

**CITY OF DELANO
ORDINANCE O-10-01**

Ordinance amending City Code Chapter 7 (Traffic and Parking) by adding Section 731.01 Ordinance preventing loud and unnecessary noise and prohibiting the practice of Engine/Exhaust Braking ("Jake Braking"), providing penalties for violation thereof and for other purposes.

WHEREAS, the City of Delano has received complaints concerning the practice of "Jake Braking" by truck and other motor vehicles; and

WHEREAS, the noise created by this process is disruptive to residents and other individuals situated near the City's main streets, county roads, and state highways; and

WHEREAS, loud noises caused by Engine/Exhaust Braking is unnecessary and disruptive to the peace and tranquility of all the citizens.

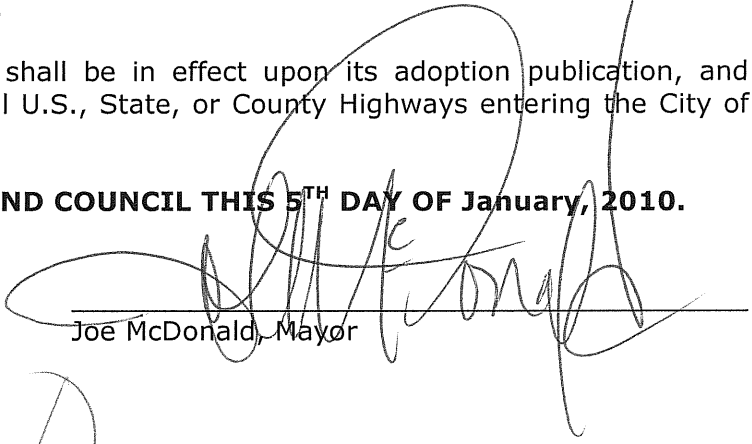
NOW, THEREFORE, THE DELANO CITY COUNCIL HEREBY ORDAINS:

Section 1. It shall be unlawful for the driver of any truck to use or operate or cause to be used or operated within the City of Delano, Minnesota, any mechanical exhaust device, or motor brake, designed to aid in the braking or deceleration of any truck which results in the excessive, loud, unusual, or explosive noise from such vehicle, or otherwise engage in Engine/Exhaust Braking. It is an affirmative defense to a violation of this Ordinance that motor/exhaust braking was used as an emergency basis to avoid damage to property or to avoid personal injury.

Section 2. Any person violating this Ordinance shall be guilty of a misdemeanor upon conviction hereof. Each time a person uses the engine/exhaust brake shall be considered a separate offense.

Section 3. This Ordinance shall be in effect upon its adoption publication, and after placement of signs on all U.S., State, or County Highways entering the City of Delano.

ADOPTED BY THE MAYOR AND COUNCIL THIS 5TH DAY OF January, 2010.



Joe McDonald, Mayor

ATTEST:



Marlene E. Kittock, City Clerk

Motion By: Betsy Stolfa
Seconded By: Brad Hotchkiss

McDonald: Aye
Schrupp: Opposed
Hotchkiss: Aye
Bartels: Aye
Stolfa: Aye