

BEFORE THE MAYOR AND CITY COUNCIL
OF THE CITY OF ALBION, IDAHO

ORDINANCE NO. 2017-10-01

AN ORDINANCE OF THE CITY OF ALBION, IDAHO PROHIBITING THE USE OF COMPRESSION BRAKING SYSTEM ON MOTOR VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF ALBION; PROVIDING DEFINITIONS FOR THIS SECTION FOR MOTOR VEHICLES, COMPRESSION BRAKES OR COMPRESSION BRAKING SYSTEMS AND EMERGENCY SITUATIONS; PROVIDING FOR BRAKING SYSTEM REGULATIONS FOR BRAKE NOISE, AND PROVIDING FOR EXCLUSIONS FOR EMERGENCY VEHICLES; PROVIDING THAT VIOLATIONS OF THIS SECTION SHALL BE AN INFRACTION; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, THE City Council of the City of Albion, Idaho is empowered by law to make ordinances and regulations to promote the general welfare of the City by maintaining the peace, good government, and welfare of the City (Idaho Code Section 50-302); and

WHEREAS, the City Council of the City of Albion, Idaho is empowered to maintain the peace by regulation noise (Idaho Code Section 50-308); and

WHEREAS, the City Council of the City of Albion has found the use of compression braking systems on motor vehicles within the city limits of the City of Albion, Idaho adversely affects the peace, good government and welfare of city residents.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS FOLLOWS:

FIRST: That Albion City Code Title 10, Chapter 1, be, and hereby is amended to add a new Section 10-1-10, to read as hereafter set forth:

10-1-10: USE OF AIR COMPRESSION BRAKES PROHIBITED:

A. Definitions:

(1) The term "motor vehicle" in this section shall mean all "vehicles" as defined in Idaho Code Title 49, Chapter 1, as amended.

(2) The term "compression brakes" or "compression braking systems" in this section shall mean those certain mechanisms, systems or devices on a motor vehicle commonly known as compression brakes, exhaust brakes, engine brakes, or Jake brakes, which are used to reduce the speed of a motor vehicle.

(3) The term "emergency situation" in this section shall mean such a situation in which there is an imminent danger of collision with a person, property or animals.

B. Braking System Regulations:

(1) Brake Noise: Except in an emergency situation, no person shall, while operating a motor vehicle within the city limits of the City of Albion, apply or otherwise use compression braking systems, or any similar braking system that uses compressed air from a motor vehicle's engine to slow or reduce the speed of the vehicle, or other braking system that produces a clearly audible noise when measured at a distance of fifty feet (50') directly from the source.

(2) Exclusions: The provisions of this section shall not apply to "authorized emergency vehicles" as defined by Idaho Code section 49-123.

(3) Penalty: Any person who violates any provision of this section shall be deemed guilty of an infraction and upon judgment thereof shall be subject to the penalty set forth in Idaho Infraction Rule 9(b) (Other Infractions).

SECOND: The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

THIRD: This ordinance specifically repeals any ordinance of the City of Albion that is in conflict herewith.

FOURTH: This ordinance shall take effect and be in full force from and after passage, approval and publication, as by law provided.

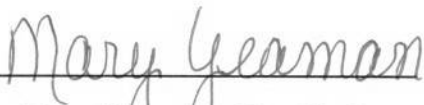
PASSED this 3 day of October, 2017, by the City Council of the City of Albion, Idaho, on roll call vote, as recorded in the minutes of the Council.

APPROVED this 3 day of October, 2017, by the Mayor of the City of Albion, Idaho.

THE CITY OF ALBION, IDAHO

By 
Sharon Hardy-Mills, Mayor

ATTEST:


Mary Yeaman, City Clerk

SUMMARY OF ORDINANCE

City of Albion Ordinance No. 2017-10-01

ARTICLE 1: SUMMARY OF PROVISIONS:

AN ORDINANCE OF THE CITY OF ALBION, IDAHO PROHIBITING THE USE OF COMPRESSION BRAKING SYSTEM ON MOTOR VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF ALBION; PROVIDING DEFINITIONS FOR THIS SECTION FOR MOTOR VEHICLES, COMPRESSION BRAKES OR COMPRESSION BRAKING SYSTEMS AND EMERGENCY SITUATIONS; PROVIDING FOR BRAKING SYSTEM REGULATIONS FOR BRAKE NOISE, AND PROVIDING FOR EXCLUSIONS FOR EMERGENCY VEHICLES; PROVIDING THAT VIOLATIONS OF THIS SECTION SHALL BE AN INFRACTION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR EFFECTIVE DATE.

1. Amend Title 10, Chapter 1 by adding a new Section 10-1-10 entitled “USE OF AIR COMPRESSION BRAKES PROHIBITED”; and
2. Providing Section 10-1-10, subsection A, setting forth definitions for “motor vehicle”, “compression brakes” or “compression braking systems”, and “emergency situation”; and
3. Providing Section 10-1-10, subsection B setting forth Braking System Regulations for brake noise, providing exclusions for authorized emergency vehicles, and providing that any violation shall be deemed to be an infraction under Idaho Rules 9(b) - Other Infractions.
4. Providing for severability if any part is declared invalid by court; and
5. Providing for repeal of Albion ordinances in conflict herewith; and
6. Providing an effective date upon publication.

ARTICLE 2: FULL TEXT AVAILABILITY

The full text of the City of Albion Ordinance No. 2017-10-01 adopting the new provisions of Albion City Code 10-1-10, as above summarized is available at the Albion City Office, 225 South Main Street, Albion, Idaho.

A copy of this Ordinance No. 2017-10-01 will also be provided to any citizen, upon personal request during usual City Office business hours, Monday through Friday, excepting City recognized holidays.

ARTICLE 3: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

DATED this 3rd day of October, 2017.

CITY OF ALBION, IDAHO

By: /s/ Sharon Hardy-Mills
SHARON HARDY-MILLS, MAYOR

A handwritten signature in cursive script that reads "Sharon Hardy-Mills".

ATTEST:

By: /s/ Mary Yeaman
MARY YEAMAN, CITY CLERK

A handwritten signature in cursive script that reads "Mary Yeaman".

CITY ATTORNEY'S STATEMENT
Summary of Albion City Ordinance 2017-10-01

I, the undersigned City Attorney for Albion, Idaho hereby certify that the foregoing Summary of Ordinance 2017-10-01, an Ordinance of the City of Albion, Idaho adopting an amendments to Albion City Code, Title10, Chapter 1, regarding Use of Air Compression Brakes Prohibited is a true and complete summary of said ordinance, as is required by Idaho Code section 50-901A, and provides adequate notice to the public of said provisions.

DATED this 3rd day of October, 2017.

City Attorney for Albion, Idaho

/s/ Kerry D. McMurray
Kerry D. McMurray