**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF SENOIA, GEORGIA, TO AMEND CHAPTER 30 OF THE CODE OF THE CITY IN ORDER TO PROHIBIT THE USE OF ENGINE BRAKE WITHOUT EMERGENCY OR NECESSITY; TO PROVIDE FOR SERVERABILITY; TO PROVIDE FOR PENALTIES; AND TO ESTABLISH AN EFFECTIVE DATE.**

**BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of Senoia, Georgia and by the authority thereof:

**Section 1.** That Chapter 30, Nuisances, of the Code of Ordinances of the City of Senoia, Georgia, as amended, is hereby further amended to include Sec. 30-55.

**Sec. 30-55 – Engine Retarding Brake or Compression Braking**

The purpose of this section is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air-braking devices within the City of Senoia with the exception of emergency vehicles.

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle unless such use is necessary to avoid imminent danger. This refers to any engine retarding brake system, transmission brake, or any other retarding brake system that alters normal compression, including but not limited to DYNAMIC BRAKE, JACOBS BRAKE, C-BRAKE, PACCAR BRAKE, or any other make or model of engine braking system, or other braking system that alters the normal compression of the engine and subsequently releases that compression.
2. Areas of prohibition. The prohibition set forth herein shall apply to all public streets and highways in the City of Senoia.
3. Signage. Signs prohibiting “engine retarding brakes” may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this section. Except that, no sign prohibiting “engine retarding brakes” shall be installed on a state highway without the approval from the Georgia Department of Transportation. The provisions of this section shall be in full force and effect upon passage by the city council.
4. Penalties. Any person, firm or corporation violating the provisions of this section, shall upon a violation of this section shall be punishable by a $250.00 fine.

**Section 2.** Should any phrase, clause, sentence or section of this ordinance be declared unconstitutional by a court of competent jurisdiction, such determination shall not effect the remaining provision of this ordinance, which provision shall remain in full force and effect.

**Section 3.** All ordinances or resolutions, or parts thereof, which conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

**Section 4.** The ordinance shall become effective April 3, 2023.

**Effective Date and Repealer Provision**

This ordinance shall become effective immediately upon its adoption and any and all existing or pre-existing City of Senoia, Georgia ordinances, amendments, and resolutions in conflict with the terms of this Ordinance are hereby repealed.

**ADOPTED** this 3rd day of April, 2023, by the City Council of the City of Senoia, Georgia.

 CITY OF SENOIA, GEORGIA

 BY:

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 William “Dub” Pearman III, Mayor

ATTEST:

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Lynn Carter, City Clerk