

## ORDINANCE NO.

### AN ORDINANCE AMENDING CITY CODE CHAPTER 12-1 DECLARING THE USE OF AN ENGINE BRAKE OR RETARDER A NUISANCE AND EXTENDING THE PROHIBITION OUTSIDE THE CITY'S CORPORATE LIMITS.

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

#### PART 1. FINDINGS.

- (A) Noise resulting from the use of an engine brake or retarder causes apprehension to individuals and the public at large, obstructs, impairs, and destroys the reasonable, peaceful and comfortable use and enjoyment of homes and property.
- (B) Use of an engine brake or retarder therefore constitutes a nuisance and is prohibited.
- (C) Pursuant to Texas Local Government Code Section 217.042, the prohibition on the use of an engine brake or retarder is extended to within 5,000 feet outside the limits of the City.

#### PART 2. Subsection 12-1-33(A) (*Use of Engine Brake or Retarder Prohibited*) of the City Code is amended as follows:

- (A) This section applies to a roadway or street within the corporate limits, and extends to within 5,000 feet outside the limits, including a state maintained roadway.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2015.

**PASSED AND APPROVED**

\_\_\_\_\_, 2015      §  
                                 §  
                                 § \_\_\_\_\_  
                                 Steve Adler  
                                 Mayor

**APPROVED:** \_\_\_\_\_  
                         Anne L. Morgan  
                         Interim City Attorney

**ATTEST:** \_\_\_\_\_  
                         Jannette S. Goodall  
                         City Clerk