

# ORDINANCE 2021-12-02

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**AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, PROVIDING FOR THE CONTROL OF NUISANCE NOISE CAUSED BY ENGINE BRAKING WITHIN THE CITY LIMITS, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING PENALTY, PROVIDING FOR A CUMULATIVE REPEALER, PROVIDING FOR SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

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

## **SECTION 1 PURPOSE**

The purpose of this Ordinance is to control and prevent noise pollution caused by truck engine braking within the city limits of Weston, Texas.

## **SECTION 2 ADOPTION**

The City Council having heretofore implemented Subchapter C, Chapter 54, Local Government Code, hereby adopts this ordinance.

## **SECTION 3 ENGINE BRAKES**

This ordinance applies to the use or operation of an auxiliary or compression engine brake (also known as "Jake" brake) which produces any noise in addition to the normal operating engine noise is prohibited within the city limits. This provision is intended to prohibit the use of engine brakes in posted areas.

1. It shall be unlawful for any driver of a truck or truck-tractor to activate or to use the unit's engine brake within the city limits except in an emergency situation.
2. The term "emergency situation", for the purposes of this ordinance, shall mean one in which there is imminent danger of collision with property, persons or animals.
3. Emergency vehicles are exempt from this Ordinance.

## **SECTION 4 SIGNS AUTHORIZED**

The Mayor of the City of Weston is hereby authorized to cause to be erected, in coordination with TXDoT if required, appropriate signs indicating such restriction.

## **SECTION 4 PENALTY**

Any person, or persons, violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not more than five hundred (\$500.00) dollars, for each offense.

## **SECTION 5 CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance, provided however that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 5  
SAVINGS CLAUSE**

All rights and remedies of the City of Weston, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting safety and health hazards which have secured the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 6  
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7  
PUBLICATION**

The City Secretary of the City of Weston is hereby directed to publish in two issues of the Official newspaper of the City of Weston, the exact Caption, Penalty and Effective Date clause of this Ordinance as required by the Texas Local Government Code.

**SECTION 8  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by Council this, the 15th day of December, 2021.



APPROVED

James M. Marischen  
James M Marischen, Mayor

ATTEST

Susan M. Coffey  
Susan Coffey, City Secretary