

City of Molena
Ordinance No. 43

AN ORDINANCE OF THE CITY OF MOLENA, GEORGIA RELATING TO THE
REGULATION OF UNMUFFLED ENGINE COMPRESSION BRAKES AND
ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the use of engine compression brakes, also known as “jake brakes,” by motor vehicle, creates noise which unreasonably and excessively disturbs the public; and

WHEREAS, the City Council of the City of Molena deems it appropriate and necessary to prohibit the use of engine compression brakes in Molena; and

WHEREAS, the City Council of the City of Molena finds that the adoption of this ordinance would further the public health, safety, and welfare of the City of Molena:

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF MOLENA, GEORGIA, DO ORDAIN AS FOLLOWS:

1. Definitions

Unmuffled engine compression brake: a motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise.

2. Prohibition - Exception

The application of unmuffled engine compression brakes in the City of Molena is prohibited, except when 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 compression brakes which is effectively muffled or if the application is necessary for the health, safety, and welfare of the city is exempt from the provisions of this ordinance. Sounds created by emergency equipment for emergency work are also exempt.

3. Violation-Penalty

Violation of this Ordinance shall constitute a traffic infraction, and shall be punished by a penalty of two hundred fifty dollars (\$250.00) per violation.

4. Posting of Signs

The City of Molena Public Works shall post, at reasonable locations upon the boundaries of the City of Molena, signs indicating “Jake Brakes Prohibited”, or substantially similar wording. The City of Molena Public Works shall have the authority to post signs pursuant to this ordinance on

roads within the City Limits in response to reasonable request from the community or the Mayor and City Council.

5. Severability

Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

6. Effective Date

This Ordinance shall be published in the official newspaper of the City of Molena, and shall take effect and be in full force five (5) days after the date of publication.

First Reading 6/9/14

Second Reading 7/14/14

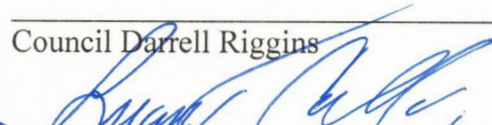
Adopted this 14th day of July, 2014.



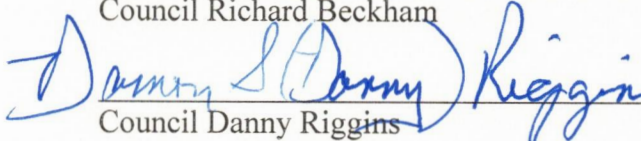
Mayor Jay Garner



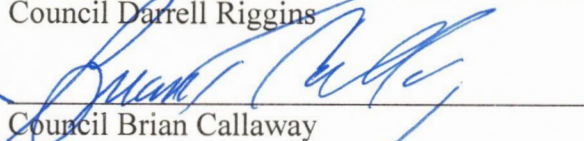
Council Richard Beckham



Council Darrell Riggins



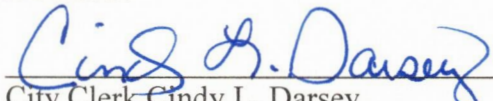
Council Danny Riggins



Council Brian Callaway

Council George Ingram

ATTEST:



City Clerk Cindy L. Darsey

