

ORDINANCE NO. 6493

AN ORDINANCE TO AMEND CHAPTER 9.72 “OPERATION OF VEHICLES” OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 9.72.280 “BRAKES”.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 9.72 “Operation of Vehicles” of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 9.72.280 “Brakes” to read as follows:

9.72.280 Brakes

Every motor vehicle, while in use on the public streets of this city, shall be provided with adequate brakes, as set forth in Iowa Code §§ 321.430 and 321.431.

It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the city, 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.

The usage of an engine brake, compression brake, or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle, shall constitute evidence of a prima facie violation of this section.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

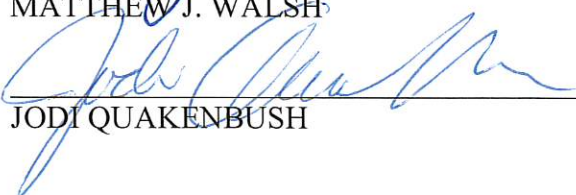
PASSED AND APPROVED

May 23, 2022.


MATTHEW J. WALSH

Mayor

Attest:


JODI QUAKENBUSH

City Clerk

First Consideration: 5-9-22

Second Consideration: 5-23-22

Public Hearing: n/a

Third Consideration: Waived

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Graham Jura

Ordinance 6493
ITEM 6.B.

Council Action: 5/23/2022

Description

Ordinance to amend Chapter 9.72 "Operation of Vehicles" of the 2020 Municipal Code, by amending Section 9.72.280.

Background/Discussion

The I-29 construction project has required the use of an arterial road through the west end of the City to keep interstate traffic moving while the project is completed. This has created a heavy traffic flow, with many semi-trailers passing through the City. Such trucks often used compression brakes, or "jake" brakes, in order to stop. This causes a significant increase in noise that has resulted in several complaints to the City. As the arterial road is owned by the Iowa Department of Transportation, they have agreed to post notice and prohibit such braking practices pursuant to an established City ordinance.

Recommendation

Approval is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance-red line version	Other	4/26/2022
Ordinance 6493	Ordinance	5/3/2022

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Proof Of Publication

State of Iowa

Pottawattamie County

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PASSED AND APPROVED May 23, 2022.

MATTHEW J. WALSH Mayor

Attest:
JODI QUAKENBUSH City Clerk

First Consideration: 5-9-22
Second Consideration: 5-23-22
Public Hearings: n/a
Third Consideration: Waived
2022 (5) 28 - 1 Saturday

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

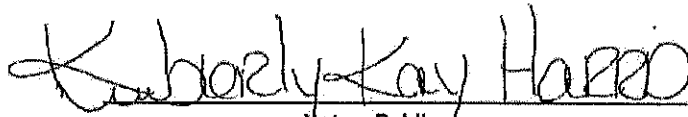
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 28th day of May, 2022.


Billing Representative

Sworn to and subscribed before me this 28th day
of May, A.D. 2022.


Notary Public

State of Virginia
County of Hanover
My Commission expires _____

Kimberly Kay Harris
NOTARY PUBLIC
Commonwealth of Virginia
Reg. No. 356753
Commission Exp. Jan. 31, 2025

Publication Cost: \$38.30
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Order Number: 0000309967

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