

ORDINANCE NO. 157

AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS PROHIBITING THE USE OF AUXILIARY OR COMPRESSION ENGINE BRAKES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta is a type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council has determined that the use of auxiliary or compression engine brakes, commonly referred to as a “Jacobs” or “Jake Brake”, has a negative impact on the public peace, tranquility and welfare, and creates an unnecessary, unreasonable, loud and disturbing noise in the Town, and the Council finds that such should be prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:

SECTION 1.

- A. The use or operation of an auxiliary or compression engine brake, commonly referred to as a “Jacobs” or “Jake Brake”, which produces any noise in addition to the normal operating engine noise, is prohibited within the Town.
- B. This regulation shall not be construed to prohibit the use of such braking mechanism by emergency vehicles while in the performance of their official or normal duties.
- C. This regulation is not intended to prohibit the passage of vehicles equipped with engine or Jake Brakes in posted areas, but rather prohibit the use of such equipment in posted areas.

SECTION 2.

Cumulative Clause

This ordinance shall be cumulative of all provisions of the Town of Annetta, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

Severability Clause

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid or unconstitutional by

the valid judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of the invalid or unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 4.
Penalty Clause**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 5.
Publication Clause**

The Town Secretary is hereby directed to publish the caption, penalty clause, publication clause, and the effective date clause in the official Town newspaper one time as authorized by Section 52.011 of the Texas Local Government Code.

**SECTION 6.
Effective Date**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 18th DAY OF December, 2014.



Bruce Pinckard, Mayor

ATTEST:



Rico Remigio, Town Secretary

