



7A

Agenda Bill No.: 24-1353

Assembly Meeting Date: 02/27/24

Business Item Description:	Attachments:
Subject: Townsite Prohibition of Engine (Jake) Brakes	1. Substitute Ordinance 24-02-664A 2. Ordinance 24-02-664 As Introduced
Originator: Assembly Member Craig Loomis	
Originating Department: Assembly	
Date Submitted: 12/12/23	

Full Title/Motion:
Motion: Substitute Ordinance 24-02-664A for the ordinance introduced 2/13/24.

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	N/A

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:

Based upon public comment, Assembly Member Loomis offers the attached substitute ordinance for consideration.

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 2/13/24	Public Hearing Date(s): 2/27/24 and 3/12/24 Postponed to Date:

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 10.09.090 Regulating the Use of Engine (Jake) Brakes in the Townsite and Declaring the Use of Engine Brake Without Noise Suppression a Nuisance in the Townsite.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Addition of Section 10.09.090. Section 10.09.090 shall be added as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

10.09.090 Regulating the use of engine (or Jake) brakes in the townsite.

All vehicles using engine (or Jake) brakes within the Townsite, except for emergency vehicles, must be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle. The first violation of this section results in a \$100 fine; if there is a second violation within six months of the first violation, the fine shall be \$200; if there is a third violation within six months of any prior violation, the fine shall be \$300.

Section 5. Amendment of Section 10.06.030. Section 10.06.030 shall be amended to add to the table:

10.09.090	Unmodified use of jake brake in townsite	100	first offense
		200	second offense within 6 months
		300	third offense within six months

Section 6. Amendment of Section 8.12.020. Section 8.12.020 shall be amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

8.12.020 Certain conditions declared nuisances.

It shall be unlawful for any person to cause or create the following declared nuisances within the townsite service area:

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M. To use engine brakes without noise suppression.

To use engine (or Jake) brakes while operating a motor vehicle within the townsite, except for emergency vehicles, without a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekkha Fullerton, MMC, Borough Clerk

Date Introduced: 02/13/24
Date of First Public Hearing: 02/27/24
Date of Second Public Hearing: 03/12/24

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Title 10.09.090 Prohibiting the Use of Engine (Jake)
Brakes in the Townsite.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Addition of Section 10.09.090. Section 10.09.090 shall be added as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

10.09.090 Use of engine (or jake) brakes prohibited in the townsite.

No person may use engine or Jake brakes while operating a motor vehicle within the Townsite, except for emergency vehicles, unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle. The first violation of this section results in a \$100 fine; if there is a second violation within six months of the first violation, the fine shall be \$200 plus satisfactory commercial vehicle inspection; if there is a third violation within six months of any prior violation, the fine shall be \$300 plus proof of satisfactory commercial vehicle inspection.

Section 5. Amendment of Section 10.06.030. Section 10.06.030 shall be amended to add to the table:

10.09.090	Use of jake brake in townsite	100	first offense
		200	second offense within 6 months plus vehicle inspection
		300	third offense within six months plus vehicle inspection

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 02/13/24
Date of First Public Hearing: 02/27/24
Date of Second Public Hearing: 03/12/24