

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S)



Date: October 29, 2015

Weekly Agenda Date: November 3, 2015

DEPARTMENT HEAD / CITIZEN: Mark J. Nahra P.E. Secondary Roads Dept Head

SUBJECT: **Review of Proposed Ordinance for Limiting Use of Engine Brakes in Rural Woodbury County**

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Give Direction

Other: Informational

Attachments

Information only

WORDING FOR AGENDA ITEM: Preliminary review of a new county ordinance limiting the use of engine brakes in rural Woodbury County.

EXECUTIVE SUMMARY: My office has received complaints about the use of engine brakes due to the noise created by such brake use. Some counties and cities have passed engine brake ordinances to reduce noise within selected areas.

BACKGROUND: The secondary road department is reviewing all operating policies in cooperation with the Board of Supervisors. This is another area of regulation requested for board consideration.

FINANCIAL IMPACT: I do not anticipate that this ordinance will have any effect on county finances.

RECOMMENDATION: No recommendation at this time. The policy is presented for discussion and questions only.

ACTION REQUIRED/PROPOSED MOTION: Information and discussion only.

WOODBURY COUNTY

ORDINANCE NO. ____

TITLE: AN ORDINANCE TO ESTABLISH THE LIMITED USE OF ENGINE BRAKES AND COMPRESSION BRAKES IN WOODBURY COUNTY, IOWA.

BE IT ORDAINED BY THE COUNTY OF WOODBURY, STATE OF IOWA, PURSUANT TO SECTION 331.302 AND SECTION 331.307 OF THE CODE OF IOWA:

That an ordinance limiting the usage of engine and/or compression brakes, to be cited and known as the: Engine Brake and Compression Brake Ordinance", be enacted as follows:

SECTION 1 -- PURPOSE

The purpose of this ordinance is to provide Woodbury 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 and other designated road segments, it does not relieve the driver's obligations, liabilities and responsibilities to safely and legally traverse through the intersection.

SECTION 2 -- AUTHORITY TO ESTABLISH

The Board of Supervisors of Woodbury 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.

SECTION 3 -- NOTICE OF 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 or road segment on which Engine brake and Compression Brake usage will be prohibited as set out in the resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

SECTION 4 -- HEARING-COMPRESSION BRAKE AND ENGINE BRAKE USE LIMITATIONS ESTABLISHED BY RESOLUTION

On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof of its satisfaction made by affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence

and if the Board finds the proposed intersection or road segment that limits Engine brake and Compression Usage is practical and protects the public from excessive noise it may establish it by proper resolution.

SECTION 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 Woodbury, 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.

It shall also be unlawful for the driver of any vehicle to use or operate or cause to be used or operated on any designated and signed roadways in the County of Woodbury, 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.

This ordinance shall be enforced by law enforcement personnel.

SECTION 6 -- PENALTIES

The scheduled fine for violation of this section shall be one hundred dollars (\$100.00).

SECTION 7 -- REPEALER

All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed.

SECTION 8 -- VALIDITY

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 9 -- WHEN EFFECTIVE

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

Passed and approved this ____ day of _____, 20__.

Woodbury County Board of Supervisors

Chairperson

ATTEST:

County Auditor

First Reading: _____

Second Reading: _____

Approved: _____

Published: _____