

ORDINANCE 2006-13

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE BY ADDING A NEW SECTION 7-1-535 RESTRICTING THE USE OF JAKE BRAKES ON CITY STREETS

The City Council of the City of San Juan Bautista, California, does hereby ORDAIN as follows:

SECTION 1. Findings.

- A. The term "Jake Brake" is the common name given to engine speed governors (compression from a truck's engine assists in slowing down large trucks equipped with such devices).
- B. A Jake Brake is used on downhill inclines in conjunction with the regular wheel brakes, and the compression results in a very loud exhaust noise.
- C. The loud exhaust noise associated with Jake Brakes is disruptive to the citizens of the City of San Juan Bautista.
- D. The City Council seeks to protect the public health, safety, and welfare by restricting Jake Brakes on City streets and reducing the accompanying noise.

SECTION 2. A new Section 535 is added to Title 7, Chapter 1 of the San Juan Bautista Municipal Code to read as follows:

"Section 7-1-535. Use of "Jake Brakes" prohibited on City Streets.

Pursuant to the authority provided in California Vehicle Code Section 21101(c), except in cases of a bona fide emergency it shall be unlawful for the operator of any vehicle equipped with an engine speed governor (also known as "Jake Brakes") to use or otherwise apply such device when traveling upon any street other than a state highway within the incorporated limits of the City."

SECTION 3. Severability.

A. If any provision of the ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 4. Effective Date.

This ordinance shall take effect thirty (30) days after adoption.

The foregoing ordinance was first read at a regular meeting of the San Juan Bautista City Council on the 18th day of July, 2006, and was adopted at a regular meeting of the San Juan Bautista City Council on the 15th day of August, 2006 by the following vote:

AYES: Reed, Hill, Medina, Geiger, Dias

NOES: None

ABSTAIN: None

ABSENT: None

By: Priscilla Hill
Its: Vice Mayor

ATTEST:

By: Trish Paetz
Its: Deputy City Clerk