

ORDINANCE NO. 570

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, ENTITLED "TRAFFIC AND VEHICLES" BY ADDING TO THAT CHAPTER 18 A NEW ARTICLE VII ENTITLED "ENGINE BRAKING", REGULATING THE PRACTICE COMMONLY REFERRED TO AS ENGINE BRAKING WITHIN THE CITY; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS, ORDINANCES, RESOLUTIONS, AND/OR INFORMAL POLICIES WHICH ARE IN ANY MANNER IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING THAT A VIOLATION OF THIS ORDINANCE CONSTITUTES A MISDEMEANOR PUNISHABLE BY A FINE OF NOT TO EXCEED \$500.00; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:

**Section 1** Chapter 18 of the Code of Ordinances of the City of West Columbia entitled "Traffic and Vehicles", shall be and is hereby amended by the addition of Article VII, which reads as follows:

**Chapter 18**

**TRAFFIC AND VEHICLES**

**ARTICLE VII. ENGINE BRAKING**

**DIVISION 1. GENERAL**

**Sec. 18-200**

It shall be unlawful for any person to operate or permit the operation of the engine of a motor vehicle so as to assist in braking or slowing the vehicle through the use or operation of any device that is designed to aid in braking, decompression or deceleration, including, but not limited to, an engine brake or engine retarding device, on any street or roadway within the City, in such a manner or at such a time that results in an excessive, loud, unusual or explosive noise from the vehicle.

**Section 2**

Any and all Code provisions, rules, ordinances, police regulations, resolutions, and/or informal policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this article, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

**Section 3**

It is hereby declared to be the intention of the City Council that the several provisions of this article are severable, and if any court of competent jurisdiction enters a final order which holds that any section, sub-section, sentence, clause, phrase, or other portion of this article is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provisions of this article which are not specifically designated as being illegal, invalid, or unenforceable.

**Section 4**

Failure to observe and obey the article adopted above shall constitute a misdemeanor, and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), constituting a separate offense.

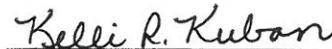
**Section 5**

This article shall be effective upon its passage and approval, and the publication of its caption as provided by law.

**PASSED and APPROVED** this the 10<sup>th</sup> day of August, 2009

  
**LAURIE B. KINCANNON, Mayor**

**ATTEST:**

  
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**KELLI R. KUBAN, City Secretary**