

Ordinance # 117

TOWN OF STURGIS, MISSISSIPPI, TO PROHIBIT ENGINE BRAKING WITHIN THE TOWN OF STURGIS, MISSISSIPPI, AND PROVIDING THE PENALTY FOR THE VIOLATIONS THEREOF

WHEREAS, Engine Brakes, is a hazard to the public health, welfare, Safety, and the quality of life within the Town of Sturgis, Mississippi: and

WHEREAS, the unregulated operation of engine brake, compression brake or mechanical exhaust device designed to aid in braking any vehicle, commonly known as "Jake Brakes", create special hazards and dangers to the health and safety of motorist, pedestrians and residents, and authorized emergency vehicles whose full attention is needed in the operation of their vehicles; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Sturgis, Mississippi, hereby find that it is necessary to promote the health, safety and general welfare of the Town, and to preserve good order and peace, for an ordinance to be enacted for the regulation of Engine Brake sounds emanating from vehicles.

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Sturgis, Mississippi, that

Section 1. It shall be unlawful for any driver of any vehicle to use or operate or cause to be operated within the corporate Town limits of the Town of Sturgis, Mississippi, any engine brakes, compression brake or mechanical exhaust device, designed to aid in the breaking or deceleration of any vehicle, otherwise known as "Jake Brakes" that results in excessive, loud, unusual or explosive noise from such vehicle.

Section 2. Any person violating any of the provisions of these of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined no more than Five Hundred and 00/100 Dollars (\$500.00), and/ or imprisoned for no more than ninety days (90) days in jail for each such violations.

Section 3. Insofar as any of these provisions of this ordinance may be inconsistent with the provisions of any other ordinance of this Town, except as specified herein, the provisions of this ordinance shall be controlling.

Section 4. In the event any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, such provision shall remain constitutional or applicable as to other persons or circumstances, and every other provision of this ordinance shall remain valid and enforceable and shall not be affected thereof.

Section 5. This ordinance shall be in force and effect one (1) month from and after its passage and publication as provided by law.

The vote on the passage of this ordinance was as follows:

Alderman Wayne McCool voted yes
Alderwoman Mandy Page voted yes
Alderman Mike Collins voted yes
Alderman Keith Parker voted yes
Alderman Eric Jackson voted yes

BE IT ORDAINED, THIS THE 5 DAY OF February, 2013.

Walter Turner
Walter Turner, Mayor
Town of Sturgis, Mississippi

I, Sandra Scarbrough, duly qualified and acting Town Clerk of the Town of Sturgis, Mississippi, hereby certifies that the foregoing ordinance was duly adopted by the Mayor and Board of Aldermen of the Town of Sturgis, Mississippi, in regular meeting assembled as recorded in Minute Book _____, page(s) _____, of the meeting held on the 5 day of February, 2013.

WITNESS MY SIGNATURE, this the 15 day of May, 2013.

Sandra Scarbrough
Sandra Scarbrough, Town Clerk
Town of Sturgis, Mississippi