

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 70 OF THE WASHINGTON MUNICIPAL
CODE REGARDING EXCESSIVE ENGINE BRAKING NOISE**

WHEREAS, the City of Washington, Illinois (the “City”) is a home rule municipality in accordance with the Constitution of the State of Illinois; and

WHEREAS, the City has received recent complaints of vehicles, primarily commercial vehicles, emitting excessive engine braking noises when slowing down or braking on certain streets located within the City’s limits; and

WHEREAS, the City may post signs that prohibit the driver of a commercial vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code (625 ILCS 5/1-111.8), from operating or actuating any engine braking system that emits excessive noise, pursuant to the Illinois Vehicle Code (625 ILCS 5/12-602.1); and

WHEREAS, the corporate authorities of the City deem it advisable and in the best interest of the health, safety, and welfare of the residents of the City to amend the Washington Municipal Code to prohibit engine braking of commercial vehicles that emit excessive noise within the City, and to post signs prohibiting excessive engine braking noise at certain locations within the City. See **Exhibit A** attached hereto, the proposed location of said signs, subject to the Illinois Department of Transportation’s approval.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That a new section, Section 70.42 of the Washington Municipal Code be, and the same hereby is, added as follows:

**§ 70.42 PROHIBITION OF EXCESSIVE ENGINE BRAKING NOISE;
EXCESSIVE ENGINE BRAKING NOISE SIGNS**

(A) Engine Braking:

- (1) Prohibition of Excessive Engine Braking Noises. It shall be unlawful for the driver of a commercial vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code (625 ILCS 5/1-111.8), to operate or actuate any engine braking system that emits excessive noise, which shall include the use of engine compression brakes (commonly referred to as "Jake brakes"), on any street, highway, or road within the City limits.

- (2) Applicability. This section shall not apply to the use of an engine braking system that has an adequate sound-muffling system in proper working order that prevents excessive noise. Furthermore, this section shall not apply if the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle on the highway.
- (3) Excessive Engine Braking Noise Signs. In accordance with Section 12-602.1 of the Illinois Vehicle Code, the City Engineer or his or her designee(s) shall cause signs to be erected and maintained that prohibit the driver of a commercial vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code (625 ILCS 5/1-111.8), from operating or actuating any engine braking system that emits excessive noise. The sign shall state, "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED."
- (4) Penalty. A violation of this section is an equipment violation punishable by a fine of \$75.

Section 3: The City Engineer or his designee(s) is hereby authorized to erect and maintain signs in the locations set forth on Exhibit A, attached hereto and made a part hereof, that prohibit excessive engine braking noise on such designated streets within the City's limits, in compliance with the signage provisions of 625 ILCS 5/12-602.1 and the related rules and regulations promulgated by the Illinois Department of Transportation ("IDOT") thereunder. The location of the signs set forth on Exhibit A are further subject to IDOT's express approval.

Section 4: If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 5: That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

Section 6: This Ordinance shall be in full force and effect from and after its passage, approval, and notification as provided by law and shall take effect upon its passage as required by law.

PASSED AND APPROVED this ____ day of _____, 2024.

AYES: _____

NAYS: _____

ATTEST:

Gary W. Manier, Mayor

Valeri L. Brod, City Clerk

EXHIBIT A

Location for Excessive Engine Braking Noise Signs

Exhibit A

Sign Locations

Legend

-  Sign Locations
-  City Boundary



Date: 2/15/2024

This map indicates approximate data locations and may not be 100% accurate. Parcels are provided and maintained by Tazewell County.

