ORDINANCE NO. 2023-17

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING TITLE 9, CHAPTER 2 OF THE IVINS CITY CODE, PROHIBITING THE USE OF ENGINE BRAKES WITHIN IVINS CITY

WHEREAS the City Council desires to amend Title 9, Chapter 2 of the Ivins City Code to add a section prohibiting the use of engine brakes within Ivins City;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that Title 9, Chapter of the Ivins City Code be amended as follows:

TITLE 9 VEHICLES AND TRAFFIC

* * *

CHAPTER 2 TRAFFIC RULES AND REGULATIONS

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9.02.102: ENGINE BRAKE ILLEGAL; PENALTY:

(1) No person shall operate or permit the operation of any motor vehicle with a dynamic braking device engaged within the boundaries of the city, except to avert imminent collision or other similar uncommon dangers. The emitting of any compression noise shall be prima facie evidence of the use of engine compression.

(2) "Dynamic brake device", “Engine Compression Brake”, “Jacobs Brake” or as commonly referred to as "Jake Brake", means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(3) Any person violating the dynamic braking device provisions shall be guilty of a class C misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense.

Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date: This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF AUGUST, 2023 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Mike Scott	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Adel Murphy	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

Chris Hart, Mayor

ATTEST:

Kari Jimenez, City Recorder