

Ordinance to Regulate Engine Brakes and Other Motor Vehicle Operations

#01-2007

Whereas, excessive and disturbing sound is a serious hazard to the public health and welfare, safety, and the quality of life; and,

Whereas, a substantial body of science and technology exists by which excessive and disturbing sound may be abated; and,

Whereas, the people have a right to and ensured an environment free from excessive and disturbing sound that may jeopardize their health, safety, or welfare or degrade the quality of life; and,

Whereas, in order to ensure attractive residential and commercial areas, it is necessary that an audibly satisfying environment be maintained; and,

Whereas, the Town of Newington ("Town") is more likely to attract permanent residents and commercial enterprises if it improves and maintains appropriate noise quality and the residents will ultimately gain financial improvements and increases in the quality of life as a result of these regulations; and,

Whereas, there is a desire to address the adverse effects of excessive and disturbing sound and regulate and control noise within the corporate limits of the Town; and,

Whereas, the Town Council finds that the unregulated use of engine brake devices in the Town jeopardizes the continued peaceable and quiet nature of the Town, and the use of such devices without justification creates excessive noise harmful and otherwise detrimental to individuals and to the community on the enjoyment of life and in the conduct of business; and,

Whereas, the Town wishes to regulate the use of engine brake devices in the Town of Newington, recognizing that the unjustified use of such devices creates sound excessive and disturbing to the Town's residents, businesses, and visitors; and,

Whereas, the Town is authorized to regulate the operation of motor vehicles; to define a nuisance and provide for its abatement; and to provide for the general health, safety, and welfare by definition, regulation, and prohibition of any act, practice, conduct, or use of property detrimental to the health, welfare, and safety of the Town's inhabitants; and,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWINGTON, GEORGIA:

- (1) Engine brakes.** No person shall operate or cause to be operated a motor vehicle and utilize an unmuffled engine brake or other similar engine compression retarding devices to slow or stop the vehicle, except in an emergency situation to avoid imminent danger to a person or property.

- (a) An "engine brake" for purposes of this ordinance is a device that retards the motion of a motor vehicle by using the compression of the motor vehicles engine.
 - (b) The Town Operations Manager, or his designee, is authorized to place signs along the roadways at the corporate limits of the Town stating "Unmuffled Engine Brakes Prohibited within Town Limits" and citing this ordinance.
 - (c) This ordinance does not apply to emergency response vehicles operated by a government entity.
- (2) Exhaust systems.** No person shall operate or cause to be operated any motor vehicle unless the exhaust system of such motor vehicle is:
- (i) Free from defects which affect sound reduction;
 - (ii) Equipped with a muffler or other noise-dissipative devise; and
 - (iii) Not equipped with any cutouts, bypass, or similar device.

This ordinance providing for the regulation of engine brakes and other motor vehicle operations is so adopted at the regular Town Council meeting held on the 13th day of December, 2007.

Donald Scott, Mayor
Mayor

Jason O. Perkins
Council Member

A. J. Moore Jr.
Council Member

Alvin Rubin
Council Member

Council Member

Council Member

ATTEST:

Donette Perkins, Clerk
Town Clerk