

ENGINE BRAKING ORDER

SECTION 1. ENACTMENT

1.1. Popular Name

This Chapter shall be commonly cited as the "Engine Braking Order."

1.2. Scope

This Chapter applies to all property within the unincorporated County boundaries where posted (i.e. "Town Sites").

SECTION 2. DEFINITIONS

2.1. General

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the County Order, shall be given the meanings set forth in the Order. Words and phrases not defined in the County Order shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2.2. Specific

This Order applies to all unincorporated municipalities where posted in Bee County, Texas.

Engine Braking: any method of slowing diesel trucks in a manner that produces a loud noise, particularly by venting the cylinder of the diesel engine midway through its cycle causing the engine, instead of producing power, to absorb power, thereby slowing the truck down dramatically. It shall also include the production of excessive noise produced by engine retarders due to a truck operating with improperly maintained, defective, or modified muffler systems or the use of straight exhaust pipes with no mufflers. Also referred to as "Jake Brake"

Person: any human individual, corporation, company, sole proprietorship, partnership, association, organization, or agency.

SECTION 3. PROHIBITION

3.1. It shall be unlawful for any person to engine brake within the unincorporated County boundaries where posted (i.e. "Town Sites").

3.2. No person shall engine brake within the unincorporated County boundaries where posted (i.e. "Town Sites").

3.3. It shall be unlawful for any driver of a truck or truck-tractor to activate or use the unit's engine brake within the unincorporated County boundaries where posted (i.e. "Town Sites"). **EXCEPT IN AN EMERGENCY SITUATION.**

3.4. The term "EMERGENCY SITUATION", for the purposes of this Order, shall mean one in which there is imminent danger of collision with persons, property, or animals.

SECTION 4. ENFORCEMENT

4.1. Civil & Criminal Penalties

Bee County shall have the power to administer and enforce the provisions of this Order as may be required by governing law. Any person violating any provision of this Order is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Order is hereby declared to be a nuisance.

4.2. Criminal Prosecution

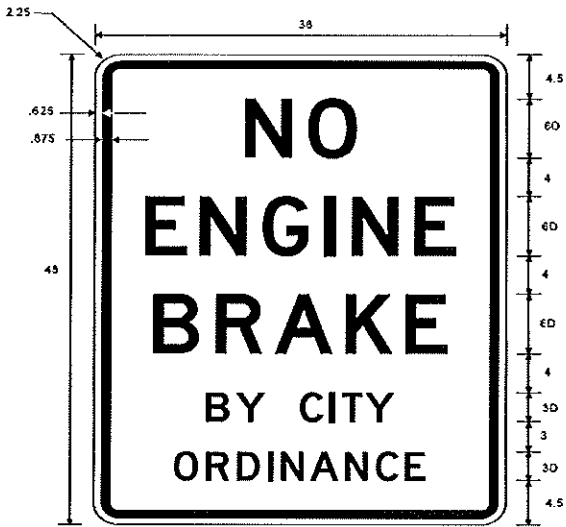
Any person, or persons, violating or failing to comply with any provision of this Order shall be fined, upon conviction, not less than one dollar (\$1.00), nor more than five hundred (\$500.00) dollars, for each offense. An offense under this Order is a misdemeanor.

4.3. Civil Remedies

Nothing in this Order shall be construed as a waiver of the County's right to bring a civil action to enforce the provisions of this Order and to seek remedies as allowed by law, including, but not limited to the following:

- (a) Injunctive relief to prevent specific conduct that violates the Order or to require specific conduct that is necessary for compliance with the Order; and;
- (b) a civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Order and after receiving notice committed acts in violation of the Order or failed to take action necessary for compliance with the Order; and other available relief.

