

WELLS COUNTY ORDINANCE NO. 2009-18

An Ordinance Prohibiting Engine-braking or Jake-braking

WHEREAS, the Board of Commissioners of Wells County has received numerous complaints about excessive loud, unusual, and explosive noises from motor vehicles caused by "engine-braking" or "jake-braking"; and

WHEREAS, said noise is disruptive to various individuals along streets and roads in Wells County over which the Board of Commissioners of Wells County have jurisdiction; and

WHEREAS, there have been requests to the Wells County Commissioners that an ordinance be enacted to prevent such activities.

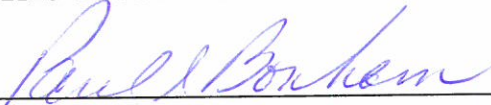
NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Wells County, Indiana, as follows:

- SECTION 1. Definition. "Engine-braking", commonly known as "jake-braking", shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.
- SECTION 2. Prohibited Acts. It shall be unlawful for the driver of any motor vehicle to use or to operate or to cause to be used or operated, at any time and on any street or road over which Wells County has jurisdiction, any mechanical exhaust or decompression device which results in the practice known as "engine-braking" or commonly known as "jake-braking".
- SECTION 3. Exemptions. The provisions of this section shall not apply to the application of unmuffled compression brakes where necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes, otherwise known as "engine-braking" and commonly known as "jake-braking" which is effectively muffled or if the application is necessary for the health, safety, and welfare of the community is exempt from the provisions of this section. Sounds created by emergency equipment for emergency purposes are also exempt.

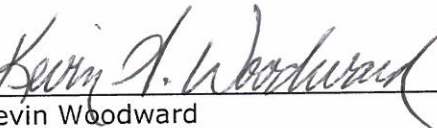
- SECTION 4. Posting of signs. The Wells County highway department is hereby authorized and directed to post at reasonable locations within Wells County signs indicating the prohibition of "engine-braking" and/or "jake-braking".
- SECTION 5. Penalty. A violation of this section shall be considered a Class C infraction under the terms of the Indiana Code § 9-21-5-13.
- SECTION 6. This Ordinance shall be in full force and effect after passage and publication as required by law.

THIS ORDINANCE IS ORDAINED, APPROVED, ENACTED, and SIGNED, by the Board of Commissioners of Wells County this 17 day of August, 2009.

WELLS COUNTY BOARD OF COMMISSIONERS:



Paul Bonham

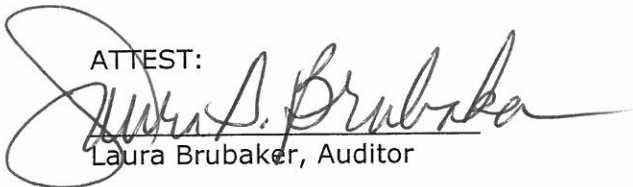


Kevin Woodward



C. Scott Mossburg

ATTEST:



Laura Brubaker, Auditor

This Ordinance prepared by TRENT M. PATTERSON, Attorney #10657-90,
GALLIVAN HAMILTON SEESE & PATTERSON, 125 S. Marion Street, Suite 100, Bluffton, IN 46714.

(Publish two times, one week apart, in the Bluffton News-Banner and the Ossian Journal.)