

ORDINANCE NO. O-04-02

AN ORDINANCE PREVENTING LOUD AND UNNECESSARY NOISE AND PROHIBITING THE PRACTICE KNOWN AS “JAKE BRAKING” (MOTOR BREAKING), PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

WHEREAS, the Board of Directors of the City of Arkadelphia, Arkansas has received complaints concerning the practice of “Jake Braking” by truck and other motor vehicles and;

WHEREAS, the noise created by this process is disruptive to residents and other individuals situated near the city’s main streets and;

WHEREAS, loud noises caused by “Jake Braking” is unnecessary and disruptive to the peace and tranquility of all the citizens, therefore:

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS:

SECTION 1: It shall be unlawful for the driver of any truck to use or operate or cause to be used or operated within the City of Arkadelphia, Arkansas any mechanical exhaust device, or motor brake, designed to aid in the braking or deceleration of any truck which results in the excessive, loud, unusual or explosive noise from such vehicle, or otherwise engage in “Jake Braking.” It is an affirmative defense to a violation of this Ordinance that motor braking was used as on emergency basis to avoid damage to property or to avoid personal injury.


SECTION 2: Any person violating this Ordinance shall be guilty of a misdemeanor upon conviction hereof and shall pay a fine not exceeding THREE HUNDRED DOLLARS (\$300) for each offense. Each time a person uses the motor brake or what is known as “Jake Braking” shall be considered a separate offense.

SECTION 3: Enforcement of this Ordinance shall be delayed until signs have been posted on all US or State Highways entering the City of Arkadelphia. Said signs shall be posted on or near said highways stating in language similar to:

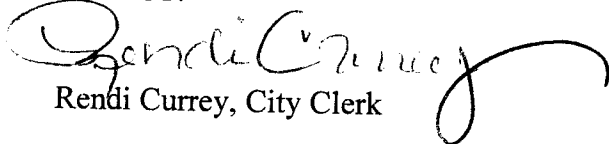
**“NO JAKE-BRAKING BY ORDER
OF ORDINANCE NO. 0-04-02”**

SECTION 4: This Ordinance is supplementary to other loud and unnecessary noise Ordinances and does not repeal any such Ordinances.

THIS ORDINANCE PASSED AND ADOPTED on this 4th day of March, 2004.


C.T. Hollingshead, Mayor

ATTEST:


Rendy Currey, City Clerk