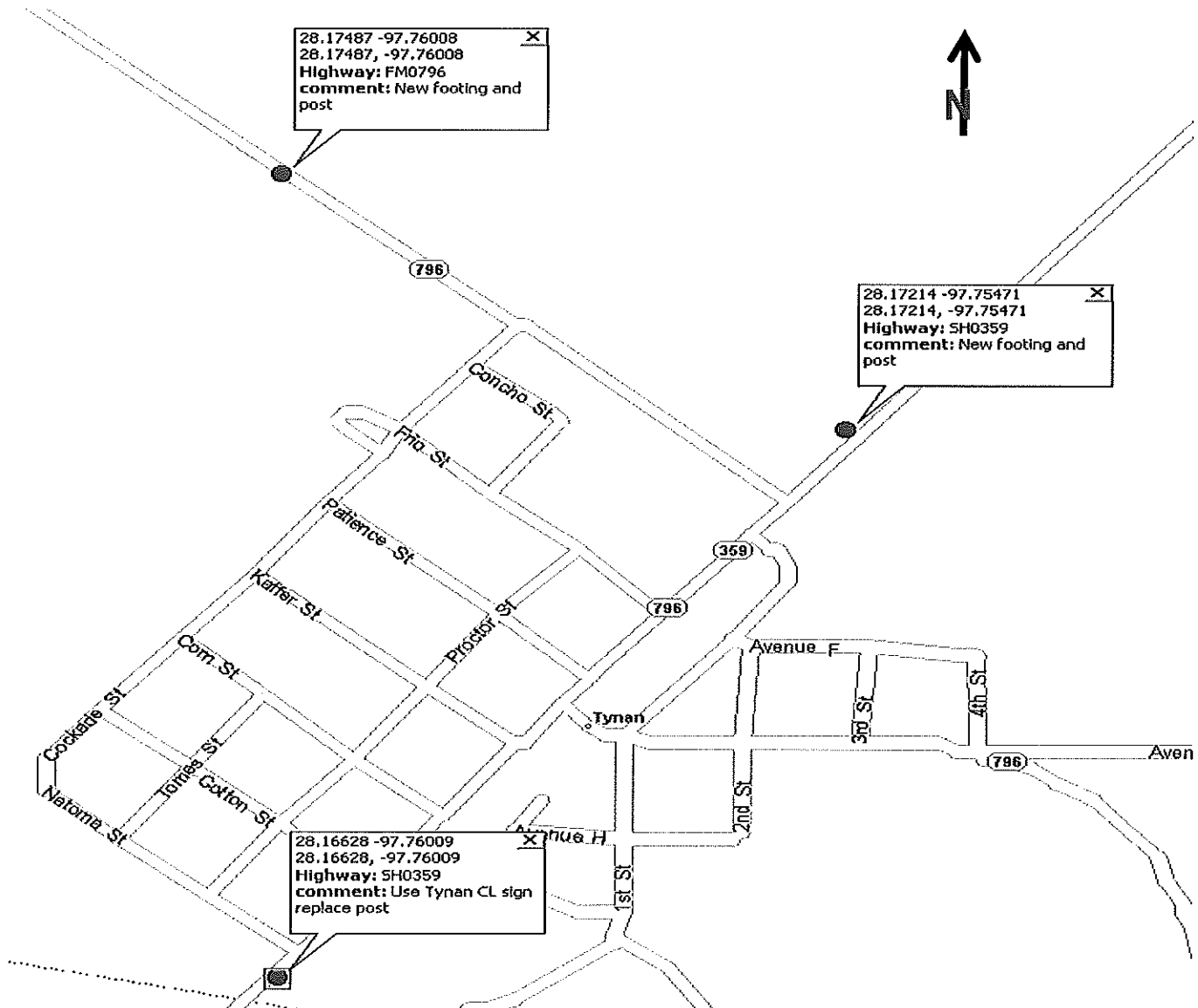
This Order will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

