

ORDINANCE NO. 2008-01

AN ORDINANCE OF THE CITY OF MILANO, TEXAS, PROHIBITING TRUCK USE OF MOTOR ENGINE BRAKES WITHIN THE CITY LIMITS; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH SUCH ORDINANCE; PROVIDING A FINDINGS, EFFECTIVE DATE, SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Milano (the "City") is permitted by State law to establish ordinances that protect the health, safety and general welfare of its residents; and

WHEREAS, the City seeks to abate and otherwise control noise nuisances within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILANO, TEXAS:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Engine Brake Prohibited. The City Council hereby finds the operation of engine, Jake, or motor brakes contributes to the destruction of pavement and produces unreasonably loud, disturbing, and unnecessary noise, and hereby declares such to be a nuisance. It shall be unlawful for an operator of a vehicle to use such an engine braking system within the City limits.

Section 3. Enforcement. This Ordinance shall be strictly enforced by the law enforcement agency designated by the City.

Section 4. Penalty. Any person violating this Ordinance may be cited and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.


Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 21st day of January, 2008

ATTEST:


Carolyn Vinton, City Secretary

CITY OF MILANO, TEXAS


Billy Barnett, Mayor