

**ORDINANCE NO. 1067 (2024/2025)**

**AN ORDINANCE AMENDING CHAPTER 62 (GENERAL TRAFFIC REGULATIONS) OF THE CITY CODE TO PROHIBIT THE USE OF ENGINE AND COMPRESSION BRAKES WITHIN THE CITY LIMITS OF NEVADA**

**BE IT ENACTED** by the City Council of the City of Nevada, Iowa, as follows:

**SECTION 1. SECTION ADDED.** The Codes of Ordinances of the City of Nevada is amended by adding a new section to Chapter 62 (General Traffic Regulations); Section 62.13 titled The Use of Engine and Compression Brakes Prohibited, is hereby adopted to read as follows:

**62.13 THE USE OF ENGINE AND COMPRESSION BRAKES PROHIBITED.**

1. Purpose. The purpose of this ordinance is to provide the City of Nevada residents protection from excessive noise caused by the use of engine brakes and compression brakes within the city limits of Nevada.
2. Definitions.
  - a. "Engine retarding brake" means a "Dynamic Brake", "C-Brake", "Compression Brake", transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression in such a manner as to emit more than 80 decibels of noise within/at a distance of/more than 50 feet.
3. Prohibitions. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City of Nevada, any engine retarding brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger/emergency/to avoid injury or accident.
4. Signage. Signs stating "Vehicle Noise Laws Enforced" or "Engine Brake Ordinance Enforced" may be installed at locations deemed appropriate by the City and adjoining jurisdictions to advise motorists of the prohibitions contained in this ordinance.
5. Exceptions. Emergency vehicles shall be exempt from this application of this ordinance.
6. Penalties. The scheduled fine for violation of this section shall be two hundred dollars (\$200.00).

**SECTION 2. REPEALER.** All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed.

**SECTION 3. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved 1<sup>st</sup> Reading on this 27<sup>th</sup> day of May, 2025.

Passed and approved 2<sup>nd</sup> Reading on this 9<sup>th</sup> day of June, 2025.

Passed and approved 3<sup>rd</sup> and final Reading on this \_\_\_\_ day of \_\_\_\_\_, 2025.