

(Summary Published in the Times-Sentinel
on the 6 day of October, 2016.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1017

AN ORDINANCE PROHIBITING THE USE OF COMPRESSION RELEASE ENGINE BRAKING SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS BY AMENDING SECTION 175.1 OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," AS CURRENTLY ADOPTED BY THE CITY OF CLEARWATER, KANSAS, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CLEARWATER, KANSAS IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS.

SECTION 1. AMENDING SECTION 175.1 OF THE STANDARD TRAFFIC ORDINANCE. Section 175.1 of the "Standard Traffic Ordinance for Kansas Cities," as currently adopted by the City of Clearwater, Kansas, is hereby amended to read as follows:

"SECTION 175.1. Compression Release Engine Braking System.

- (a) It shall be unlawful for the driver of any motor vehicle to use or cause to be used or operated any compression release engine braking system; provided, however, that such brakes may be used in an emergency situation where the use of an engine braking mechanical exhaust device is necessary for the protection of persons or property. (K.S.A. Supp. 8-1761)
- (b) Upon conviction of a first offense of this section, the defendant shall be mandated to appear in court and shall be fined not less than \$250.00 nor more than \$1,000. Upon conviction of a second offense of this section, within a twenty-four (24) month period, the defendant shall be mandated to appear in court and shall be fined not less than \$350.00 nor more than \$1,000. Upon conviction of a third offense of this section, within a twenty-four (24) month period, the defendant shall be mandated to appear in court and shall be fined not less than \$500.00 nor more than \$1,000. No portion of any minimum fine assessed pursuant to this section shall be

suspended nor shall the defendant be placed on parole from any portion of the penalty assessed.

- (c) Definition: Compression Release Engine Braking System. A hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.”

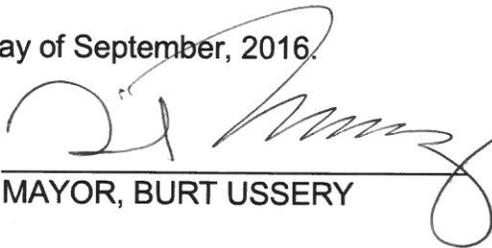
SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

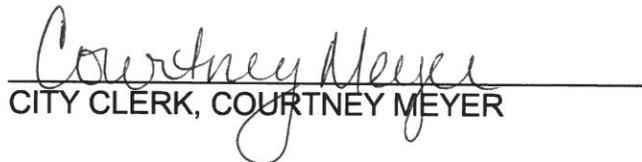
SECTION 3. EFFECTIVE DATE. This ordinance shall be in force and effect after publication of its summary in the official City newspaper.

Adopted by the City Council this 27th day of September, 2016.

Approved by the Mayor this 27th day of September, 2016.




MAYOR, BURT USSERY


CITY CLERK, COURTNEY MEYER