

ORDINANCE NO. 1054 (2016)

AN ORDINANCE OF THE CITY OF CRAIG, COLORADO ADOPTING SECTION 10.08.070 AND AMENDING THE NOISE ORDINANCE AS CONTAINED IN SECTION 9.42.040 OF THE CRAIG MUNICIPAL CODE TO PROHIBIT THE USE OF ENGINE COMPRESSION BRAKES OR JAKE BRAKES UPON ANY HIGHWAY WITHIN CITY LIMITS

RECITALS

WHEREAS, Section 9.42.040(5) allows for the operation of engine compression brakes, also known as “jake brakes”, by vehicles equipped with an engine compression brake device as long as the engine compression brakes have a muffler;

WHEREAS, even with a muffler, engine compression brake use on highways within the city limits creates significant noise levels; and

WHEREAS, the City Council determines that the use of engine compression brakes within the city limits constitutes an unnecessary noise violation and breach of the peace and quiet of the community.

WHEREFOR, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG AS FOLLOWS:

Section 1. A new Section 10.08.070 of the Craig Municipal Code entitled “Engine Compression Brakes” shall be adopted to read in its entirety as follows:

10.08.070 Engine Compression Brakes

A. It is unlawful for the driver of any vehicle to use or operate or cause to be operated upon the highways within the city, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in excessive, loud or unusual or explosive noise from such vehicle.

B. Unlawful use of engine compression brakes is classified as a Class B offense as set forth in Section 9.04.010.

Section 2. Section 9.42.040(5) is amended to read in its entirety as follows:

9.42.040 Unlawful noise; special cases

5. Operating any motor vehicle that is equipped with an engine compression brake device upon any highway within the city limits.

Section 3. EFFECTIVE DATE: This Ordinance shall take effect ten (10) days after passage and upon publication of such ordinance after passage.

Section 4. PUBLICATION BY SUMMARY: The City Council deems it appropriate to publish the title of this Ordinance, together with a summary of the Ordinance and with the statement that the text is available for public inspection and acquisition in the office of the City Clerk.

Section 5. PUBLIC PURPOSE: The City Council of the City of Craig herewith finds and determines that this Ordinance is necessary for the preservation of the public peace, health and safety. This Ordinance is enacted pursuant to the City's authority to act under its police power to protect and preserve the general welfare of the City and its citizens.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS _____ DAY OF _____, 2016 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Ray Beck, Mayor

ATTEST:

Kathy Larson, City Clerk

PASSED, APPROVED, AND ADOPTED AFTER HEARING ON SECOND READING THIS _____ DAY OF _____, 2016 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Ray Beck, Mayor

ATTEST:

Kathy Larson, City Clerk