

ORDINANCE NO. 1892

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON,  
WASHINGTON AMENDING TITLE 7 OF THE DAYTON MUNICIPAL CODE  
ADDING CHAPTER 4, ENGINE COMPRESSION OR "JAKE" BRAKES

WHEREAS, the City Council of the City of Dayton find that the use of motor vehicle brakes which are activated or operated by the compression of the engine of a motor vehicle disturbs and disrupts the public peace and quiet and, therefore, find that it would be in the best interests of public health, safety and general welfare to prohibit the use of such brakes except in emergency situations,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON,  
WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. AMENDING TITLE 7 OF THE DAYTON MUNICIPAL CODE.  
Title 7 of the Dayton Municipal code shall be amended by adding Chapter 4, Engine Compression or "Jake" Brakes that shall read as follows:

Title 7 Chapter 4  
ENGINE COMPRESSION OR "JAKE" BRAKES

Sections:

- 7-4.010 Definitions.
- 7-4.020 Prohibition.
- 7-4.030 Exemptions
- 7-4.030 Violation - Penalty.
- 7-4.040 Posting of signs.

7-4.010 Definitions.

A. Unless otherwise expressly stated, the following terms shall for the purpose of this code, have the meanings shown in this section:

1. "Compression brake" or "Jake brakes" means a motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle,
2. "Non-muffled engine compression brake" is a compression brake which is not effectively muffled to prevent excessive noise.

#### **7-4.020 Prohibition.**

The application of non-muffled engine compression brakes with the corporate limits of the City of Dayton is prohibited, except when necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system.

#### **7-4.030 Exemptions.**

A. The following exemptions in the use of compression breaks shall apply:

1. Noise caused by the application of engine compression brakes which is effectively muffled;
2. If the application of a non-muffled engine compression brake is necessary for the health, safety, and welfare of the City; or
3. Sounds created by emergency equipment for emergency purposes.

#### **7-4.040 Violation - Penalty.**

A. Violation of this chapter shall constitute a traffic infraction, and shall be punished by a penalty as follows:

1. First (1<sup>st</sup>) Offense: \$550 per violation;
2. Second (2<sup>nd</sup>) Offense: \$1,062; and
3. Third (3<sup>rd</sup>) and subsequent Offenses: \$1,575

#### **7-4.050 Posting of signs.**

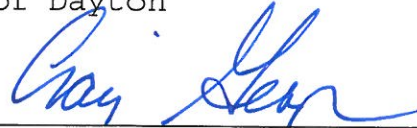
A. The Public Works Director shall post, at reasonable locations upon the boundaries of the City, signs indicating "Un-muffled Compression Brakes Prohibited," or substantially similar wording.

**SECTION 2. SEVERABILITY.** If any section, paragraph, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

**SECTION 3. EFFECTIVE DATE.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of its publication.

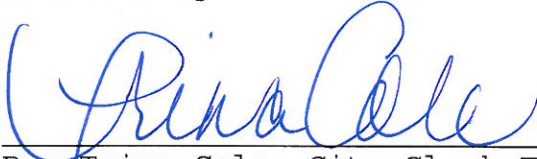
**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 8TH DAY OF FEBRUARY, 2016.**

City of Dayton



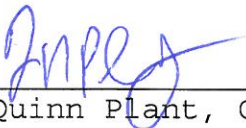
By: Craig George, Mayor

Attested By:



By: Trina Cole, City Clerk-Treasurer

Approved as to form:  
Menke Jackson Berry, LLP



By: Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES  
ORDINANCE NO. 1892

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WASHINGTON AMENDING TITLE 7 OF THE DAYTON MUNICIPAL CODE  
ADDING CHAPTER 4, ENGINE COMPRESSION OR "JAKE" BRAKES

Section 1. Amending Title 7 of the Dayton Municipal Code.

Section 2. Severability.

Section 3. Effective Date.

The full text of Ordinance 1892 adopted the 8<sup>TH</sup> day of  
February, 2016 is available for examination at the City Clerk's  
Office, 111 S. 1st St., Dayton, WA during normal business hours,  
8:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor

Attested: /s/ Trina Cole, City Clerk-Treasurer

Approved as to form: /s/ Quinn Plant, City Attorney

Published: February 2016

The Times