

A BURLEIGH COUNTY ORDINANCE FOR THE REGULATION/USE OF UN-MUFFLED COMPRESSION BRAKES WHERE PROHIBITED

NOW THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA:

SECTION 1. General Provisions

1. Burleigh County Home Rule Charter allows for the creation of an ordinance which prohibits the use of un-muffled compression brakes on public roadways in posted areas.

SECTION 2. Purpose

1. The purpose of this Ordinance is to control the use of engine brakes that create excessive noise that may disturb the public and to promote the general health, safety, and welfare of the citizens of Burleigh County.

SECTION 3. Definitions

1. "Compression Brakes" means the use of the engine to decelerate or reduce or slow the forward motion of a motor vehicle by compression of the engine. "Compression brakes" are also referred to as "exhaust brakes" and/or "Jake brakes."

SECTION 4. Use of un-muffled compression brakes where prohibited.

1. No person shall use motor vehicle brakes on public roadways within posted areas of the County that are in any way activated or operated by the un-muffled compression of the engine of that motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that the un-muffled compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.
2. This section shall not apply to motorcycles or vehicles of any fire department, whether or not responding to an emergency.

SECTION 5. Penalty for Offenses

1. The County engineer shall have authority to post appropriate signs consistent with these provisions. The penalty for a violation of this section is fifty dollars.

SECTION 6. Repealer

- 1. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Severability Clause

- 1. If any section, provision or part 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 8. When Effective

- 1. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading Passed: _____

Second Reading Passed: _____

Passed and adopted this ____ day of _____ 20__.

Burleigh County Commission – Chairperson

Attest: Mark Splonskowski, County Auditor