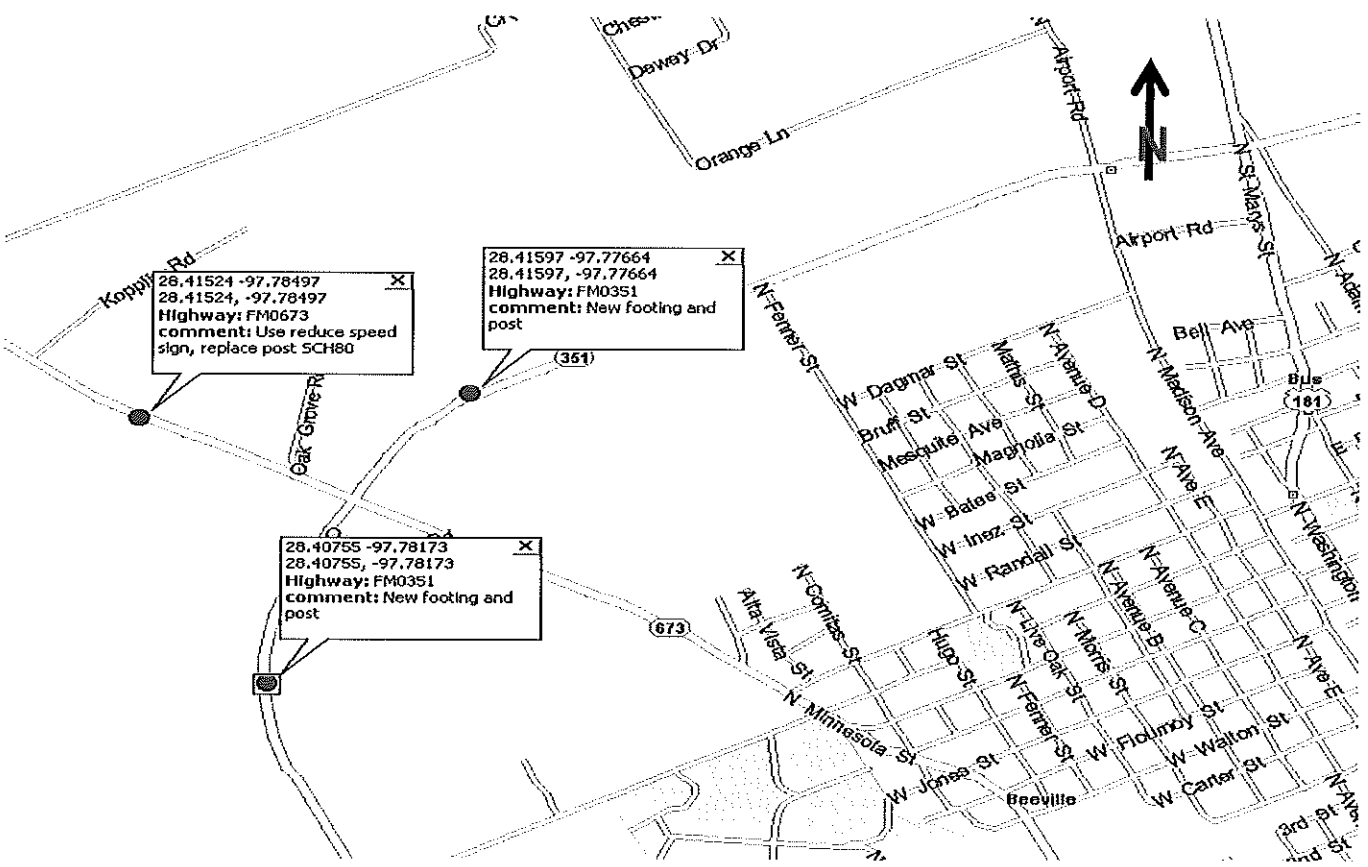
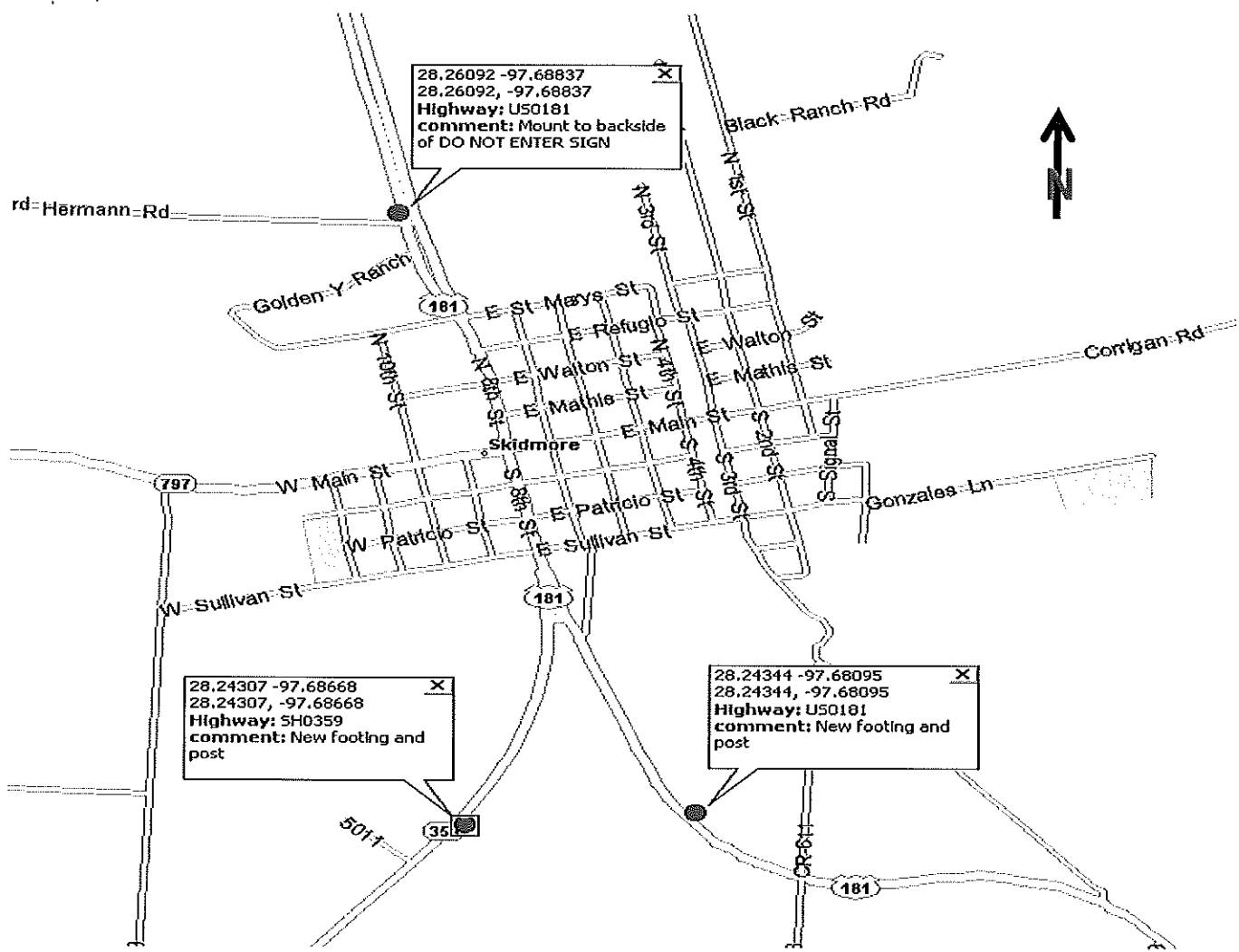


