

ORDINANCE NO. 19-M-02

**ORDINANCE PROHIBITING THE UNLAWFUL USE
OF ENGINE AND/OR COMPRESSION BRAKES**

WHEREAS, the City Council of the City of Benton, Kentucky has previously adopted ordinances relating to traffic on streets, roads and public highways, as well as the regulation of annoying and disturbing noises, and the City Council has determined that an addition to said ordinances is necessary and desirable;

WHEREAS, the City Council finds and determines that it is in the best interest of the residents of the City of Benton to add the following sections to the City of Benton's Code of Ordinances as set forth hereinbelow.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF BENTON, KENTUCKY AS FOLLOWS:**

1. **PURPOSE.** The purpose of this ordinance is to prohibit the excessive, loud, and unusual or explosive use of engine, compressed air-braking devices, and dynamic breaking systems within designated areas in the City of Benton.

2. **DEFINITIONS.** For the purposes of this ordinance, the following words and phrases are defined as follows: "Engine retarding brake" means a "Dynamic Brake," "Jacobs Brake," "C-Brake," "Paccar Brake," transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression. These phrases are used for illustration and reference purposes and are not intended to be exclusive, nor is this ordinance intended to be applicable to any specific brand of engine retarding brake, compressed air-braking devices, or dynamic breaking systems.

3. **PROHIBITIONS.** It shall be unlawful for the driver of any vehicle to use, or operate, or cause to be used or operated within designated areas in the incorporated areas of the City of Benton, Kentucky, any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Such prohibition shall be applicable only to those public roads, streets or highways or portions specifically identified in this section.

4. **AREAS OF PROHIBITION.** The prohibition set forth herein shall apply to roads, streets, or highways travelling through or within two hundred (200) yards of a residential zone, as those zones are designated by the Benton Planning and Zoning Commission and/or the City Council of the City of Benton, on US Highway 641 Bypass, and on the Mayfield Highway.

5. **SIGNAGE.** Signs stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" shall be installed on a state highway without approval from the Commonwealth of Kentucky Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

6. EXCEPTIONS. Emergency vehicles shall be exempt from the application of this ordinance.

7. ENFORCEMENT. Violations of this ordinance shall constitute a violation, and the penalty shall be a fine of not less than twenty dollars (\$20.00), nor more than one hundred dollars (\$100.00) for each violation of this ordinance.

8. ADOPTION. This ordinance will take effect upon passage and final publication.


If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Passed this the 18 day of February, 2019 by the City Council of the City of Benton, Kentucky.


Rita Dotson, Mayor

ATTEST:


Bethany Cooper, City Clerk/Treasurer

First Reading: 1/28/2019
Second Reading: 2/18/2019
Publication: 2/26/2019

COUNCIL VOTING

SPONSORED BY

AYE

NAY

<u> </u>	Charles Edmonds	<u>X</u>	<u> </u>
<u> </u>	Kevin Farley	<u>X</u>	<u> </u>
<u> </u>	Butch Holland	<u>X</u>	<u> </u>
<u> <u>X</u> </u>	Rita Murray	<u>X</u>	<u> </u>
<u> </u>	Ann Riley	<u>X</u>	<u> </u>
<u> </u>	Sherra Riley	<u>X</u>	<u> </u>