any unit or part thereof (an Engine compression brake is commonly referred to as a "Jake Brake")
- C. Motor Vehicle means and includes Automobiles, Tractors, Trucks, Trailers, and Transportation Equipment of all kinds and sizes or any combination there of.

SECTION 2.It shall be unlawful for any person to use motor vehicle brakes that are in anyway activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof within the City of Cotter, Arkansas. This prohibition shall not apply if an emergency situation exists and the use of the engine compression brake is necessary for the protection of persons or property.

SECTION 3. Any person violating the provisions of this ordinance may be sentenced to a fine not to exceed \$500.00.

SECTION 4:The Cotter Street Dept is authorized and directed to post such signs as approved by the AHD consistent with the provisions of this ordinance.

An emergency is determined to exist and this ordinance will be in effect immediately after its passage and publication.

PASSED AND APPROVED THIS 23rd **DAY OF** March ,2006


MAYOR

ATTEST:

Recorder/Treasurer

COPY