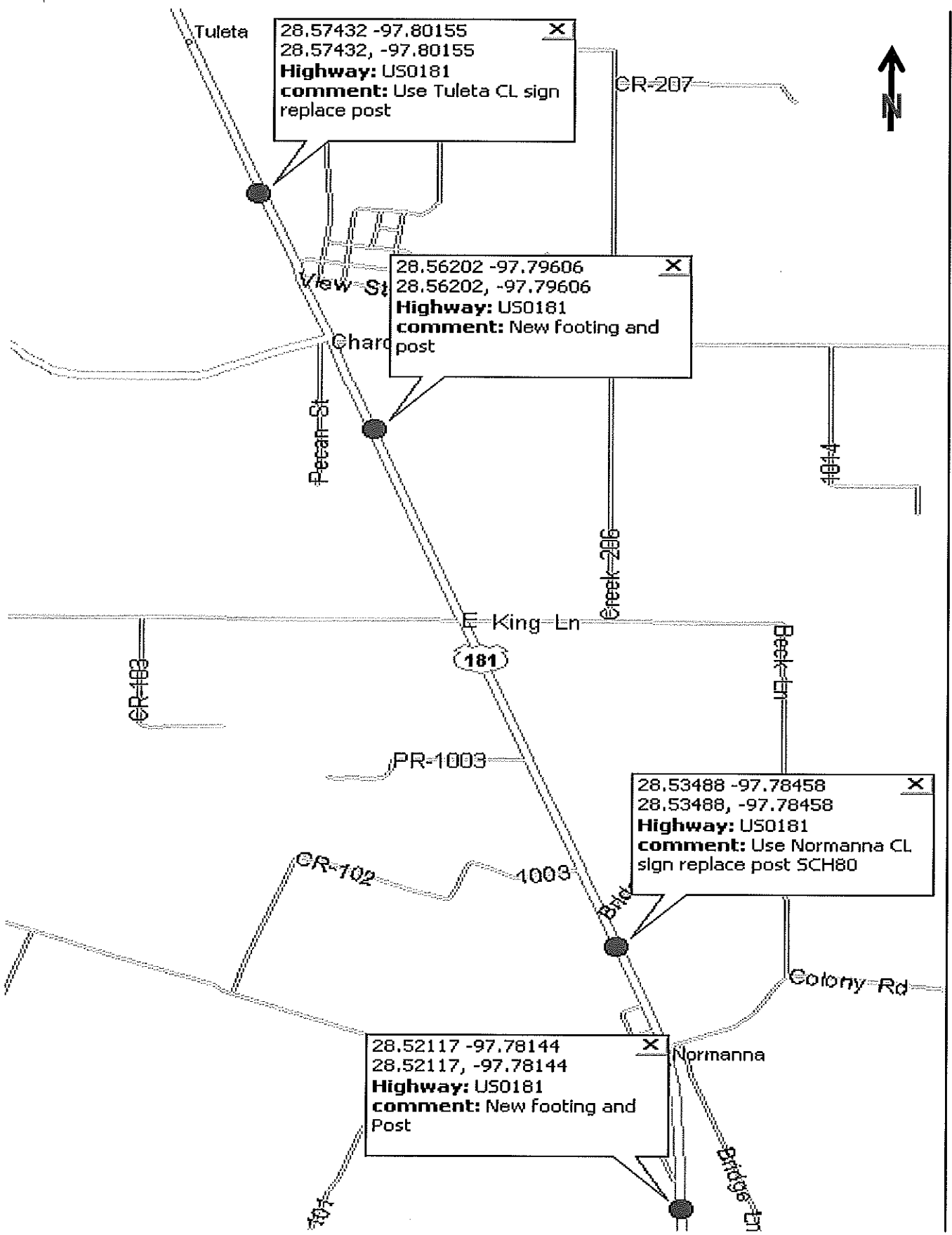
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