

CITY OF LEWISVILLE ORDINANCE NO. 2022-03

AN ORDINANCE CREATING SECTION 5-2-2, OF TITLE 5 SECTION 2 OF THE LEWISVILLE CODE ENTITLED – AIR COMPRESSION BRAKE RESTRICTIONS – FOR USE ON VEHICLES IN AREAS WITHIN THE CITY OF LEWISVILLE, TO INCLUDE, EXCEPT UNDER EMERGENCY CIRCUMSTANCES WHERE THE USE OF COMPRESSION BRAKES IS NECESSARY TO PREVENT AN ACCIDENT OR INJURY TO PERSONS OR PROPERTY; PROVIDING FOR A VIOLATION TO BE AN INFRACTION; AND INCREASE PENALTY ON SUBSEQUENT VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lewisville has authority to adopt the provisions of the ordinance to regulate the conduct of persons within the boundaries of the City of Lewisville pursuant to Idaho law, including, but not limited to Idaho Code §§ 50-302(1), 50-302A, 50-308, 50-313, 50-314, and Article 12, Section 2 of the Constitution of the State of Idaho; and

WHEREAS, the use of compression brakes within the City of Lewisville disturbs the peace and quiet of the residents of the City and creates a nuisance to the citizens of the City of Lewisville that is within the control and supervision of the City to prohibit;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, IDAHO, THAT SECTION 5-2-2 – AIR COMPRESSION BRAKES, BE ADDED TO TITLE 5 CHAPTER 5 OF THE LEWISVILLE CITY CODE - GENERAL OFFENSES, AS FOLLOWS:

A. Definitions. For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

1. Compression Brake. Any engine retarding brake system, transmission brake, or any other retarding brake system that alters normal compression, including but not limited to *DYNAMIC BRAKE*, *JAKE 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. Vehicle. The definition of vehicle for the purpose of this Section shall be the same as set forth in Idaho Code § 49-123(2).
3. Truck. The definition of truck for the purpose of this Section shall be the same as set forth in Idaho Code § 49-121(10).

B. Prohibitions. It shall be unlawful for the driver of any vehicle or truck to use or operate or cause to be used or operated within the city, any compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property.

C. Areas of prohibition. The prohibition set forth herein shall apply to the following:

1. All roads within the city limits of the City of Lewisville
2. Highway 48 within the City limits of the City of Lewisville
3. Lewisville Highway within the city limits of the City of Lewisville

4. All truck routes within the City of Lewisville more particularly designated as 480 North and 500 North.

D. Signage. Signs including the phrase "COMPRESSION BRAKING PROHIBITED" may be installed at locations deemed appropriate by the City Council, by Resolution, to advise motorists of the prohibitions contained in this section.

E. Penalty: Any person who violates any provision of this Section 5-2-2 of the Lewisville Code shall be deemed guilty of an infraction and punished as provided in Section 1-4-1B of this Code. Any second violation within a term of 5 years from the date of conviction of the prior violation shall be punished as a misdemeanor as set forth in Section 1-4-1A of this Code.

F. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

G. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as required by law. In lieu of publication of the Ordinance, a summary thereof in compliance Idaho Code, may be published.

ENACTED BY THE Lewisville City Council and approved by the Mayor this 12th day of October, 2022.



Curtis S. Thomas, Mayor

ATTEST:


Donetta R. Fife, City Clerk/Treasurer