

ORDINANCE #04-1005

AN ORDINANCE OF THE CITY OF BELLS, TEXAS PROHIBITING THE USE OF WHAT ARE COMMONLY KNOWN AS "ENGINE BRAKES", "JACOB BRAKES", "JAKE BRAKES", "JACQUES BRAKES", AND/OR OTHER BREAKING OR SLOWING METHODS AND/OR EQUIPMENT WHICH INCREASE THE NOISE EMISSION LEVELS OF MOTOR VEHICLES, PARTICULARLY "SEMI'S", "SEMI-TRACTORS", "18 WHEELERS", "TRACTOR-TRAILERS", "CARRIERS", TRUCKS AND OTHER TRANSPORTATION VEHICLES; PROVIDING FOR THE PUNISHMENT FOR VIOLATIONS; PROVIDING FOR THE POSTING OF CERTAIN NOTICES; RELATED MATTERS; AND DECLARING AN EMERGENCY.

SECTION 1

Use of "Engine Brakes", "Jake Brakes", or similar braking methods and/or equipment is prohibited in the city limits of Bells, Texas:

Penalties

A. It is hereby declared to be a nuisance, and in any event prohibited, unlawful, and punishable as an offense for any person to use and/or make use of what are commonly known as "engine brakes", "jacob brakes", "jake brakes", "jacques brakes", and/or other breaking or slowing methods and/or equipment which increase the noise emission levels of motor vehicles, particularly those commonly known as "semi's", "semi-tractors", "18 wheelers", "tractor-trallers", "carriers", trucks, and other transportation vehicles, within the City of Bells, Texas.

B. Until such time as a different amount is set by ordinance or resolution of the City of Bells -

1. The ball amount for any person charged with a violation of this ordinance is hereby set at \$100.00 ; and
2. Any person convicted of a violation of this ordinance shall be punished and punishable by the costs of the prosecution, and a fine of not less than \$100.00 nor more than \$200.00.

C. The City Council of the City of Bells, Texas desires and authorizes that appropriate signs giving reasonable summary notice hereof to be posted at appropriate locations, on the highways, at the City limits; provided further, however, that such shall not be deemed nor construed to in any way relate to the validity or enforcement hereof, and neither the failure to do so, nor any particulars thereof, shall be the grounds of and/or any defense to any alleged violation of this ordinance, nor any punishment for a conviction thereof.

SECTION 2

It being necessary for the preservation of the peace, health, welfare, and safety of the City of Bells, Texas and inhabitants thereof, an emergency is hereby declared to exist, and by reason of which this ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED, APPROVED, AND ADOPTED this the 5th day of Oct. 2004.


A. L. Isom, Mayor


Julia Trimble, City Sec.