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City of Conway, Arkansas  
Ordinance No. O-15-81

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FAULKNER COUNTY CIRCUIT CLERK

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By mmw D.C.

417795

**AN ORDINANCE PREVENTING THE LOUD AND UNNECESSARY NOISE AND PROHIBITING THE PRACTICE OF ENGINE COMPRESSION BRAKING, FOR PROVIDING PENALTIES FOR VIOLATION THEREOF; AND FOR OTHER PURPOSES.**

**Whereas**, the City Council of the City of Conway, Arkansas has received complaints concerning the practice of using engine compression braking by trucks and other motor vehicles; and

**Whereas** the purpose of this ordinance is to prohibit the excessive, loud, unusual or explosive use of engine compression braking devices within the city limits of Conway; and

**Whereas**, the loud noise created by engine compression brakes is disruptive to the peace and tranquility of the citizens of Conway; and

**Whereas**, the City Council has the authority to regulate and prevent such noise via authority granted to it by Arkansas Code Annotated §14-54-103.

**NOW THEREFORE, be it ordained by the City Council of the City of Conway Arkansas:**

**Section 1.** "Engine compression brake" means a "Dynamic Brake," "Jake Brake," "Jacobs Brake," "C-Brake," "Paccar Brake," transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression designed to aid in the braking or deceleration of the truck or other motor vehicle.

**Section 2.** It shall be unlawful for the driver of any truck or other motorized vehicle to use or operate or cause to be used or operated within the City of Conway, Arkansas, any engine compression brake which results in excessive, loud, unusual, or explosive noise from such vehicle.

**Section 3.** It is an affirmative defense to a violation of this Ordinance that the engine compression braking was used on an emergency basis to avoid damage to property or to avoid personal injury.

**Section 4.** Emergency vehicles shall be exempt from this Ordinance.

**Section 5.** Any person violating this Ordinance shall be guilty of a misdemeanor upon conviction thereof and shall pay a fine not exceeding FIVE HUNDRED DOLLARS (\$500) for each offense. Each time a person uses the engine compression brake shall be considered a separate offense.

**Section 6.** Signs shall be posted on or near all U.S. and State Highways entering the City of Conway, Arkansas, stating in language similar to "No Engine Braking by City Ordinance" these signs may also be installed at locations deemed appropriate by the City Engineer to advise

motorists of the prohibitions contained in this ordinance. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

**Section 7.** This Ordinance is supplementary to other loud and unnecessary noise ordinances and does not repeal any such ordinance.

**PASSED** this 14<sup>th</sup> day of July, 2015.

**Approved:**



**Mayor Tab Townsell**

**Attest:**



**Michael O. Garrett**  
**City Clerk/Treasurer**