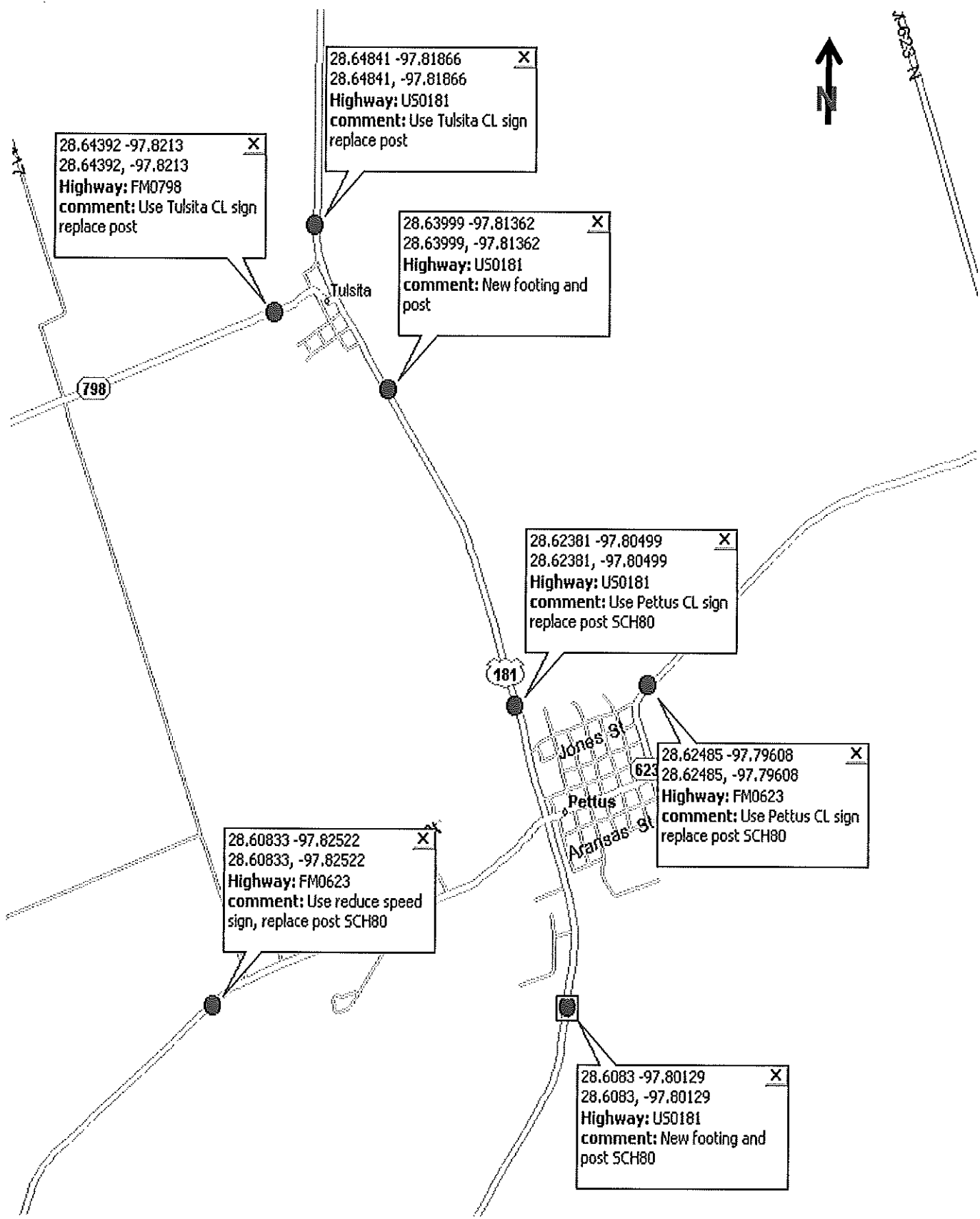
(Sign to be installed by the City that has a City Ordinance)

