

ORDINANCE NO. 247

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DECLARING THE USE OF AIR COMPRESSION BRAKES A NUISANCE AND PROHIBITING THE USE OF AIR COMPRESSION BRAKES, "JAKE BRAKES," WITHIN THE CITY AND ESTABLISHING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, The City of University Place is largely a residential community; and

WHEREAS, the use of compression brakes within the City unreasonably and unnecessarily disturbs the peace and tranquility of residents and that prohibiting the use of compression brakes will reduce unnecessary noise within the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions As used in this ordinance:

"Brake" means any device used for slowing, halting or stopping the movement of any motor vehicle.

"Motor Vehicle" means and includes every self-propelled device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks, and including automobiles, tractors, trucks, trailers and transportation equipment of all kinds and sizes or any combination or combinations of the same.

Section 2. Use declared nuisance. The City Council finds that the use within the city limits of motor vehicle brakes which are activated or worked by the compression of the engine of a motor vehicle disturbs and disrupts the public peace and quiet and disturbs the residents of the city in their rest and in the enjoyment of their property and by reason thereof the City Council finds that the use of such brakes within the city limits is a public nuisance.

Section 3. Prohibitions - Exception. The use within the city limits of any motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or of any unit or part thereof is prohibited, unless the noise created thereby is effectively muffled.

Section 4. Violation - Penalty. Any person who violates any of the provisions of this ordinance or who allows or permits any motor vehicle owned and/or operated by said person to be operated in violation of any of the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in RCW 9A.20.021(3).

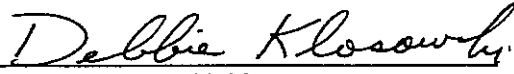
Section 5. Signage. That the Department of Public Works is authorized to post such signage as may be appropriate, and consistent with the provisions of this ordinance.

Section 6. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity of unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City.

Section 8. Effective Date. Pursuant to RCW 70.107.060(3), the City Clerk is directed to transfer to the Department of Ecology a certified copy of this Ordinance. This Ordinance shall be effective upon approval by the Department of Ecology or ninety (90) days after submittal to the Department, whichever event occurs first.

**PASSED BY THE CITY COUNCIL ON AUGUST 2, 1999.**

  
Debbie Klosowski, Mayor

**ATTEST:**

  
Susan Matthew, City Clerk

**APPROVED AS TO FORM:**

  
Timothy X. Sullivan, City Attorney

Publication Date: August 6, 1999  
Effective Date: August 11, 1999