



ORDINANCE NO. 230

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS, PROHIBITING THE USE OF ENGINE BREAKS WITHIN THE INCORPORATED CITY LIMITS OF THE CITY OF UHLAND, TEXAS; AUTHORIZING AND DIRECTING THE PLACEMENT OF OFFICIAL SIGNS NOTIFYING THE PUBLIC OF THE PROHIBITION; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SHORT TITLE; DEFINITIONS; EXEMPTIONS; ENFORCEMENT BY FINE, NOT TO EXCEED FIVE-HUNDRED DOLLARS (\$500.00); REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Uhland, Texas seeks to protect the public safety, preserve the quality of life, and prevent nuisances in the City; and

WHEREAS, the City of Uhland, Texas has the authority pursuant to Chapter 51 of the Texas Local Government Code to adopt and publish ordinances or police regulations that are necessary for the government, interest, welfare, or good order of the municipality; and

WHEREAS, the City of Uhland, Texas determines that noise from the use of engine breaks is offensive and may be harmful to the citizens of the community; and

WHEREAS, the City of Uhland, Texas determines that noise from the use of engine breaks is a nuisance; and

WHEREAS, the City of Uhland, Texas determines it is necessary to prohibit the use of engine breaks within the incorporated City limits of the City of Uhland, Texas to protect the public safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS:

1. Findings of Fact

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. Short Title

This Ordinance and the regulations herein shall be known as the: “No Engine break Ordinance”.

3. Definitions

As used in this Ordinance, the following words, terms and phrases shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

- a) Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action;
- b) Engine breaks shall mean and include compression release breaking devises, also referred to as “jake breaks”, and exhaust blocking devices, also referred to as engine-exhaust breaks”.

4. Engine Breaks Prohibited

Except when necessary to avoid collision with other traffic, vehicular or pedestrian, or to be in compliance with the law or the directions of a law enforcement officer, a traffic or parking controller, or an official traffic-control device, it shall be unlawful for any person to use or engage an engine break within the incorporated City limits of the City of Uhland, Texas.

5. Traffic-Control signs

“No Engine Break” signs shall be placed, as necessary, within the incorporated City limits of the City of Uhland, Texas.

6. Exemption

Emergency vehicles shall be exempt from this Ordinance.

7. Enforcement

Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed five-hundred dollars (\$500.00). Multiple violations may arise from the same occurrence if violations continue unabated after the issuance of a citation. Enforcement hereunder shall not require the pleading or proving of any culpable mental state.

8. Repealer

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

9. Severability

Should any section, paragraph, clause or provision of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency, with jurisdiction over the matter, such determination shall not affect any other portion of this Ordinance.

10. Effective date

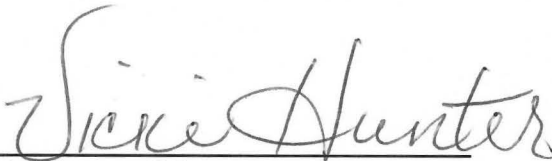
This Ordinance shall be effective as provide by law.

11. Proper Notice & Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551, and notice was provided as required by Chapter 52 of the Texas Local Government Code.


PASSED, ADOPTED & APPROVED this 7th day of August 2019 by a vote of:

5 Ayes 0 Nays 0 Abstentions



Vickie Hunter, Mayor

ATTEST:



Karen Gallaher
City Administrator