

**Presque Isle Township
Ordinance No. 2 of 2024**

USE OF ENGINE COMPRESSION BRAKES (JAKE BRAKE) ORDINANCE

An ordinance regulating the use of vehicle engine compression braking in designated areas within Presque Isle Township and to provide penalties for the violation of said ordinance.

Presque Isle Township, Presque Isle County, Michigan ordains:

SECTION 1. Title

This Ordinance shall be known and cited as the “Presque Isle Township Use of Engine Compression Brakes (Jake Brake) Ordinance”.

SECTION 2. Purpose

It is the purpose of this Ordinance to secure the public health, safety and welfare of the residents and property owners by restricting the use vehicle compression brakes within designed areas of Presque Isle Township; and to provide penalties for the violation of said Ordinance, and to repeal all Ordinances and parts of Ordinances in conflict therewith.

SECTION 3. Definitions

As used in this Chapter:

1. “Engine Compression Brakes” means a “Dynamic Brake,” “Jake Brake,” “Jacobs Brake,” “C-Brake,” “Paccar Brake,” transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression and produces any noise in addition to the normal operating engine noise.
2. “Emergency Situation” means, for the purposes of this ordinance, shall mean one in which there is imminent danger of collision with property, persons or animals.

SECTION 4. Regulations

Use of compression braking:

1. Shall not be operated while driving on Class A roads in Presque Isle Township.
2. Shall not be operated in areas with signage stating “ENGINE BRAKE ORDINANCE ENFORCED”
3. May be operated within restricted areas in an emergency situation.

SECTION 5. Penalty

1. A violation of this ordinance shall constitute a nuisance per se, and, in addition to any remedies available at law or under this ordinance, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

2. For the first violation of this ordinance within any calendar year, the penalty shall be the issuance by the Township Zoning Administrator of a written warning notice of violation.
3. For a second violation of this ordinance within any calendar year, any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236").
4. For a third violation and subsequent violations of this ordinance within any calendar year, any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of Public Act 236.
5. The Presque Isle Township Zoning Administrator, the Presque Isle Township Supervisor, and other Township officials and employees as may be authorized by the Presque Isle Township Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.
6. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.
7. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.
8. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.
9. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.
10. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.
11. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

Section 6: Severability

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment is rendered.

Section 7: Publication

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Presque Isle Township, and qualified under state law to publish legal notices, within thirty (30) days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Clerk shall authenticate this ordinance by placing her official signature upon the ordinance.

Section 8: Effective Date

This Ordinance shall take effect thirty (30) days following publication after adoption by the Township Board.

This Ordinance was offered for adoption by Township Board Member _____
and was seconded by Township Board Member _____, the vote being as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Presque Isle Township Board at a regular meeting held at the Presque Isle Township Hall on _____, 2024 pursuant to the required statutory notice and procedures.

Published _____, 2024

Recorded _____, 2024 Recorded ordinance in Ordinance Book within one week of publication along with name and how each member voted.

Township Clerk