

ORDINANCE 2022-10

AN ORDINANCE OF THE CITY OF DAWSON, TEXAS PROHIBITING THE USE OF ENGINE BRAKES (ALSO KNOWN AS “JAKE BRAKES”); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAWSON, TEXAS THAT:

ARTICLE 1.

A. ENGINE BRAKES

1. Engine brakes. This Ordinance applies to the use or operation of an auxiliary or compression engine brake (also known as “Jake Brake”) which produces any noise in addition to the normal operating engine noise is prohibited within the city limits. This provision is not intended to prohibit the passage of vehicles equipped with engine brakes or “Jake Brakes” in posted areas but rather prohibit the use of such equipment in posted areas.
2. It shall be unlawful for any driver of a truck or truck-tractor to activate or use the unit’s engine brake within the city limits except in an emergency.
3. The term “emergency situation”, for the purposes of this ordinance, shall mean one in which there is imminent danger of collision with property, persons, or animals.
4. Emergency vehicles will be exempt from the Jake Brake ordinance.

B. Penalty

Any person, or persons, violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than one (\$1.00) dollar, or more than five hundred (\$500.00) dollars, for each offense.

ARTICLE 2.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses sentence, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE 4.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the la in such cases provides.

PASSED AND APPROVED on first reading this 1st day of November 2022.

Mayor _____

ATTEST:

City Secretary _____

PASSED AND ADOPTED on second reading this _____ day of December 2022.

Mayor _____

ATTEST:

City Secretary _____