

ORDINANCE NO. 2007-09

AN ORDINANCE PROHIBITING USE OF ENGINE COMPRESSION BRAKES  
WITHIN THE CORPORATE LIMITS OF THE TOWN OF WOLCOTT

ARTICLE 1. ENGINE COMPRESSION BRAKES

No multi-axle motor vehicle or truck may use engine compression braking (otherwise known as compression-release braking or "Jake Brakes") or other operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle upon any road within the corporate limits of the Town of Wolcott.

ARTICLE 2.

Signs indicating the above restriction shall be erected and maintained in accordance with the Uniform Traffic Control Manual of the State. Any person who violates the restrictions established by this section when the required signs have been erected shall be subject to fine as established in Ordinance No. 2007-03, Town of Wolcott Ordinance Violations Bureau

ARTICLE 3. ABATEMENT

3.1 ABATEMENT.

All persons, firms, or corporations owning or leasing any motor vehicle that travels through any street or highway within the corporate boundary of the Town of Wolcott are hereby required not to use engine compression braking or other operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

3.2 NOTICE OF ABATEMENT: PROCEDURE.

Any persons, firms, or corporations owning or leasing any motor vehicle who receive Notice to Abate from the Bureau of Ordinance Violation or its authorized and designated representative will have five working days from the receipt of the Notice to Abate to abate the use of engine compression braking or other operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle as described in this section.

3.3 OTHER ORDINANCES OR STATUTES:

A) All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency. Provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinance or parts of ordinance are hereby ratified, re-established, and confirmed.

B) This ordinance shall not limit the authority of the Town of Wolcott from towing a vehicle prior to the aforementioned period if authorized by another ordinance or statute.

3.4 CONSTRUCTION OF CLAUSE HEADINGS. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

3.5 SEVERABILITY OF PROVISIONS. If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

3.6 DURATION AND EFFECTIVE DATE. This ordinance shall be in full force and effect beginning July 1, 2007 from and after its passage by the Council of the Town of Wolcott, and publication according to the laws of the State of Indiana.

Introduced and Filed on the 15th day of May, 2007. A motion to consider same on the First Reading or day of introduction was sustained by a vote of 3 in Favor and 0 Opposed, pursuant to Indiana Code 36-4-6-13).

DULY PASSED AND ADOPTED this 5th day of May, 2007 by the Council of the Town of Wolcott, White County, Indiana, having been passed by a vote 3 in Favor and 0 Opposed.

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NAY

Not in Attendance  
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Robin D. Hensler, Council President

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Marsha L. Mackey, Member

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Danny L. Sheets, Member

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Jon H. Evans, Member

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Richard A. Lynn, Member

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Richard A. Lynn, Member

ATTEST:

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Linda S. Bajzatt, IAMC, CMC  
Clerk-Treasurer