

ORDINANCE NUMBER 2006-8

AN ORDINANCE PROHIBITING THE USE OF "JAKE BRAKES" OR SIMILAR DEVICES ON ANY ENGINE WITHIN THE CITY LIMITS OF STARKVILLE

WHEREAS, The Mayor and Board of Alderman wish to establish an ordinance to prohibit the use of Jake Brakes or similar devices on any engine within the city limits of Starkville, Mississippi;

WHEREAS, The Mayor and Board of Alderman believe that it is in the best interest of the City of Starkville and to promote the health, safety and welfare of its citizens to adopt a new ordinance prohibiting the use of "Jake Brakes" or similar devices on any engine within the city limits of Starkville, Mississippi;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Starkville:

A "Jake Brake" or any similar devices on any engine shall not be energized or otherwise used inside the city limits of Starkville, Mississippi.

A "Jake Brake" is defined as a hydraulically operated device that operates a power producing diesel engine into a power absorbing retarding mechanism that produces a noise that is loud and excess.

Accordingly the use of all "Jake Brake" or similar devices within the city limits of Starkville, Mississippi is hereby prohibited from and after the effective date of this ordinance. This ordinance shall not apply to Fire Protection Equipment or other emergency vehicles.

MISCELLANEOUS

1. Penalties for Violation - Any person found to be in violation of any of the terms and provisions of this ordinance shall be

guilty of a misdemeanor and subject to a fine not to exceed \$500.00.

1. Validity - If any term or provision of this Ordinance shall be held to be unconstitutional or otherwise unenforceable, the remainder thereof shall not be affected thereby and shall remain in full force and effect.
2. Conflict - All ordinances heretofore adopted on the subject which are in conflict herewith are hereby repealed and the application of this ordinance as will not be contrary to the public interest. No variance from the strict application of any provision shall be granted.

Repealing Clause

All Ordinances, or resolutions of the Mayor and Board of Aldermen of the City of Starkville that conflict with the provisions of this ordinance shall be, and the same are hereby repealed, and rescinded, but only to the extent of such conflict.

Severability

If any provision of this ordinance is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, such findings shall not effect the other provisions hereof, which shall remain in full force and effect.

Effective Date

This ordinance shall become effective and be in force from and after its passage in the manner provided by law on or after the 15th day of August, 2006.

UPON MOTION of Alderman Sumner D. Davis, III, duly seconded by Alderman P. C. McLaurin, Jr., that the aforesaid Ordinance be adopted--said Ordinance being put to a roll call vote with the Aldermen voting as follows:

Richard Corey Voted: YEA

Matt Cox Voted: YEA

Sumner Davis Voted: YEA

P.C. (Mac) McLaurin, Jr. Voted: YEA

Jim Mills Voted: YEA

Roy A'. Perkins Voted: YEA

Janette Self Voted: YEA

ORDAINED AND ADOPTED, this the 15th day of August, A.D., 2006 at the Regular Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

ROBERT D. CAMP, Mayor

MARKEETA OUTLAW, City Clerk

City of Starkville, Mississippi City of Starkville, Mississippi

(SEAL)