

## TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

### CHAPTER 6 ENGINE AND COMPRESSION BRAKES

- |                                |                      |
|--------------------------------|----------------------|
| 4-6-1 Purpose                  | 4-6-4 Public Hearing |
| 4-6-2 Authority to Establish   | 4-6-5 Prohibition    |
| 4-6-3 Notice of Public Hearing | 4-6-6 Penalties      |

4-6-1 PURPOSE. The purpose of this Ordinance is to provide Clinton County residents protection from excessive noise caused by the use of engine brakes and compression brakes in the general vicinity of the intersection of paved roadways. While this Ordinance prohibits the use of engine brakes and compression brakes at certain intersections of paved roadways, it does not relieve the driver's obligations, liabilities and responsibilities to safely and legally transverse through the intersection.

4-6-2 AUTHORITY TO ESTABLISH. The Board of Supervisors of Clinton County is empowered under authority of Chapter 331.302 and 331.307 of the Code of Iowa, to exercise a power or perform a duty only by the passage of a motion, a resolution, an amendment or an Ordinance. The Board shall, by resolution, declare its intention to establish an Ordinance, which prohibits Engine Brake and Compression Brake usage.

4-6-3 NOTICE OF PUBLIC HEARING. The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the intersection that prohibits Engine Brake and Compression Brake usage as set out in the resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

4-6-4 PUBLIC HEARING. On the day fixed for the public hearing or any day to which the public hearing has been adjourned, upon proof of its satisfaction made by affidavit of due publication and posting of the notice of public hearing, the Board shall consider any and all relevant evidence and if the Board finds the proposed intersection that limits Engine Brake and Compression Brake Usage is practical and protects the public from excessive noise it may establish it by proper resolution.

4-6-5 PROHIBITION. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within 500 feet of the intersection of paved roadways in the County of Clinton, State of Iowa, as established by a resolution in accordance with this Ordinance, any Engine Brake, Compression Brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle.

4-6-6 PENALTIES. The scheduled fine for violation of this Chapter shall be one hundred dollars (\$100.00).

(Ord. 2007-04, Passed November 5, 2007)