

ORDINANCE NO. 2018-03

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO CREATE ARTICLE II, SECTION 50-31 OF THE CODE OF
ORDINANCES FOR THE VILLAGE OF YORKVILLE PROHIBITING THE USE OF
MOTOR VEHICLE COMPRESSION OR ENGINE BRAKING**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, DO ORDAIN AS FOLLOWS:**

1. That the Village Board of the Village of Yorkville, Racine County, Wisconsin, finds that the use of motor vehicle brakes which are in any way activated or operated by the compression of the engine of the motor vehicle or any unit or part thereof disturbs and disrupts the public peace and quiet and, therefore, finds that it would be in the best interest of public health, safety and general welfare to prohibit the use of such brakes within certain areas of the Village of Yorkville.

2. That Article 2, Section 50-31 of the Code of Ordinances for the Village of Yorkville be, and hereby is, created to read as follows:

“Sec. 50-31. Compression Braking Prohibited.

- (a) Compression Braking Prohibited. No person shall use a compression braking system within designated areas of the Village unless the vehicle is equipped with an adequate engine brake muffler in constant operation and properly maintained to prevent excessive or unusual noise.
- (b) Definition. “Compression braking,” also known as “engine braking,” refers to the use of a dynamic braking device (commonly referred to as “jake brakes,” “Jacob's brakes,” or “engine brakes”) for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without or limiting the use of wheel brakes. In addition, “compression braking” includes the process of downshifting and releasing the clutch to utilize the vehicle’s engine to slow in order to meet proper speed restrictions.
- (c) Emergency Defense Exception. It shall be an affirmative defense to prosecution under this ordinance that compression braking was applied in an emergency in which there was an imminent and immediate risk of injury to a person or damage to another vehicle or property, and compression braking was necessary for the protection of said persons or property.

- (d) Emergency Vehicle Exception. Authorized emergency vehicles, as defined by §340.01(3), Wis. Stats., shall be exempt from this ordinance when responding to an emergency call, when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm.
- (e) Designated Areas. The Village Board shall, by resolution, designate areas in the Village where engine braking is prohibited and signs shall be conspicuously posted in such areas stating: "No engine braking except in emergency" or its equivalent.
- (f) Signs. The Village Clerk/Treasurer or his/her designee is authorized and directed to gain appropriate approval, if required, from the State of Wisconsin to post appropriate signs consistent with the provisions of this ordinance and in accordance with State statutes and administrative regulations.
- (g) Penalty. Any person who violates this section shall be subject to a forfeiture in accordance with the general penalty provisions set forth in Section 1-14 of the Village's Code of Ordinances."

2. That the provisions of this ordinance are declared to be severable. If any section, sentence, clause, phrase, application, provision, or portion of this ordinance is held to be invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining sections, sentences, clauses, phrases, or applications of this ordinance, which shall remain in effect. It is the legislative intent that this ordinance shall remain in effect notwithstanding the invalidity of any part or application of this ordinance.

3. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 14th day of May, 2018.


Ayes: 3

Nays: Ø

Abstentions: Ø

VILLAGE OF YORKVILLE

By: 
Peter L. Hansen, President

Attest: 
Michael McKinney, Clerk-Treasurer

Village of Yorkville
Notice of Newly Enacted Ordinance

Please take notice that, on Monday, May 14, 2018, the Village Board of the Village of Yorkville enacted Ordinance No. 2018-03 entitled "An Ordinance to create Article II, Section 50-31 of the Code of Ordinances for the Village of Yorkville prohibiting the use of motor vehicle compression or engine braking". This ordinance governs the use of a compression braking system within the Village of Yorkville.

This ordinance takes effect upon publication of this notice. The full text of this ordinance may be obtained from the Village of Yorkville Clerk-Treasurer's Office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.townofyorkville.com. The phone number for the Clerk-Treasurer is (262) 878-2123.

Michael McKinney
Clerk-Treasurer

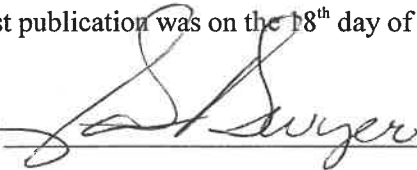
Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive weeks(s); That the first publication was on the 18th day of May, 2018; The last publication was on the 18th day of May, 2018.

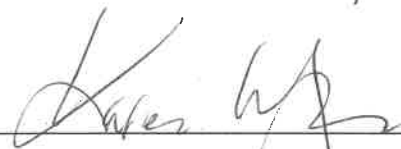
Signed



By Pam Dwyer, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

18 day of May 2018.



Notary Public, State of Wisconsin

My commission expires

4/20/22



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Michael McKinney
Clerk-Treasurer

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