

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 11/19/2018 Weekly Agenda Date: 11/27/2018

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Set Time 4:45 PM: First reading of Compression Brake Use Ordinance and set a date for the second reading of the proposed ordinance.

ACTION REQUIRED:

- | | | |
|---|---|--|
| Approve Ordinance <input checked="" type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input checked="" type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

Communities developed subdivisions within Woodbury County jurisdiction have requested the regulation of the use of truck compression brakes. An updated ordinance is proposed to regulate their use.

BACKGROUND:

Compression brakes are used on large, diesel powered straight trucks and semis to brake or the vehicle without activating their air or hydraulic brakes. This saves wear and tear on mechanical brakes, but does result in a large amount of noise generated by the truck as the engine compression brakes are activated. Communities and rural residential areas have complained about the resulting noise.

FINANCIAL IMPACT:

Financial impact is limited to the cost of installing signs to notify trucks of the ordinance. This costs the county approximately \$250 for each sign. The Iowa DOT will install signs on state highway rights of way at Iowa DOT cost.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

I recommend that the Board approve the first reading of the ordinance and set the date of December 4, 2018 for the second reading of the ordinance.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the first reading and set the date of December 4, 2018 for the second reading of the compression brake use ordinance.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING AREAS PROHIBITING THE USE OF COMPRESSION BRAKES OR BRAKING, ALSO KNOW AS “JAKE BRAKES” WITHIN WOODBURY COUNTY, IOWA

(This ordinance repeals and replaces Ordinance Numbers 14 and 20.)

Be It Enacted by the Woodbury County Board of Supervisors, Woodbury County, Iowa:

SECTION 1. PROHIBITION AND PENALTY

A. Engine Brakes and Compression Brakes. It is unlawful for the driver of any vehicle to use or operate within the area described in Section B any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, except in the case of an emergency.

B. The prohibition above described shall be in effect for the following described roads and highways within Woodbury County, Iowa:

1. U.S. Highway 20 beginning one half mile east of the intersection of U.S Highway 20 and Emmett Avenue and continuing to the intersection of U.S. Highway 20 and Eastland Avenue. This restriction shall apply to both westbound traffic and eastbound traffic in the designated area.
2. County Route K49 (Easter Avenue) from 150th Street south to the City Limits of the City of Lawton, Woodbury County Iowa.
3. U.S. Highway 20 beginning one half mile east of the intersection of U.S. Highway 20 and Humboldt Avenue to the intersection of U.S. Highway 20 and Iowa Highway 140/County Route K64 (Moville Blacktop). This restriction shall apply to both westbound traffic and eastbound traffic in the designated area.
4. County Road D38 from the intersection of Old Lakeport Road east to the intersection of Elk Creek Road (north)/Buchanan Avenue (South). This restriction shall apply to both westbound traffic and eastbound traffic in the designated area.
5. U. S. Highway 75 Bypass beginning at the U.S. Highway 20 interchange and continuing north to the 28th Street/Outer Drive interchange. This restriction shall apply to both northbound traffic and southbound traffic in the designated area in the rural portions of U.S. Highway 75 Bypass.
6. U.S. Highway 20 from the intersection of Buchanan Avenue/Glen Ellen Road west to the U.S. 20/75 interchange. This restriction shall apply to both westbound traffic and eastbound traffic in the designated area.
7. Iowa Highway 141 beginning at the intersection with Dillon Avenue and continuing west to the intersection of Iowa Highway 141 and County Route K45 (Old Highway 75). This restriction shall apply to both westbound traffic and eastbound traffic in the designated area.
- 7-8. County Road K45, also known as Old Highway 75, beginning ¼ mile north of the north city limits of the city of Salix to a point ¼ mile south of Salix. The restriction shall apply to northbound and southbound traffic.

C. Violation of this ordinance is a scheduled violation with a penalty of \$100.00.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This includes current county ordinances Number 14 (enacted April 11, 2006) and Number 20 (enacted December 12, 2006), which are combined within this new ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law and when appropriate signage is erected and placed upon the areas described above to give notice of the ordinance.

First Hearing: _____

Second Hearing: _____

Third Hearing: _____

Passed and approved by the Woodbury County Board of Supervisors _____, 2018.

Chairman Woodbury County Board of Supervisors

Attest:

Woodbury County Auditor