

AN ORDINANCE OF THE CITY OF EDGEWOOD, VAN ZANDT COUNTY, TEXAS, AMENDING CHAPTER 24, TRAFFIC AND STREETS BY ADDING ARTICLE XII, OPERATION OF COMMERCIAL VEHICLES. SECTION 24-400, ENGINE COMPRESSION BRAKING PROHIBITED; PROVIDING A PENALTY, PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the welfare and safety of its inhabitants and;

WHEREAS, the City Council of the City serves as the elected governing body directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants;

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

Chapter 24-TRAFFIC AND STREETS, is hereby amended by the addition of Article XII Subsection 24-400 – Engine Compression Braking Prohibited, as follows:

Sec. 24-400. Engine compression braking prohibited.

(a) *Definitions.* For the purposes of this section:

(1) *Engine compression brake* means a vehicle retarding device that converts a power producing engine into a power absorbing air compressor in order to reduce motor vehicle speed without the use of the vehicle's foundation brakes.

(2) "*Compression braking,*" "*Engine compression braking,*" "*Engine-exhaust braking*" means to utilize a vehicle's engine compression brake.

(b) *Offense – Engine compression braking prohibited.*

A person commits an offense if he uses engine compression braking to slow or stop a motor vehicle in the City.

(c) *Exceptions.* The provisions of this section shall not apply to:

(1) Vehicles owned or operated by a local, state, or federal governmental entity.

(2) Vehicles owned or operated by any school district.

ORDINANCE NO. _____

(d) Defense.

It is a defense to prosecution under this section that the engine compression brake was used in an emergency situation to prevent or reduce an imminent danger of death or bodily injury to a person or damage or destruction to property.

(e) Signs.

The Mayor, or his or her designee, SHALL erect signs and markings providing "NO ENGINE BRAKING" co-located with the State erected city limit signs. Such signs and markings shall be in accordance with applicable federal law, and the Texas Manual on Uniform Traffic Control Devices.

Repealing Clause.

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


Severability Clause.

Should any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. The City of Edgewood hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

FURTHER, THIS ORDINANCE SHALL BECOME EFFECTIVE UPON PASSAGE AND PUBLICATION.



Steve Steadham, Mayor
City of Edgewood



Kathleen Jordan, City Secretary