

## **ORDINANCE NO. 19.13**

### **PROHIBITING ENGINE BRAKING WITHIN THE TOWN OF DUNN**

#### **TOWN OF DUNN, DANE COUNTY, WISCONSIN**

AN ORDINANCE TO CREATE 19.13 OF THE TOWN OF DUNN CODE OF ORDINANCES TO PROHIBIT THE USE OF MOTOR VEHICLE COMPRESSION OR ENGINE BRAKING WITHIN THE TOWN OF DUNN, DANE COUNTY, WISCONSIN.

THE TOWN BOARD OF THE TOWN OF DUNN, DANE COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

#### **Section 1: Purpose**

1. The Town Board of the Town of Dunn, Dane County, Wisconsin, finds that the use of motor vehicle brakes which are in any way activated or operated by the compression of the engine of the motor vehicle or any unit or part thereof disturbs and disrupts the public peace and quiet and, therefore, finds that it would be in the best interest of public health, safety and general welfare to prohibit the use of such brakes within the Town of Dunn.

#### **Section 2: Definitions**

1. Compression Braking: Also known as "engine braking," refers to the use of a dynamic braking device (commonly referred to as "jake brakes," "Jacob's brakes," or "engine brakes") for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without or limiting the use of wheel brakes. In addition, "compression braking" includes the process of downshifting and releasing the clutch to utilize the vehicle's engine to slow in order to meet proper speed restrictions.
2. Engine Brakes: Any mechanical exhaust device, compression brake or other device in a motor vehicle other than conventional brake pads and drums or disks, used for the purpose of slowing or stopping a motor vehicle.
3. Emergency: A situation in which there is an imminent and immediate risk of injury to a person or damage to another vehicle or property. The term does not include situations which result from operating the vehicle in excess of the posted speed limit or from lack of due care by the vehicle operator.

#### **Section 3: Compression Braking Prohibited**

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated a compression braking system or Engine Brakes unless muffled in the Town of Dunn, except in an emergency.
2. Municipal and Emergency Vehicles shall be exempt from this Ordinance.

#### **Section 4: Emergency Defense Exception**

1. It shall be an affirmative defense to prosecution under this Ordinance that compression braking was applied in an emergency in which there was an imminent and immediate risk of injury to a person or damage to another vehicle or property, and compression braking was necessary for the protection of said persons or property.

**Section 5: Penalties**

1. Any Person who is convicted of violating any provisions of this Ordinance shall forfeit not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) per violation. Any person who is convicted of a second or subsequent violation of the same provision of this Ordinance in less than twelve months shall forfeit not less than two hundred dollars (\$200.00) nor more than five hundred (\$500.00).

**Section 6: Severability**

The provisions of this Ordinance are declared to be severable. If any provision, section, sentence, clause, phrase, or application of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction for any reason, such decision shall not affect the validity of the remaining provisions, sections, sentences, clauses, phrases, or applications of this Ordinance. This Ordinance shall remain in effect notwithstanding the invalidity of any part or application of this Ordinance.

**Section 7: Effective Date**

Following passage by the Town Board, this Ordinance is effective on publication as provided by Wis. Stat. § 60.80.

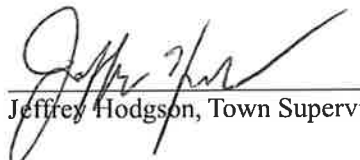
Adopted this 15th day of August 2023

TOWN OF DUNN

By

  
\_\_\_\_\_  
Steven Greb, Town Chair

By

  
\_\_\_\_\_  
Jeffrey Hodgson, Town Supervisor

By

  
\_\_\_\_\_  
Rosalind Gausman, Town Supervisor

ATTEST:

  
\_\_\_\_\_  
Cathy Hasslinger, Town Clerk Treasurer/Business Manager

Approved:

Posted: