

ORDINANCE NO. 10:01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, PROHIBITING THE USE OF A JACOBS BREAKING SYSTEM, COMMONLY REFERRED TO AS A “JAKE BRAKE” CONSTITUTING A PUBLIC NUISANCE; ESTABLISHING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law Municipality, has the authority to prevent, punish, and abate nuisance and noise, including the use of a Jacobs Breaking System, commonly referred to as a “Jake Brake”, in accordance with § 217.002 of the *Texas Local Government Code*; and

WHEREAS the City Council finds and determines that the public interest is served by preventing, punishing, and abating such nuisance and noise as more fully set out herein which may occur within the city limits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, THAT:

(a) **Prohibition.** It shall be unlawful for any person to use or activate a Jacobs Breaking System which (1) offends, annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of other individuals within the limits of the city and (2) substantially impairs the peaceable enjoyment of public or private property.

(b) **Definitions.** The use or activation of a Jacobs Breaking System shall mean a discharge into open air of the exhaust of any steam or internal combustion engine, whether moveable or stationary, except through a muffler or other similar device, for purposes of applying braking to slow or stop a car, truck, semi, or other motor vehicle.

- (c) **Exceptions.** This section shall not apply to:
1. An official of Federal, State, or Local government or to members of the United States armed forces or the State engaged in the performance of official duties; or
 2. Persons engaged in the present performance or rendition of emergency medical services;
 3. The operation of locomotive engines or other related equipment in Accordance with other applicable Federal, State, or Local government rules and regulations;
 4. The operation of residential, commercial, or industrial construction equipment pursuant to any construction, building, or other similar permit issued by the City in accordance with applicable rules and regulations.
- (d) **Violation.** That if any person violates the prohibitions of this ordinance as set forth herein, such act shall constitute a misdemeanor and subject such person to a fine of \$200.00 per violation. Each and every act shall constitute a separate offense.
- (e) **General Provisions.** That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such findings of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be

invalid, it being the intent of the City Council of the City of Hallsville
that all other terms and provisions of this ordinance not affected
thereby shall remain in full force and effect.


- (f) **Effective Date.** The provisions of this ordinance are affective as of the date
of its adoption as set out below.

PASSED AND APPROVED by an affirmative vote of the members of the City Council

is the 16th day of February, 2010.

ATTEST:


CITY SECRETARY


MAYOR