COLORS: LEGEND - BLACK
BACKGROUND - WHITE (RETROREFLECTIVE)









28.64392 -97.8213 X
28.64392, -97.8213
Highway: FM0798
comment: Use Tulsita CL sign
replace post

28.64841 -97.81866 X
28.64841, -97.81866
Highway: U50181
comment: Use Tulsita CL sign
replace post

28.63999 -97.81362 X
28.63999, -97.81362
Highway: U50181
comment: New footing and
post

28.62381 -97.80499 X
28.62381, -97.80499
Highway: U50181
comment: Use Pettus CL sign
replace post SCH80

28.62485 -97.79608 X
28.62485, -97.79608
Highway: FM0623
comment: Use Pettus CL sign
replace post SCH80

28.60833 -97.82522 X
28.60833, -97.82522
Highway: FM0623
comment: Use reduce speed
sign, replace post SCH80

28.6083 -97.80129 X
28.6083, -97.80129
Highway: U50181
comment: New footing and
post SCH80



28.66313 -98.00352 X
28.66313, -98.00352
Highway: SH0072
comment: Use Pawnee CL
sign replace post SCH80

28.65262 -98.0001 X
28.65262, -98.0001
Highway: FM0798
comment: Use Pawnee CL
sign replace post SCH80

28.64844 -98.00736 X
28.64844, -98.00736
Highway: SH0072
comment: Use Pawnee CL
sign replace post SCH80

28.64679 -98.00258 X
28.64679, -98.00258
Highway: FM0673
comment: Use Pawnee CL
sign replace post SCH80

