

BILL NO. 4747

ORDINANCE NO. 4747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, ADOPTING A NEW SECTION 370.240 TO THE CODE OF ORDINANCES OF THE CITY OF FESTUS, MISSOURI, REGARDING COMPRESSION RELEASE ENGINE BRAKES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, § 77.260, RSMo provides that the City Council of the City of Festus may enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall be deemed expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof; and

WHEREAS, § 304.120, RSMo, provides that cities may make additional rules of the road or traffic regulations to meet their needs and traffic conditions; and

WHEREAS, a compression release engine brake, sometimes referred to as a compression brake, a decompression brake, or a “Jake Brake,” is an engine braking mechanism that when activated opens exhaust valves to the vehicle’s cylinders, releasing compressed gas trapped in the cylinders, which causes the vehicle to make a loud growling or jackhammer like exhaust noise; and

WHEREAS, several municipalities within the region have amended their ordinances to regulate the use of compression release engine brakes; and

WHEREAS, City staff recommends that the City a new Section 370.240 of the Code of Ordinances of the City of Festus, Missouri (the “Code”) to address the use of compression release engine brakes; and

WHEREAS, the City Council of the City of Festus finds and determines that adopting a new Section 370.240 would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, AS FOLLOWS:

SECTION I. Chapter 370 of the Code of Ordinances of the City of Festus, Missouri, is hereby amended by adding a new Section 370.240, to read as follows:

- TITLE III. TRAFFIC CODE.**
- CHAPTER 370. VEHICLE EQUIPMENT.**
- ARTICLE II. OTHER VEHICLE EQUIPMENT.**

SECTION 370.240. USE OF COMPRESSION RELEASE BRAKING SYSTEMS.

- A. It shall be unlawful for any person to operate or use engine compression release brakes to cause his or her vehicle to slow or brake by any method which produces an excessive and unnecessary noise, including but not limited to, un-muffled engine braking, except in emergencies. For the purposes of this Section, "engine compression release brake" is a hydraulic engine attachment that converts diesel engine into an air compressor by changing engine exhaust valve operation as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes.
- B. Any violation of this Section shall be punishable in accordance with the provisions of Section 100.120 of this Code.

SECTION II. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.


SECTION III. This Ordinance shall be in full force and effect upon its passage by the City Council and the approval by the Mayor.

READ TWO TIMES AND PASSED THIS 11 DAY OF October, 2023.


President of the City Council

APPROVED THIS 11 DAY OF October, 2023.


Mayor of the City of Festus


City Clerk

