

**AN ORDINANCE OF THE VILLAGE OF EDEN AMENDING
ORDINANCE 9.02(3), PUBLIC PEACE AND GOOD ORDER, BY ADDING
SECTION 9.02(3)(b) (COMPRESSION BRAKES PROHIBITED)**

WHEREAS, the Village Board of the Village of Eden finds that the use of motor vehicle brakes which are activated or operated by the compression of the engine of the motor vehicle disturbs and disrupts the public peace and quiet and, therefore, finds that it would be in the best interests of public health, safety and general welfare to prohibit the use of such brakes;

NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF EDEN DO ORDAIN AS FOLLOWS:

Section 9.02(3) "Loud and Unnecessary Noise Prohibited" is amended to read as follows:

9.02(3) LOUD AND UNNECESSARY NOISE PROHIBITED

No person shall within the Village of Eden:

- (a) Make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park, or any private residence.
- (b) Operate a truck, tractor/trailer or other motor vehicle within the Village limits of the Village of Eden using a braking device activated or operated by the compression of the engine (sometimes referred to as a "Jake Brake") of any such motor vehicle or any unit or part thereof unless use of said brake is necessary to avoid an accident. Said defense shall be construed strictly against the operator who must show that absent use of such braking device there would have been injury or damage to persons or property. The Village is authorized and directed to post appropriate signs advising motorists of the prohibitions in this section.
- (c) Any person violating any of the provisions of this ordinance shall, upon adjudication thereof, be subject to a forfeiture of not more than \$1,000 and the costs of prosecution.

This ordinance shall take effect and be enforced five (5) days after its passage, approval and posting.

Adopted by the Village Board of the Village of Eden at its regular meeting on the _____ day of _____, 2001.

VILLAGE OF EDEN

By: _____
VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

Date of Posting: _____

APPROVED AS TO FORM:

Gary R. Sharpe, Attorney for the Village of Eden