

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, CHAPTER 300, TRAFFIC CODE, ADDING NEW DEFINITION; AND CHAPTER 335, MISCELLANEOUS DRIVING RULES AND REGULATIONS; PROHIBITING CERTAIN ENGINE BRAKE OPERATIONS WITHIN THE CITY LIMITS AND ASSESSING FINE FOR VIOLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. Ordinance No. 4788, the Municipal Code of the City of Richmond Heights, Missouri, Chapter 300, Traffic Code-Definitions; and Chapter 335, Miscellaneous Driving Rules and Regulations; is hereby amended as follows:

SECTION 300.010: DEFINITIONS

ADD NEW:

JAKE BRAKES: Hydraulically operated devices that operate a power producing diesel engine into a power absorbing retarding mechanism that produces a noise that is loud and excessive.

ADD NEW:

SECTION 335.175:

It shall be unlawful for the driver of any vehicle to use, operate, or cause to be used or operated upon any public streets, roads or highways within the city limits of the City of Richmond Heights, Missouri, any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual, or explosive noise from such vehicle (sometimes referred to as "jake-braking) to preserve the peace, health, and comfort of the citizens of the city and the public. This ordinance is not intended to prohibit the passage of vehicles equipped with the engine or "jake brakes", but rather limit the use of such equipment. Any person convicted of a violation of this Ordinance shall be subject to a fine of not more than \$500 per occurrence.

SECTION 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this

Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 4. This Ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

PASSED and SIGNED this 6th day of July, 2009.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: June 16, 2009
Second reading: July 6, 2009