

City of St. Charles, Illinois

Ordinance No. 2008-M-40

**An Ordinance Amending Title X (Vehicles and Traffic)
of the St. Charles Municipal Code by Prohibiting
Engine Braking**

**Adopted by the
City Council
of the
City of St. Charles
June 16, 2008**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, June 20, 2008**

Nancy Garrison

City Clerk



(SEAL)

DATE OF PUBLICATION 06/20/08
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PAGE

ORDINANCE NO. 2008-M- 40 _____

CITY OF ST. CHARLES, ILLINOIS

AN ORDINANCE AMENDING TITLE X (VEHICLES AND TRAFFIC) OF THE ST. CHARLES MUNICIPAL CODE BY PROHIBITING ENGINE BRAKING

WHEREAS, the City of St. Charles is a home rule unit of local government pursuant to the Illinois Constitution of 1970: and,

WHEREAS, this Ordinance is enacted as an exercise of the City's home rule powers, the Corporate Authorities having determined that the regulation of the speed, safety, and disposition of vehicles in the City is a matter pertaining to the affairs of the City in accordance with Article VII, Section 6 of the Illinois Constitution of 1970; and,

WHEREAS, in addition to the City's power as a home rule unit of local government, this Ordinance is adopted pursuant to, among other provisions, Section 11-40-1 of the Illinois Municipal Code (65 ILCS 5/11-40-1 et seq.); and,

WHEREAS, the City further finds that it is in the best interests of the public to adopt certain regulations regarding the speed, safety, and disposition of vehicles.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

SECTION ONE: That Title X, Chapter 12 of the St. Charles Municipal Code is hereby amended by the addition of a new Section 602 that shall read as follows:

"10.12.602. Engine Braking Prohibited.

A. No person shall operate or cause to be used or operated within the City an engine braking system that emits excessive noise on any commercial vehicle within the corporate limits of the City of St. Charles. For the

purposes of this ordinance, an engine braking system shall be deemed to be any device which uses the force of the engine in any commercial vehicle to slow or alter the speed of the vehicle by the application of force to the drive train thereof, including but not limited to engine brakes, exhaust brakes, or other similar systems. A commercial vehicle shall be deemed to be emitting excessive noise if the vehicle is operating an engine braking system, and if the vehicle is not equipped with an adequate sound muffling system on the exhaust thereof. It is a defense to this paragraph that the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle on the roadway.

B. Excessive engine braking noise signs. In accordance with Section 12-602.1 of the Illinois Vehicle Code, the City Engineer shall cause signs to be erected and maintained that prohibit the driver of a commercial vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code (625 ILCS 5/1-111.8), from operating or actuating any engine braking system that emits excessive noise. The sign shall state, "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED".

SECTION TWO: That Title X, Chapter 60, Section 010(A) is hereby amended by deleting the last row of the Schedule of Penalties chart set forth therein, and inserting the following language in lieu thereof:

“10.60.010 Violation - Penalties.

...

10.12.602 through 10.12.1010	Equipment of Vehicles	\$50.00	\$75.00
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...”

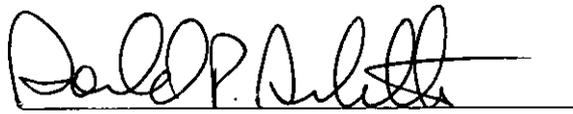
SECTION THREE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION FOUR: This Ordinance shall be in full force and effect ten (10) days after publication as required by Law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 16th
day of June, 2008.

PASSED by the City Council of the City of St. Charles, Illinois, this 16th day of
June, 2008.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 16th day of
June, 2008.

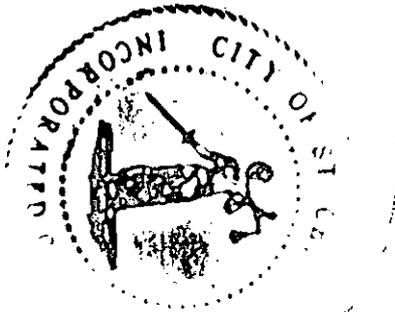

Donald P. DeWitte, Mayor

ATTEST:


Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes : 8
Nays : 0
Absent : 2



State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

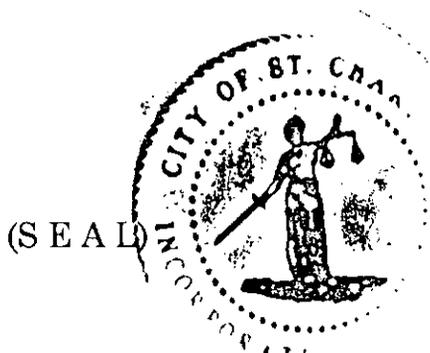
I further certify that on June 16, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-40, entitled

"An Ordinance Amending Title X (Vehicles and Traffic) of the St. Charles Municipal Code by Prohibiting Engine Braking,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2008-M-40, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 20, 2008, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 16th day of June 2008.



Nancy Garrison
Municipal Clerk