

TOWN OF RUTLAND

ORDINANCE NO. 2017-8-1

AN ORDINANCE REGARDING ENGINE BRAKING IN THE TOWN OF RUTLAND, DANE COUNTY, WISCONSIN

The Town Board of Supervisors of the Town of Rutland, Dane County, Wisconsin does hereby ordain as follows:

SECTION 1: *Regulations Related to Motor Vehicle Conduct Prohibited.* Section 1 shall be created as follows:

1) **Engine Braking Prohibited.**

(1) **Definitions.**

- a. "Engine Brakes" are any mechanical exhaust device, compression brake or other device in a motor vehicle other than conventional brake pads and drums or disks, used for the purpose of slowing or stopping a motor vehicle.
- b. "Emergency" means a situation in which there is an imminent and immediate risk of injury to a person or damage to another vehicle or property. The term does not include situations which result from operating the vehicle in excess of the posted speed limit or from lack of due care by the vehicle operator.

(2) **Unlawful use of Engine Brakes and Compression Brakes.** It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated Engine Brakes in the Town of Rutland, except in an emergency.

(3) **Penalties.** Any Person who is convicted of violating any provisions of this ordinance shall forfeit not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) per violation. Any person who is convicted of a second or subsequent violation of the same provision of this ordinance in less than twelve months shall forfeit not less than two hundred dollars (\$200.00) nor more than five hundred (\$500.00).

Section 2. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Section 3. Severability and Conflict. If any section or part of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Rutland on August 8, 2017, by a vote of 4 ayes, 0 nays, and 0 not voting.

APPROVED:

By: s/Mark Porter
Mark Porter, Town Board Chair

Attest: s/Dawn George
Dawn George, Town Clerk