CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2004-164

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON RELATING TO THE REGULATION OF UNMUFFLED ENGINE COMPRESSION BRAKES, ADDING A NEW CHAPTER TO TITLE 46 OF THE SAMMAMISH MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the use of engine compression brakes, also known as “jake brakes,” by motor vehicles, creates noise which unreasonably and excessively disturbs the public; and

WHEREAS, the City Council of the City of Sammamish, deems it appropriate and necessary to prohibit the use of engine compression brakes in Sammamish; and

WHEREAS, the City Council of the City of Sammamish finds that adoption of this ordinance would further the public health, safety and welfare of the City of Sammamish:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC Title 46 Amended. Title 46, Vehicles and Traffic, of the Sammamish Municipal Code is hereby amended by the addition of a new Chapter 46.12, Engine Compression Brakes to read as follow:

46.12.010 Definitions. Unmuffed engine compression brake: a motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise.

46.12.020 Prohibition – Exception. The application of unmuffed engine compression brakes in the City of Sammamish is prohibited, except when necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes which is effectively muffled or if the application is necessary for the health, safety, and welfare of the city is exempt from the provisions of this chapter. Sounds created by emergency equipment for emergency work are also exempt.

46.12.030 Violation-Penalty. Violation of this chapter shall constitute a traffic infraction, and shall be punished by a penalty of two hundred fifty dollars per violation.

46.12.040. Posting of Signs. The City Engineer shall post, at reasonable locations upon
the boundaries of the City, signs indicating "Unmuffled Compression Brakes Prohibited", or substantially similar wording. The City Engineer shall have authority to post signs pursuant to this chapter on roads within the City limits in response to reasonable requests from the community or the City Council.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3: Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 14TH DAY OF DECEMBER 2004

CITY OF SAMMAMISH

[Signature]
Mayor Kathleen Huckabay

ATTEST/AUTHENTICATED:

[Signature]
Melanie Anderson, City Clerk

APPROVED AS TO FORM:

[Signature]
Bruce L. Disend City Attorney

Filed with the City Clerk: November 23, 2004
First Reading: December 7, 2004
Passed by the City Council: December 14, 2004
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