

ORDINANCE NO. 05-10**ENGINE BRAKING ORDINANCE****AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
NAVAJO COUNTY, ARIZONA, PROHIBITING ENGINE
BRAKING ON CERTAIN SEGMENTS OF CERTAIN
COUNTY AND STATE HIGHWAYS AND
PROVIDING FOR CIVIL PENALTIES.**

WHEREAS, the Board of Supervisors is authorized by A.R.S. § 11-251(31) to make and enforce all local, police, sanitary and other regulations not in conflict with general law; and

WHEREAS, the Arizona Traffic Code, Title 28 of the Arizona Revised Statutes, in Sections 28-626 and 28-627 authorizes the Board of Supervisors to adopt traffic regulations not in conflict with the general traffic laws of the state for highways within the jurisdiction of the Board; and

WHEREAS, the Arizona Traffic Code in Section 28-642 requires the Board of Supervisors to obtain the permission of the Director of the Arizona Department of Transportation (ADOT) in order to place traffic control devices on highways under the jurisdiction of the Director; and

WHEREAS, the Board of Supervisors has received citizen complaints about the disturbance of the peace and quiet of residential neighborhoods along certain county and state highways due to the practice of engine braking (also known as "jake braking") by passing vehicles; and

WHEREAS, the Board of Supervisors finds that the practice of engine braking on highways in populated areas should be regulated pursuant to the Board's police power,

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Navajo County, Arizona, as follows:

SECTION 1: SHORT TITLE.

This ordinance may be cited as the "Navajo County Engine Braking Ordinance."

SECTION 2: AREA OF APPLICABILITY.

This ordinance shall apply in the unincorporated area of Navajo County, exclusive of areas under the jurisdiction of the Hopi, Navajo or White Mountain Apache tribal governments.

SECTION 3: DEFINITION OF ENGINE BRAKING.

As used herein, "engine braking" means the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in excessive, loud, unusual or explosive noise from such vehicle, or any method of slowing a motor vehicle in a manner that produces excessive, loud, unusual or explosive noise.

SECTION 4: PROHIBITION AGAINST ENGINE BRAKING.

Engine braking is prohibited as follows:

1. Engine braking is prohibited only between specific milepost markers on specific county and state highways. Such highways and milepost markers are set forth on Exhibit 1 hereto. This prohibition shall be in effect for any particular highway segment from and after such time as appropriate signage has been erected at the beginning and ending milepost markers. If the highway is a state highway, this prohibition shall be in effect from and after such time as the permission of ADOT has been granted and appropriate signage has been erected.
2. This ordinance and Exhibit 1 hereto may be amended from time to time to add one or more additional highway segments where engine braking is prohibited only upon (1) receipt of a written citizen request by the Director of Public Works, and (2) a determination and recommendation to the Board of Supervisors by the Director of Public Works that the addition of the highway segment(s) is appropriate and in the public interest.
3. The prohibition against engine braking shall not apply to emergency vehicles in connection with their official use or where the use of engine braking is necessary to avoid injury to persons or property that could not otherwise be avoided by the application of an alternative method of braking.

SECTION 5: PENALTY AND ENFORCEMENT.

1. It is unlawful for any person to engage in engine braking on any segment of county or state highway where engine braking is prohibited by this ordinance.

2. A violation of this ordinance shall be a civil traffic violation as defined in Title 28, Arizona Revised Statutes, enforceable by any peace officer as provided in said Title 28, Chapter 5, Article 4. The maximum civil penalty shall be two hundred and fifty dollars (\$250). In addition, the court shall levy penalty assessments pursuant to A.R.S. §§ 12-116.01 and 12-116.02.

SECTION 6: EFFECTIVE DATE.

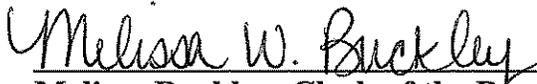
This ordinance shall be effective 30 days after adoption by the Board of Supervisors.

SO ORDAINED at Holbrook, Arizona on July 13, 2010.

NAVAJO COUNTY BOARD OF SUPERVISORS

By 
Jesse Thompson
Chairman of the Board

ATTEST:


Melissa Buckley, Clerk of the Board



Navajo County Public Works Department

ENGINE BRAKING ORDINANCE

EXHIBIT - 1

Areas in Navajo County where Engine Braking is prohibited;

1. In the Heber-Overgaard area near the intersection of Highways 260 & 277:

Sign No. 1; Sign placement in the South bound lane of Hwy 277, approaching the intersection of Hwy 260, at ADOT mile marker M309.

Sign No. 2; Sign placement along Hwy 260, entering Heber-Overgaard from the west, in the east bound lane near Mainline Rd, at ADOT mile marker M301.

Sign No. 3; Sign placement in the west bound lane of Hwy 260, entering the Overgaard area from the east, at ADOT mile marker M310.

2. In the Linden area along Highway 260:

Sign No. 1; Sign placement in the east bound lane of Hwy 260, near Farnsworth Ranch Road, at ADOT mile marker M330.

Sign No. 2; Sign placement in the west bound lane of Hwy 260 near Smith Ranch Rd, at ADOT mile marker M337.