

Published in The Baldwin City Signal on the _____ day of _____, 2014

ORDINANCE NO. 1313

AN ORDINANCE RELATING TO THE PROVIDING FOR THE RESTRICTION OF THE USE OF ENGINE BRAKES WITHIN THE CITY OF BALDWIN CITY, DOUGLAS COUNTY, KANSAS, AND PROVIDING FOR THE ENFORCEMENT THEREOF AND THE PENALTY FOR VIOLATION THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

SECTION 1. PURPOSE. The purpose of this ordinance is to prohibit the excessive, loud, unusual or explosive use of Engine Brakes or Compressed Air-Braking Devices within Baldwin City, Kansas.

SECTION 2. PROHIBITION OF ENGINE BRAKES. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within Baldwin City, Kansas any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. The use of engine brakes inside the city limits of Baldwin City, Kansas is prohibited. "Engine Brakes" for the purpose of this ordinance shall include.

SECTION 3. DEFINITIONS. For the purposes of this ordinance, "Engine Brakes" or "Compressed Air-Braking Devices" refers to:

- a. Any engine retarding brake such as a "Dynamic Brake," "Jake Brake," "Jacobs Brake," "C-Brake," "Paccar Brake,"; or
- b. Any mechanical engine braking systems, exhaust braking systems; or
- c. Any other system designed to retard engine speed including a transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.

SECTION 4. EXCEPTIONS. Emergency vehicles shall be exempt from the application of this ordinance.

SECTION 5. SIGNAGE. Signs shall be posted at each city limit location and other locations the city works department finds appropriate. The signs shall have the lettering "Engine Brakes Prohibited".

SECTION 6. PENALTY. Any person, firm, partnership, association, corporation or company in violation of this shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$50.00, nor more than \$500.00.

SECTION 7. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect on its passage and upon its publication as required by law. All other ordinances or parts of ordinances in conflict are hereby repealed.

Passed by the City Council this 7th day of July, 2014.

Marilyn Pearce

Marilyn Pearce, Mayor

ATTEST: *Anna Marie Keena*

Anna Marie Keena, City Clerk



(Approved as to Form):

Matthew H. Hoy

Matthew H. Hoy, City Attorney

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

Eric Moore of the Legal Dept. of the Baldwin City Signal being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a weekly basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Baldwin City Signal

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Baldwin in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 07/17/2014 with publications being made on the following dates:

07/17/2014



Subscribed and sworn to before me this



Notary Public

My Appointment expires: March 15, 2015

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$25.60
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	\$25.60

(First published in the Baldwin City Signal, July 17, 2014)

PUBLICATION SUMMARY
OF ORDINANCE NO. 14-43,
PASSED BY THE GOVERNING
BODY OF THE CITY OF
BALDWIN CITY, KANSAS ON
THE 7th DAY OF JULY, 2014.
SUMMARY

On July 7, 2014, the Governing Body of the City of Baldwin City, Kansas passed Ordinance No. 1313 Amending Chapter XIV, Article 2, of the Baldwin City Municipal Code providing for the restriction of the use of engine brakes within the City of Baldwin City, Douglas County, Kansas, and providing for the enforcement thereof and the penalty or violation thereof. The complete text of this ordinance may be obtained or viewed free of charge at the office of the City of Baldwin City Clerk, City of Baldwin City Hall, 801 8th Street, Baldwin City, Kansas, or on the City's official website www.baldwincity.org, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 11th day of July, 2014 by Matthew H. Hoy, City Attorney.

