

ORDINANCE NO. 2023-04

**AN ORDINANCE PROHIBITING NON-EMERGENCY USE
OF ENGINE BRAKES WITHIN THE CITY OF
PLEASANT PLAINS, ARKANSAS
DECLARING AN EMERGENCY: AND FOR OTHER PUPOSES.**

Whereas, it appears that prohibiting non-emergency use of certain diesel truck systems will benefit the peace and welfare of the citizens of Pleasant Plains; Now Therefore:

Be It Enacted, by the City Council of the City of Pleasant Plains, as Follows:

The definition of "Truck" provided in Section 94-261 of the Municipal Code is as follows:

TRUCK means any motorized vehicle with an empty or loaded weight in excess of four tons and any vehicle with two or more rear axles.

WHEREAS, engine compression brakes are often used to prolong the life of traditional vehicle brakes: and

WHEREAS, engine compression brakes produce an excessive and onerous noise that disturbs the peace and comfort of persons in Pleasant Plains; and

WHEREAS, the Pleasant Plains City Council desires to amend the Pleasant Plains Municipal Code to add engine compression brakes as an unlawful nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY PLEASANT PLAINS, ARKANSAS:

(a) The use of any engine brake, compression brake, dynamic braking device so as to brake or slow any motor vehicle, except for the aversion of imminent danger, is declared to be a nuisance and unlawful with a maximum fine of \$200.00.

(b) This shall apply to any vehicle-operator activated diesel-engine valve device that provides braking by utilization of engine compression or exhaust restriction.

The City Street Superintendent is hereby authorized and directed to erect signs, in accordance with Arkansas State Highway Transportation Department requirements, that non-emergency use of engine brakes is prohibited within the City.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

ORDAINED AND ENACTED this 13th day of June, 2023

ATTEST:

APPROVED:


Fayla Henderson, Recorder/Treasurer


Kenneth Burns, Mayor