

ORDINANCE NO. 2017-017

ORDINANCE PROHIBITING THE UNLAWFUL USE OF ENGINE AND/OR COMPRESSION BRAKES

WHEREAS, the Board of Commissioners of the City of Franklin, Kentucky has previously adopted ordinances relating to traffic on streets, roads and public highways, and the Board of Commissioners has determined that an addition to said ordinances is necessary and desirable;

WHEREAS, the Board of Commissioners finds and determines that it is in the best interest of the residents of the City of Franklin to add the following sections to the City of Franklin's Code of Ordinances as set forth hereinbelow.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKLIN, KENTUCKY AS FOLLOWS:

1. **PURPOSE.** The purpose of this ordinance is to prohibit the excessive, loud, and unusual or explosive use of engine and compressed air-braking devices within designated areas in the City of Franklin.

2. **DEFINITIONS.** For the purposes of this ordinance, the following words and phrases are defined as follows: "Engine retarding brake" means a "Dynamic Brake," "Jacobs Brake," "C-Brake," "Paccar Brake," transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.

3. **PROHIBITIONS.** It shall be unlawful for the driver of any vehicle to use, or operate, or cause to be used or operated within designated areas in the incorporated areas of the City of Franklin, Kentucky, 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. Such prohibition shall be applicable only to those public roads, streets or highways or portions specifically identified in this section.

4. **AREAS OF PROHIBITION.** The prohibition set forth herein shall apply to roads, streets, or highways travelling through or within two hundred (200) yards of a residential zone, as those zones are designated by the Franklin-Simpson Planning and Zoning Commission and/or the City of Franklin Board of Commissioners.

5. **SIGNAGE.** Signs stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" may be installed at locations deemed appropriate by the Board of Commissioners to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" shall be installed on a state highway without approval from the Commonwealth of Kentucky Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

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

7. ENFORCEMENT. Violations of this ordinance shall constitute a violation, and the penalty shall be a fine of not less than twenty dollars (\$20.00), nor more than one hundred dollars (\$100.00) for each violation of this ordinance.

8. ADOPTION. This ordinance will take effect upon passage and final publication.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

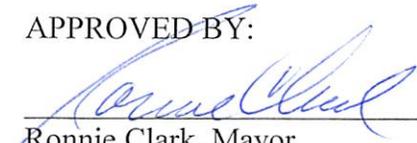
September 25, 2017 FIRST READING

October 9, 2017 SECOND READING

At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on October 9, 2017, on motion made by Commissioner Barnes and seconded by Commissioner Stewart, the foregoing ordinance was adopted, after full discussion, by the following vote:

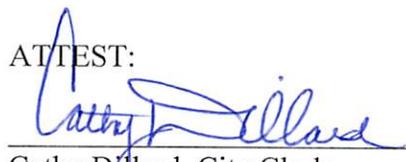
<u>Yes</u>	JAMIE POWELL
<u>Yes</u>	MASON BARNES
<u>Yes</u>	LARRY DIXON
<u>Yes</u>	WENDELL STEWART
<u>Yes</u>	MAYOR RONNIE CLARK

APPROVED BY:



Ronnie Clark, Mayor
City of Franklin, Kentucky

ATTEST:



Cathy Dillard, City Clerk
City of Franklin, Kentucky