

**WATERLOO TOWNSHIP, JACKSON COUNTY, MICHIGAN
ENGINE BRAKE ORDINANCE**

Ordinance No. O-17-6-27-03

Adopted: June 27, 2017

Effective: June 27, 2017

An Ordinance to regulate the operation of an Engine Brake on a motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said Engine Brake, which is a nuisance that adversely affects the public health, safety and general welfare within the Township as authorized by law; provide that violation thereof is a civil infraction and to provide civil forfeitures and other remedies therefor.

THE TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, ORDAINS:

Section 1. Title. This Ordinance shall be known and cited as the Waterloo Township Engine Brake Ordinance.

Section 2. Definition of Terms. As used in this Ordinance, the following words and terms shall have the meanings stated herein:

- A. "Township" means Waterloo Township, Jackson County, Michigan.
- B. "Township Code Enforcement Officer" means that person designated by the Township Board to enforce the provisions of Township Ordinances.
- C. "Engine Brake" means a gasoline powered or diesel powered motor vehicle with a compression braking device installed or intended to assist in reduction or control of vehicle speed that, when activated, converts the engine from a power source to a power absorber by converting the engine into an air compressor.
- D. "Muffler" means any device for the abatement of sound emission while permitting the transfer of gas. A muffler is considered to be in good working order if the sound reduction is equal to, or greater than, that of the original equipment.
- E. "Person" includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or entity of any type or combination thereof as well as natural person.
- F. "Road" means any public street, highway or route within the Township.

Section 3. Rule of Construction. Any word or term not defined in Section 2 of this Ordinance shall be considered to be defined in accordance with its common or standard definition.

Section 4. Regulation of Engine Brakes. No gasoline powered or diesel powered motor vehicle shall be operated on the roads within Waterloo Township, Jackson County, Michigan, utilizing an Engine Brake not equipped with exhaust mufflers or equipped with defective or modified exhaust mufflers, permitting excessive noise to be created by said motor vehicle.

Section 5. Exemption. The regulation of Engine Brakes prescribed in this Ordinance shall not apply to emergency driving situations requiring the utilization of an Engine Brake to protect the safety and property of the residents of Waterloo Township, Michigan, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

Section 6. Signs. The Township Board shall procure and have posted appropriate signs in various locations throughout the Township, particularly along steep hills, advising of the effect of this Ordinance.

Section 7. Violations and Fines. Any person that violates this Ordinance shall be issued a municipal civil infraction as follows:

- A. *First Violation.* Any person that is found responsible for a municipal civil infraction for violation of this Ordinance is, for the first violation, subject to a civil forfeiture of not more than \$250 for such violation, plus costs, which costs may include all direct or indirect fees and expenses the Township has incurred in connection with the violation, including reasonable attorney fees. This Ordinance may also be enforced by suit for injunction, damages or other appropriate legal or equitable action.
- B. *Subsequent Violations.* Any person that is found responsible for a municipal civil infraction for violation of this Ordinance is, for each violation after the first violation, subject to a civil forfeiture of not more than \$500, plus costs, which may include all direct or indirect fees and expenses the Township has incurred in connection with such violation, including reasonable attorney fees. This Ordinance may also be enforced by suit for injunction, damages or other appropriate legal or equitable action.

Section 8. Enforcement. The Township Supervisor, the Township Code Enforcement Officer, their designees and sworn law enforcement officers are authorized to enforce the provisions of this Ordinance.

Section 9. Severability. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 10. Administrative Liability. No officer, agent, or employee of the Township or member of the Township Board shall render him/herself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this Ordinance.

Section 11. Repeal. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 12. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Waterloo, Jackson County, Michigan.

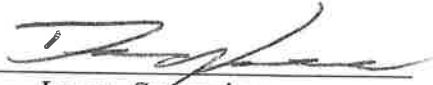
Moved by Lance, seconded by McAlister, that the foregoing Ordinance be adopted.

Yeas: McAlister, Walz, Kitley, Lance, Morency

Nays: None

Absent: None

ORDINANCE DECLARED ADOPTED

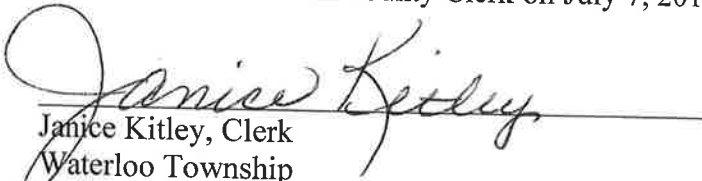


Doug Lance, Supervisor
Waterloo Township

CERTIFICATION

I hereby certify that:

1. The above is a true copy of the said Ordinance, adopted by the Waterloo Township Board at a duly scheduled and noticed meeting of that Township Board held on June 27, 2017, pursuant to the required statutory procedures.
2. A summary of this Ordinance was duly published in the Sun Times News, a newspaper that circulates within Waterloo Township, on July 12, 2017.
3. Within 1 week after such publication, I recorded this Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of this Ordinance with the Jackson County Clerk on July 7, 2017.



Janice Kitley, Clerk
Waterloo Township