

ORDINANCE NO. A-207

AN ORDINANCE OF THE CITY OF MARSING, IDAHO, AMENDING SECTION 5, CHAPTER 2 OF THE MARSING CITY CODE, ADDING A NEW SECTION 5-2-3 PROHIBITING THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marsing finds that the excessive, load, unusual or explosive use of engine and compressed air-braking devices ("jake brakes") should be prohibited within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARSING, IDAHO:

SECTION 1: That Title 5, Chapter 2, of the Marsing City Code is hereby amended to add a new section 5-2-3 to read as follows:

5-2-3: UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES

A. For the purposes of this ordinance the following words and phrases are defined as follows:

1. "Engine retarding brake" means a "Dynamic Brake," "Jake 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.

B. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City any engine retarding brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, unless such use is necessary to avoid imminent danger.


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

D. Violation of this ordinance is deemed to be an infraction and shall be punished by a fine of \$100.00, which does not include court costs. A second or subsequent violation is hereby declared to be a misdemeanor punishable by imprisonment in the county jail for a period not to exceed six (6) months, or by a fine not to exceed one thousand dollars (\$1,000), or by both.

SECTION 2: This ordinance shall be in full force and effect upon its passage, approval, and publication in the official newspaper of the City.

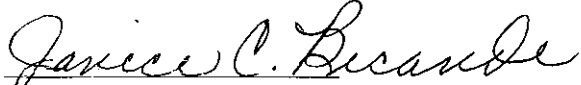
APPROVED by the Mayor and City Council this 12th day of December, 2018.

CITY OF MARSING
Owyhee County, Idaho



James Ferdinand, Mayor

ATTEST:



Janice Bicandi, City Clerk