



## Legislation Details (With Text)

<b>File #:</b>	060173	<b>Version:</b>	0
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	5/31/2006	<b>In control:</b>	PUBLIC SAFETY COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	6/20/2006
<b>Effective date:</b>			
<b>Title:</b>	An ordinance prohibiting engine compression braking in the city.		
<b>Sponsors:</b>	ALD. WITKOWSKI		
<b>Indexes:</b>	MOTOR VEHICLES, NOISE CONTROL, NUISANCES		
<b>Attachments:</b>	1. Fiscal Note from Police and Neighborhood Services, 2. Fiscal Note from Dept. of Public Works, 3. Notice Published on 7-7-06.PDF		

Date	Ver.	Action By	Action	Result	Tally
5/31/2006	0	COMMON COUNCIL	ASSIGNED TO		
6/1/2006	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
6/8/2006	0	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/20/2006	0	COMMON COUNCIL	PASSED	Pass	15:0
6/29/2006	0	MAYOR	SIGNED		
7/7/2006	0	CITY CLERK	PUBLISHED		

060173  
ORIGINAL

ALD. WITKOWSKI

An ordinance prohibiting engine compression braking in the city.

80-61 am

80-69 cr

80-90 am

This ordinance prohibits the use of mechanical exhaust devices in the city designed to aid in the braking or deceleration of any vehicles which results in the creation of explosive noise, known as engine compression braking and commonly referred to as "jake braking".

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 80-61 of the code is amended to read:

**80-61. Enforcement.** It shall be the duty of the commissioner to enforce ss. 80-60 to 80-73, except that s. 80-65-4 may be jointly enforced by the commissioner and the chief of police >>, and s. 80-69 shall be enforced by the chief of police<<.

Part 2. Section 80-69 of the code is created to read:

**80-69. Engine Compression Braking Prohibited.**

1. PROHIBITION. No driver of any vehicle within the city shall use or operate or cause to be used or operated any mechanical device designed to aid in braking or deceleration of his or her vehicle which results in the creation of a loud, explosive noise, known as an engine compression brake and commonly referred to as a "jake brake".

2. EXCEPTIONS. The provisions of sub. 1 shall not apply to the application of un-muffled or effectively muffled engine compression brakes where necessary for the protection of persons and property, which cannot be avoided by the application of an alternative braking system. Noise caused by the application of engine compression brakes created by emergency vehicles for emergency purposes shall also be exempt.

Part 3. Section 80-90 of the code is amended to read:

**80-90. Penalties.** Any person violating any of the following provisions of the chapter listed in Column A shall be liable on conviction to the penalties listed in Column B and described in ch. 61:

A	B
80-3	Class E
80-6 to 7	Class E
80-12	Class E
80-13	Class E
80-15	Class D
80-17	Class M
80-19	Class E
80-22	Class F
80-27	Class E
80-28	Class E
80-29	Class E
80-31	Class E
80-42	Class F
80-44	Class E
80-45 to 80-46.5	Class E
80-48	Class E
80-49	Class K
80-60 to 80-65-3	Class E
80-65-4	Class K
80-66 to 80-68	Class E
>>80-69<<	>>Class C<<
80-70 to 80-73	Class E

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date:\_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney  
Date: \_\_\_\_\_

LRB06241-1  
AEH  
5/22/2006