



Town of Camden

P.O. DRAWER 1002
CAMDEN, DELAWARE 19934

Mayor Robert A. Mooney
Town Manager Donald H. Mulrine, Jr.

ORDINANCE # 72 **ENGINE COMPRESSION BRAKE DEVICE PROHIBITED**

BE IT HEREBY ENACTED by the Town Council of the Town of Camden, a majority thereof concurring in Council duly met that Ordinance #72, "Prohibiting the Use of Engine Compression Brake Device (commonly referred to as a Jake Brake®) in the Town of Camden."

The Town Council of the Town of Camden does ordain as follows:

Section 1. Definitions. For the purposes of this Ordinance, the following words and phrases shall be defined as follows:

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

"Engine Compression Brake Device" means any motor vehicle brake that is operated by the compression of the engine of the motor vehicle or any unit or part thereof.

"Motor Vehicle" means and includes automobiles, tractors, trucks, trailers, and transportation equipment of all kinds and sizes, or any combination of the foregoing.

Section 2. Engine Compression Brakes Declared a Nuisance. The use, within the Town of Camden, of engine compression brakes disturbs and disrupts the public peace and quiet, and disturbs the residents of the Town in their rest and in the enjoyment of their property, and by reason thereof, the Town Council finds that the use of such brakes within the Town is a public nuisance.

Section 3. Engine Compression Brakes Prohibited.

- A. No person shall use an engine compression brakes device within the incorporated areas of the Town. It shall be an affirmative defense to prosecution under this section that said compression brakes were applied in an emergency and were necessary for the protection of persons or property.
- B. This Ordinance shall not apply to fire engines, ambulances, aid trucks, police vehicles, and other emergency vehicles.

- C. The Town Manager is authorized and directed to post appropriate signs consistent with the provisions of this section.

Section 4. Town Non-liability.

- A. It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.
- B. It is the specific intent of this Ordinance that no provision or term used in this Ordinance is intended to impose any duty whatsoever upon the Town, or any of its officers or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary and not mandatory.
- C. Nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of the Town, or its officers, employees, or agents, for any injury or damage resulting from the failure to comply with the provisions of this Ordinance, or by reason or consequence of any inspection, notice, order, certificate, permission, or approval authorized or issued or done in connection with the implementation or enforcement of this Ordinance, or by reason of any action or inaction on the part of the Town, related in any manner to the enforcement of this Ordinance by its officers, employees, or agents.

Section 5. Excessive Noise. The U.S. Environmental Protection Agency regulations stipulate the new trucks manufactured since 1986 must be no louder than 80 dBa at 50 feet; that in-use trucks manufactured since 1986 must be no louder than 83 dBa; and that a replacement muffler be no louder than the original factory installed muffler. Vehicle owners are responsible for the maintenance of their vehicles to these standards.

Section 6. Violation Penalty. Any person, firm, association or corporation who allows or permits any motor vehicle owned and/or operated by it, in violation of any of the provisions of this Ordinance, upon conviction in any court of competent jurisdiction, shall be fined three hundred dollars (\$300.00).

SYNOPSIS

This Ordinance prohibits the use of "engine compression brakes devices" (commonly referred to as a Jake Brake®) within the town limits of the Town of Camden. Exceptions are made for the emergency use of such brakes for the protection of persons or property and for the use of such brakes by fire engines, ambulances, aid trucks, police vehicles, and other emergency vehicles. Violations are punishable by a fine of three hundred dollars (\$300.00).

ENACTED AND ORDAINED THIS 6th DAY OF NOVEMBER 2006.

{SEAL}

APPROVED AS TO FORM:

Cumy
Town Solicitor



Robert A. Mooney
Mayor Robert A. Mooney

James O. Plumley III
Vice-Mayor James O. Plumley, III

Robert Hawkins
Councilman Robert Hawkins

Richard Snyder
Councilman Richard Snyder

Mark Babbitt
Councilman Mark Babbitt

ATTEST:

Donald H. Maly
Town Manager

1st Reading: Oct 2, 2006
2nd Reading: Nov 6, 2006
Public Hearing: NOV 6 2006
Adopted: NOV 6 2006