

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 STATE HIGHWAY WITHIN CITY LIMITS; AND FURTHER AMENDING THE NOISE ORDINANCE

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 state highways within the city limits creates significant noise levels;

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

WHEREAS, the noise ordinance as contained in Section 9.42.060 contains a process for permits for using sound-amplifying equipment which will be amended to include a 24-hour application requirement prior to issuance.

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 any state highway 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 state highway within the city limits.

Section 3. Section 9.42.060 (A) shall be amended to state in part as follows:

9.42.06 Permits for using sound-amplifying equipment.

A. An application for a permit shall be directed to the city manager or his designee at least twenty-four (24) hours prior to the requested beginning time of the requested permit, and shall provide the following information:

1. The name, address and telephone number of both the owner and user of the sound amplifying equipment;
2. The license number of a vehicle which is to be used, if any;
3. The general description of the sound-amplification equipment which is to be used;
4. Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes; and
5. The dates, times and location, and the streets over which, the equipment is proposed to be operated.

Section 4. Section 9.42.060 (C)(2) shall be amended to state in part as follows:

C. 2. The maximum sound emanating from the sound-amplifying equipment shall not exceed the sound levels established in Section 9.42.030 as measured twenty-five (25) feet from the noise source.

Section 5. EFFECTIVE DATE: This Ordinance shall take effect ten (10) days after passage and upon publication of such ordinance after passage.

Section 6. 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 7. 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