ORDINANCE NO. 3317

AN ORDINANCE of the City Council of the City of Kent, Washington, prohibiting the use of compression brakes, establishing a penalty, containing a severability clause and setting an effective date.

WHEREAS, the City Council finds that prohibiting the use of compression brakes will reduce unnecessary noise in the City; and

WHEREAS, the City Council finds that this ordinance is in the interests of the public health, safety and welfare; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The following new section regarding the use of compression brakes shall be added to the Kent City Code:

Sec. 9.36.060 - Compression brakes restrictions.

a. Compression brakes prohibited. No person shall use motor vehicle brakes within the city limits that are in any way activated or operated by the compression of the engine of that motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that the compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.
b. **Violation - Penalty.** Any person violating these compression brake provisions shall have committed a traffic infraction and a penalty of $100.00 shall be imposed.

c. **Signposting.** The director of public works is authorized and directed to post appropriate signs consistent with these provisions.

**SECTION 2.** If any one or more sections, sub-sections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

**SECTION 3.** This Ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

[Signature]

JIM WHITE, MAYOR PRO TEM

ATTEST:

[Brenda Jacober]

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

[Signature]

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED 1st day of October, 1996.
APPROVED 1st day of October, 1996.
PUBLISHED 4th day of October, 1996.

I hereby certify that this is a true copy of Ordinance No. 3317, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK

BRAKE.ORD