

DATE: 2/10/25BY: KRD

TOWN OF PIERCE, COLORADO
ORDINANCE NO. 2024- 09

**AN ORDINANCE ADDING A NEW SECTION 1425 TO THE MODEL TRAFFIC CODE
PROHIBITING THE USE OF JAKE BRAKES BY COMMERCIAL MOTOR
VEHICLES WITHIN THE TOWN LIMITS**

WHEREAS, the Town of Pierce (the "Town") has previously adopted Ordinance No. 2020-05 – An Ordinance for the Regulation of Traffic by the Board of Trustees of the Town of Pierce, Colorado, Adopting by Reference the 2020 Edition of the "Model Traffic Code," Repealing all Ordinances in Conflict Therewith; and Providing Penalties for Violation Thereof;

WHEREAS, the Board of Trustees has determined that for the purposes of the public safety and welfare of the residents of the Town that certain modifications and additions in the 2020 edition of the Model Traffic Code should be adopted;

WHEREAS, the "jake brake" or compression brake is a device mounted on the engine of a commercial motor vehicle which, when employed, reduces engine speed and causes the vehicle to slow without the use of the vehicle's braking system;

WHEREAS, the employment of a jake brake makes a loud noise;

WHEREAS, the noise resulting from the employment of a jake brake is hereby declared to be a nuisance and a hazard to the health, safety and welfare of the citizens of the Town of Pierce (the "Town"); and

WHEREAS, the Town desires to address the use of jake brakes within Town limits; and

WHEREAS, the Board of Trustees of the Town (the "Board") finds this ordinance to be in the best interest of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, COLORADO, as follows:

Section 1. Article 1, Chapter 8 of the Pierce Town Code is hereby amended to add Section 1425 to the Model Traffic Code, which will read as follows:

Section 1425. Unnecessary Vehicle Noise.

- (1) Except as provided herein, the use of compression engine brakes or jake brakes shall be prohibited within the Town limits, provided that the Town has erected signage identifying this prohibition. Compression engine brakes may be used only in emergency or life/safety situations.

- (2) For purposes of this Section 1425, a compression engine brake or Jake brake means any device mounted on or adjacent to the engine of a commercial motor vehicle which, when employed, reduces engine speed and causes the vehicle to slow without the use of the vehicle's braking system.
- (3) Any person violating the provisions of this Section 1425, upon conviction thereof, shall be punished by a fine of \$500.00.

Section 2. In the opinion of the Board, this Ordinance is necessary for the preservation and protection of the health, safety, welfare and property of inhabitants and owners of property in the Town of Pierce.

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance in each part, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more parts, sections, subsections, clauses or phrases be declared invalid.

Section 4. This ordinance shall be so interpreted and construed to effectuate its general purpose pursuant to the laws of the State of Colorado.

Section 5. The Town Clerk shall certify to the passage of this Ordinance and cause notice of its contents and passage to be published.

Section 6. Except as otherwise specifically provided herein, the provisions enacted by this Ordinance shall become effective thirty (30) days after publication as provided by law.

PASSED, ADOPTED AND APPROVED THIS 9th DAY OF DECEMBER, 2024.

TOWN OF PIERCE

By: Cathy Ortiz
Cathy Ortiz, Mayor

ATTEST:

Kristina Duran
Kristina Duran, Town Clerk

